

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committee on  
JUDICIARY**

**Thursday, February 27, 2020  
10:30am  
State Capitol, Conference Room 016**

**In consideration of  
SENATE BILL 2386, SENATE DRAFT 1  
RELATING TO WASTE MANAGEMENT**

Senate Bill 2386, Senate Draft 1 proposes to amend Section 183C-4, Hawaii Revised Statutes (HRS), regarding the rules governing land uses within the Conservation District by inserting language stipulating that no waste or disposal facility shall be located in the Conservation District with the exception of emergency circumstances that shall not exceed three years. Emergency and waste or disposal facility are defined for this subsection. In addition, the Bill also proposes to amend Chapter 342H, HRS, to include language requiring a buffer zone of no less than 0.5-miles around waste or disposal facilities including municipal solid waste landfill units and construction and demolition landfill units. **The Department of Land and Natural Resources supports the intent of this measure, however we defer to the Department of Health and the County municipalities in regards to the logistics [buffer zones] for this measure.**

The Conservation District includes areas necessary for providing watersheds and water sources; preserving scenic areas; providing park lands, wilderness and beach reserves; conserving endemic plants, fish and wildlife; and preventing floods and soil erosion; forestry; and other related activities. Waste and disposal facilities are incompatible in these areas.

For further clarification, the definition of emergency should include language that an emergency would be determined via Governor's Proclamation.

Thank you for the opportunity to comment on this measure.

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
Honolulu, HI 96801-3378  
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WRITTEN  
TESTIMONY ONLY

**Testimony in OPPOSITION to SB2386 SD1  
RELATING TO WASTE MANAGEMENT**

SENATOR KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY

Hearing Date: 2/27/2020

Room Number: 016

1 **Fiscal Implications:** Unknown.

2 **Department Testimony:** The Department of Health (Department) respectfully opposes this bill.  
3 This bill proposes to (1) prohibit a waste or disposal facility (any solid waste facility, including  
4 but not limited to transfer stations, landfills, waste to energy, recycling, and composting) from  
5 being sited in a Conservation District, except in emergency circumstances; and (2) prohibit  
6 anyone from constructing, operating, modifying or expanding a waste or disposal facility  
7 without first establishing a buffer zone of at least ½ mile around the waste or disposal facility.

8 The Department has concerns in the following areas affecting HRS342H:

9 (1) The definition of “buffer zone.” “Buffer zone” could be defined many different ways,  
10 which may have differing impacts. Three potential definitions include: (1) the distance  
11 between the active area and the property boundary that the waste operation is located, (2)  
12 the distance between the edge of waste or waste activity, and the nearest property  
13 boundary that the operation owner has control, or (3) the distance between the edge of  
14 waste or waste activity, and nearest residential property. For the purpose of our  
15 testimony, we assumed the first definition is applicable, which is similar to the definition  
16 provided in Hawaii Administrative Rules chapter 11-58.1.

1       (2) Applicability on existing waste and disposal facilities.

2       The bill states “No person, including any federal agency, the State, or any county, shall  
3       construct, operate, modify, or expand a waste or disposal..., without first establishing a  
4       buffer zone of no less than one-half mile around the waste or disposal facility.” The  
5       definition of “ ‘Waste or disposal facility’ means any transfer station or landfill as  
6       defined in section 340A-1, open dump as defined in section 342H-1, solid waste reduction  
7       facility or waste reduction facility as defined in section 342G-1, disposal facility, or any  
8       other facility for the disposal of solid waste that is required by law to obtain a permit  
9       from the department of health.” HRS 342G-1 defines, “ ‘Solid waste reduction facility’  
10      or ‘waste reduction facility’ means all contiguous land, including buffer zones, structures,  
11      appurtenances, and improvements on the land used for solid waste handling. This term  
12      includes a facility used as a transfer station, landfill, incinerator, composting plant,  
13      bioconversion site, or recycling site utilized for the reduction, consolidation, conversion,  
14      processing, or disposal of solid waste.”

15      With this definition, all of the states’s existing permitted facilities, which encompasses  
16      nearly all of the waste management system for the State of Hawaii, would be required to  
17      obtain the ½-mile buffer zone. It would be prohibitive for most facilities to acquire a  
18      ½-mile radius of land around their existing operations. Immediate implementation of this  
19      bill could force the closure of all existing waste management facilities on the effective  
20      date, leaving the state with no waste management system. The Department is concerned  
21      over the public health threat associated with the lack of a waste management system.

22      (3) Applicability on closed landfills. Landfills that have been closed under current  
23      regulations are required to maintain the landfill during its post-closure period. These  
24      closed landfills also do not have ½-mile buffer between edge of waste and the landfill  
25      property boundary. The Department is concerned that this buffer requirement will  
26      prevent the landfill owners from maintaining their closed landfills, as “no person...shall  
27      operate...any component of a municipal solid waste landfill unit,...” which may include  
28      the gas and leachate collection systems that are used to monitor the condition of the  
29      closed landfill. We ask the Legislature to consider exempting existing facilities.

1 (4) Siting new recycling facilities. We understand the premise of establishing buffer zones  
2 for certain type of facilities that may cause health and/or nuisance concerns, but as  
3 currently written, small-scale operations such as those that accept and consolidate  
4 recyclable beverage containers through the Deposit Beverage Container program, recycle  
5 drop-boxes, or that compost green waste may find it impossible to obtain a location and  
6 the land area necessary to feasibly meet the requirement. We are currently trying to  
7 expand waste diversion activities and this added requirement to smaller facilities will  
8 prohibit this growth. Perhaps a sliding scale may be more appropriate for a buffer  
9 requirement.

10 (5) Other considerations. Prior to solid waste permit issuance, the Department requires the  
11 applicant to submit demonstration of compliance with local zoning ordinances. Similar  
12 activities in properly zoned areas should be allowed to operate without the proposed  
13 buffer. For example, there is a waste-to-energy facility, a composting operation, and  
14 multiple large recycling facilities within Campbell Industrial Park. Under this bill each  
15 of these facilities would be required to have a ½-mile buffer, which would prohibit them  
16 to co-exist within Campbell Industrial Park, and would be required to relocate to other  
17 areas.

18 **Offered Amendments:** None.

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





**SB2386 SD1**  
**RELATING TO WASTE MANAGEMENT**  
Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo

Pepeluali 27, 2020

10:30 a.m.

Lumi 016

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2386 SD1, which would expressly affirm that waste and disposal facilities are an inappropriate use for lands in the conservation district, as well as establish “buffer zones” of at least one-half mile around waste or disposal facilities.

The state conservation district is intended to conserve, protect, and preserve our most naturally and culturally significant lands and resources, with land uses accordingly subject to high standards of review and regulation. Containing “important natural resources essential to the preservation of the State’s fragile natural ecosystems and the sustainability of the State’s water supply,”<sup>1</sup> the conservation district is also host to cultural sites and resources essential to the perpetuation of constitutionally protected Native Hawaiian traditional and customary practices. Waste and disposal facilities, in which hazardous and toxic materials may accumulate and be stored indefinitely, can significantly compromise the environmental and cultural integrity of conservation district lands and resources; such facilities would appear to be highly inappropriate uses for lands otherwise subject to the highest standards of protection and care. **OHA accordingly supports this measure’s clarification that waste and disposal facilities should not be an acceptable use of conservation district lands.**

OHA notes that, should a parcel of land in the conservation district be the only available and suitable location for a waste or disposal facility, the land use redistricting process can be utilized to amend the conservation district boundary and thereby accommodate such a facility. Notably, the land use redistricting process includes substantive and procedural mechanisms that can identify and mitigate the impacts of redistricting on important and valued natural and cultural resources, as well as associated Native Hawaiian traditional and customary practices.

Accordingly, OHA urges the Committee to **PASS** SB2386 SD1. Mahalo nui for the opportunity to testify on this measure.

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<sup>1</sup> Haw. Rev. Stat. § 183C-1.

1065 Ahua Street  
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# GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

February 27, 2020

TO: HONORABLE CHAIR KARL RHOADS AND MEMBERS OF THE SENATE  
COMMITTEE ON JUDICIRY

SUBJECT: TESTIMONY IN OPPOSITION TO SB2386: RELATING TO WASTE  
MANAGEMENT.

Hearing

DATE: Friday, February 27, 2020  
TIME: 10:30 p.m.  
PLACE: Conference Room 016  
Hawaii State Capitol

Dear Chair Rhoads and members of the committee:

The General Contractors Association of Hawaii (GCA) is an organization comprised of over five hundred 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. To that end, we have deep concerns on SB2386.

SB 2386 provides that “[n]o person, including any federal agency, the state, or any county, shall construct, operate, modify, or expand a municipal solid waste landfill unit, or any component of a municipal solid waste landfill unit, without first establishing a buffer zone of no less than one-half mile around the municipal solid waste landfill unit.”

If SB 2386 were adopted, the Waimanalo Gulch Sanitary Landfill, the primary City and County landfill for Municipal Solid Waste, would have to close immediately, with no viable alternative available. And because HPOWER would not be able to dispose of its ash, which currently is disposed at the Waimanalo Gulch Sanitary Landfill, this measure would also result in the closure of HPOWER.

With no place to legally send waste, dumping would become rampant across Oahu. The residents and businesses on Oahu, along with the government entities operating on the island would be severely affected. The beauty of our island and the visitor industry that depend on it would be irreparably harmed.

Moreover, the residents, visitors, businesses and government agencies on Oahu would see utility rates increase because of the closure of HPOWER.

Proposed Draft 1 would have an even greater negative impact, especially on contractors, construction workers, developers, planners, architects and others with a stake in the well-being of the construction industry on Oahu.

Proposed Draft 1 provides that “[n]o person, including any federal agency, the State, or any county, shall construct, operate, 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.”

If Proposed Draft 1 were adopted, its immediate impact on Oahu would not only have the same adverse impacts as the original bill (i.e., closing the Waimanalo Gulch Sanitary Landfill and HPOWER, but it would also cause the immediate closure of the PVT Integrated Solid Waste Management Facility.

If PVT – the only publicly available facility permitted to accept construction and demolition debris on Oahu –were closed, each and every contractor in the construction industry, as well as federal, state and the county governments, would be deprived of an officially sanctioned facility to which they could legally take their construction and demolition debris. This situation would severely constrain and likely stop most construction projects on Oahu.

If this bill were to pass, illegal dumping would take place on a scale and to an extent that cannot be overstated. The effects on the beauty and the fragile environment of our island would be disastrous.

The state has set aggressive goals for recycling and if PVT were closed, achieving these goals would be impossible. PVT recycles and reuses more than 80 percent of the construction and demolition debris going to the facility. A large portion of the debris consists of wood, which can be used to produce feedstock to generate renewable energy, which will reduce our dependence the volatile fossil fuel markets.

The issues raised in this measure and the Proposed Draft are already being addressed by state and local governments, which currently regulate the buffer zones for landfills. The existing rules have been developed over time to take into account site specific factors. In contrast, the measures before these committees are not based on any credible study, discussion, planning or analysis. Consequently, they are overly broad and appear to only be an impetuous effort to close facilities already legally and effectively operating with the permits they have been issued.

GCA opposes SB2386. Thank you for the opportunity to share our opposition.

# IRON WORKERS STABILIZATION FUND

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February 27, 2020  
10:30 am

Senate Committee on Judiciary  
Conference Room 016  
State Capitol  
415 South Beretania Street

Re: SB2386, SD1 - RELATING TO WASTE MANAGEMENT.

Aloha Chair Karl Rhoads, Vice-Chair Jarrett Keohokalole, and members of the Senate Committee on Judiciary:

We **SUPPORT** SB2386, SD1. This bill, if enacted, will prohibit any waste or disposal facility from being in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. It would also require no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a waste or disposal facility.

We recognize that our island family, and the construction industry in specific, still needs waste or disposal facilities including landfills. We need such facilities to put our construction and demolition debris and recycle them. Without those facilities, we would be unable to reach our affordable and workforce housing goals, repair our infrastructure, and do those necessary developments to address the climate crisis.

We believe it would be good policy to have landfills in isolated areas with appropriate zoning. Such sites on O'ahu could include places like Kalaeloa and Campbell Industrial Park. Currently the communities in Nānākuli and Mā'ili are suffering from a public health crisis, with a landfill only a few feet away from homes, farms, and Ulehawa stream. We stand in solidarity with our neighbors and all those that suffer from landfills in their communities.

According to the Center for disease Control/National Center for Health Statistics Neighborhood Life Expectancy Project, our members and their families within 2 miles of the current landfill in Nānākuli and Mā'ili live **8 to 10 years less than the state average of 82 years**, being the 2<sup>nd</sup> and 3<sup>rd</sup> lowest life expectancies in the entire state. This is unacceptable. As a matter of fairness, every community in Hawai'i deserves a "clean and healthful environment" (HI State Constitution Article XI, Section 9; In re Maui Elec. Co., 2017 Haw.)

The global scientific community affirms what the communities of Wai'anae have been living through -- especially those that live, work, and play in Nānākuli -- that landfills are a health hazard (*See Vrijheid M., Health effects of residence near hazardous waste landfill sites: a review of epidemiologic literature. Environ Health Perspect, 2000; Njoku PO, Edokpayi JN, Odiyo JO, Health and Environmental Risks of Residents Living Close to a Landfill: A Case Study of*

# IRON WORKERS STABILIZATION FUND

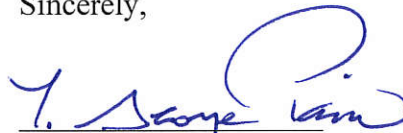
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Thohoyandou Landfill, Limpopo Province, South Africa. *Int J Environ Res Public Health*, 2019; Waste and Human Health: Evidence and needs, World Health Organization Nov 2015).

We may not have known the negative effects of landfills decades ago, but in 2020, we know better and have no excuse. No community should suffer landfills. Do the right thing, and make sure that all future waste or disposal facilities, including landfills are not in anyone's backyard.

We also support the creation of a clearer statutory definition of buffer zone that protects residences, schools, and hospitals and allows for other usages. That definition may look like the following, "buffer zone" means the distance between the edge of waste or waste activity, and the nearest residential, school, or hospital property line.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. George Paris', written over a horizontal line.

T. George Paris  
Managing Director

TGP: MP



*Ka 'Aha Kenekoa*  
Committee on Judiciary

*Pō 'ahā, Pepeluali 27, 2020*  
*Lumi 'Aha Kūkā 016*  
*Ke Kapikala Moku 'āina*  
415 South Beretānia Street

Re: SB2386 SD1 - Relating to Waste Management

*Aloha Luna Ho 'omalu* Karl Rhoads, *Hope Luna Ho 'omalu* Jarrett Keohokalole, and members of the Senate Committee on Judiciary:

The Association of Hawaiian Civic Clubs **SUPPORTS SB2386, SD1**. This bill prohibits any waste or disposal facility from being located in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. It further requires no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a waste or disposal facility.

At its 60th annual convention, the Association adopted resolution 2019-52, urging the State of Hawai'i and all counties to create an adequate buffer zone around landfills, with a minimum buffer zone of one-half mile.

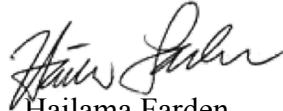
No community should suffer the negative health impacts and decrease in quality of life from a waste or disposal facility, including a landfill. This bill for an act would ensure a minimum safe distance of one-half mile from such facilities and the public. Let's make sure that such sites, including landfills, are *not in anyone's backyard*.

Thus, the Association respectfully urges the Committee to **PASS SB2386, SD1**.

The civic club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalanianaʻole with the creation of the Hawaiian Civic Club; the Association was formally organized in 1959 and has grown to a confederation of over sixty (60) Hawaiian Civic Clubs located throughout the State of Hawaiʻi and the United States. The Association is the oldest Hawaiian community-based grassroots organization. The Association is governed by a 16-member Board of Directors; advocates for improved welfare of Native Hawaiians in culture, health, economic development, education, social welfare, and nationhood; and perpetuates and preserves language, history, music, dance and other Native Hawaiian cultural traditions.

*Mahalo* for allowing us to share our *mana* ʻo.

*Me ka ʻoia ʻi ʻo,*

A handwritten signature in black ink, appearing to read 'Hailama Farden', written in a cursive style.

Hailama Farden

*Pelekikena*

# ***ASSOCIATION OF HAWAIIAN CIVIC CLUBS***

## ***A RESOLUTION***

No. 2019 - 52

### **URGING THE STATE OF HAWAI‘I AND ALL COUNTIES TO CREATE AN ADEQUATE BUFFER ZONE AROUND LANDFILLS WITH A MINIMUM BUFFER ZONE OF ONE-HALF MILE**

WHEREAS, there is an emergence of scientific studies affirming the health hazards of living and working near landfills, including studies published by the World Health Organization in 2015, and “*Living near a landfill may damage your health*” published by the International Journal of Epidemiology, Oxford University Press, in 2016; and

WHEREAS, the State of Hawai‘i and the four counties lack landfill buffer zone requirements that adequately protect public health; and

WHEREAS, adequate landfill buffer zones provide minimum space of four miles and improvements, particularly trees and other vegetation, between a landfill’s structures used for handling or storing waste and homes, schools, and other public places; and

WHEREAS, hundreds of residents of Nānākuli Town and the Nānākuli Hawaiian Homestead, thousands of students attending Ka Waihona o Ka Na‘auao Public Charter School, Nānāikapono Elementary School, Nānākuli Elementary School, Nānākuli High and Intermediate School, Kamehameha Schools Community Learning Center, and thousands of members of the public go to places of worship, clinics, grocery stores, restaurants, and visit their ‘ohana at the Nānākuli kupuna housing, all within four miles of O‘ahu’s only construction and demolition landfill, the privately-owned landfill operated by PVT Land Company, Ltd. (PVT Landfill); and

WHEREAS, the current buffer zone between PVT Landfill and the nearest residential units and churches is approximately 750 feet; and

WHEREAS, since the 1980s, kama‘āina offered numerous oral and written testimony at Neighborhood Board meetings in the City and County of Honolulu, State of Hawai‘i Department of Health public hearings, and community gatherings at churches voicing concerns over the adverse health impacts of living and working in close proximity to landfills in general and PVT Landfill, in specific; and

WHEREAS, the State of Hawai‘i Department of Health has still not addressed the outstanding inquiries from the community related to the long-term health effects of the debris that



runs off of PVT Landfill during heavy rains, the leachate that permeates the ground, the dust particles from both PVT Landfill and its trucks that coat neighborhood houses as they drive through the community, and the gasses released by the decomposition of waste and other landfill activities, especially the cumulative and long-term health effects on those living and working within four miles of landfill; and

WHEREAS, the predominantly Native Hawaiian communities of Nānākuli Town and Nānākuli Hawaiian Homestead should no longer be subject to the adverse effects of landfills; and

WHEREAS, no community in Hawai'i should be impacted by the adverse effects of landfills.

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 60th Annual Convention in Lahaina, Maui, in the malama of Welchu and the rising of Lā'au Pau, this 16th day of November 2019, urging the State of Hawai'i and City and County of Honolulu to create an adequate buffer zone around landfills with a minimum buffer zone of one-half mile; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Governor of the State of Hawai'i, President of the State Senate, Speaker of the State House of Representatives, Chair of the State Senate subject matter committee on Hawaiian Affairs, Chair of the State House subject matter committee on Hawaiian Affairs, Chair of the Board of Trustees of the Office of Hawaiian Affairs, and all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted in the malama of Welchu and the rising of Lā'au Pau on the 16<sup>th</sup> day of November 2019, at the 60th Annual Convention of the Association of Hawaiian Civic Clubs in Lahaina, Maui.

Handwritten signature of Hailama V. K. K. Farden in black ink.

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Hailama V. K. K. Farden, President



**Moku O Keawe**  
Hawai'i Council for the  
Association of Hawaiian Civic Clubs  
P.O. Box 7164 | Hilo, Hawai'i | 96720

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**Committee on Judiciary**

Thursday, February 27, 2020 Conference Room 016  
Re: SB2386 SD1 – Relating to Waste Management

Aloha Chair Karl Rhoads and Vice Chair Jarrett Keohokalole and members of the committee,

The Association of Hawaiian Civic Clubs – Hawai'i Council **SUPPORTS SB2386 SD1**. This bill prohibits any waste or disposal facility from being in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. It further requires no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a waste or disposal facility.

At its 60th annual convention, members of the Hawai'i Council along with others, adopted resolution 2019-52, urging the State of Hawai'i and all counties to create an adequate buffer zone around landfills, with a minimum buffer zone of one-half mile.

Waste and disposal facilities play a vital role however, communities should not suffer the negative health impacts and decrease in quality of life from a waste or disposal facility, including a landfill. This bill for an act would ensure a minimum safe distance of one-half mile from such facilities and the public. Let's make sure that such sites, including landfills, are *not in anyone's backyard*.

The Hawai'i Council is comprised of nine (9) active Hawaiian Civic Clubs on the Island of Hawai'i who are chartered by the Association of Hawaiian Civic Clubs. We are part of a collective of fifty-one (51) other clubs throughout the State of Hawai'i and the United States that meet annually to vote on resolutions that advocate for the betterment of the conditions for Native Hawaiians. Thank you for hearing our testimony.

Mahalo Nui,  
Shane Akoni Palacat-Nelsen  
Pelekikena



**IATSE Mixed Local 665**  
**HAWAI'I'S TECHNICIANS**  
for  
**FILM, TELEVISION, STAGE AND PROJECTION**  
Since 1937

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES, MOVING PICTURE TECHNICIANS, ARTISTS AND ALLIED CRAFTS  
OF THE UNITED STATES, ITS TERRITORIES AND CANADA, AFL-CIO, CLC

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Date: February 25, 2020

To: The Honorable Karl Rhoads, Chair  
The Honorable Jarrett Keohokalole, Vice Chair  
And Members of the Senate Committee on Judiciary

Re: SB 2386, SD 1: RELATING TO WASTE MANAGEMENT

Thursday, February 27, 2020, at 10:30AM  
Conference Room 016, Hawaii State Capitol

Aloha, Chair Rhoads, Vice Chair Keohokalole and Committee Members –

Mahalo for allowing us to testify on this measure. IATSE Local 665 **SUPPORTS** SB2386 Proposed SD1. This bill for an act will prohibit any waste or disposal facility from being in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. It would further require no less than a **one-half mile buffer zone** for the construction, operation, modification, or expansion of a waste or disposal facility.

Our union stands in solidarity with our members and their families whose health and quality of life are negatively affected by waste or disposal facilities, including landfills. Hundreds of our members and family members in Nānākuli and Mā'ili are suffering from a public health crisis.

In the 1980's, protestors to the PVT offered numerous oral and written testimony at Neighborhood Board meetings in Honolulu County, State of Hawai'i Department of Health public hearings, and community gatherings, voicing concerns over the adverse health impacts of living and working in close proximity to landfills in general and the PVT Landfill, in particular. Here we are, nearly 40 years later, suffering from the decades-long effect of inhaling dust particles that go airborne when heavy machinery scrapes the decomposing waste or when trucks drive past homes, coating the neighborhood and residents with toxic dust. When it rains, the contaminated water from the PVT Landfill permeates the ground and runs down our streets. These logistical and biological issues have yet to be addressed by the State Department of Health.


According to the Center for disease Control/National Center for Health Statistics Neighborhood Life Expectancy Project, our members and their families within 2 miles of the current PVT Landfill live **10 years less than the state average of 82 years**, being the 2<sup>nd</sup> and 3<sup>rd</sup> lowest life expectancies **IN THE ENTIRE STATE**. This is simply unacceptable and could be construed as discriminatory considering 13,000 of the 18,000 residents that live in the area are Native Hawaiian.

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Every community in Hawai‘i, as a matter of fairness and decency deserves, a “clean and healthful environment.”<sup>i</sup> PVT currently operates only **750 feet from homes**<sup>ii</sup>. The PVT landfill also operates within two miles of our childrens’ schools (Nānākuli Elementary, High and Intermediate, Nānāikapono Elementary, Ka Wai Hona Public Charter School, and Kamehameha Schools pre-school), places of worship, stores, medical clinics, and kupuna housing where over 18,000 people daily live, work, and play.

The global scientific community affirms what the community of Wai‘anae has been living through - especially those that live, work, and play in Nānākuli - that landfills are a health hazard.<sup>iii</sup>.

Respectfully,



Irish Barber  
Business Representative

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<sup>i</sup> HI State Constitution Article XI, Section 9; In re Maui Elec. Co., 2017 Haw.

<sup>ii</sup> Draft Environmental Impact Statement: PVT Integrated Solid Waste Management Facility - Expanded Recycling, Landfill, Grading and Renewable Energy Project

<sup>iii</sup> See Vrijheid M., Health effects of residence near hazardous waste landfill sites: a review of epidemiologic literature. *Environ Health Perspect*, 2000; Njoku PO, Edokpayi JN, Odiyo JO, Health and Environmental Risks of Residents Living Close to a Landfill: A Case Study of Thohoyandou Landfill, Limpopo Province, South Africa. *Int J Environ Res Public Health*, 2019; Waste and Human Health: Evidence and needs, World Health Organization Nov 2015.



*Eric W. Gill, Financial Secretary-Treasurer*

*Gemma G. Weinstein, President*

*Godfrey Maeshiro, Senior Vice-President*

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Wednesday, February 26, 2020

Senate Committee on Judiciary  
Hawaii State Legislature  
415 South Beretania Street  
Honolulu, HI 96813

*Re: SB 2386, SD 1 relating to waste management*

Chair Rhoads and Members of the Committee,

UNITE HERE Local 5 – a local labor organization representing nearly 12,000 hotel, health care and food service workers throughout Hawaii would like to offer comments in **support** of SB 2386, SD1 relating to waste management.

SB 2386, SD1 would prohibit any waste or disposal facility from being in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. In addition, this Bill would require a “buffer zone” of no less than one-half mile for the construction, operation, modification or expansion of a waste or disposal facility, and would follow the precedent already set by the Legislature in requiring similar “buffer zones” as it relates to the use of restricted-use pesticides and other harmful chemicals.

In particular, we stand in support of SB 2386, SD1 because of the hundreds of Local 5 members and their families that reside in Nānākuli and the greater community of Wai‘anae moku who for years have endured living next to the current PVT Landfill. They are demanding that they be afforded the same right to a clean and healthy environment that each and every one of us enjoys, and you have the ability to help them achieve that.

According to the Center for Disease Control/National Center for Health Statistics Neighborhood Life Expectancy Project, our members and their families within 2 miles of the current PVT Landfill live 10 years less than the state average of 82 years. This is unacceptable. SB 2386, SD1 is long-overdue, and we ask for your Committee’s full support.

Thank you.





Luna O Nā Papa Alaka'i

**Pelekikena**

Anthony Makana Paris

**Hope Pelekikena 'Ekahi**

Randi Fernandez

**Hope Pelekikena 'Elua**

K ā'eo Kealoha Lindsey

**Pu'ukū**

Leilani Williams-  
Solomon

**Kākau 'Ōlelo Ho'opa'a**

Sai Furukawa

**Kākau 'Ōlelo Palapala**

Kamuela Werner

**Pelekikena Hala Koke**

Yvonne 'PeeWee' Ryan

**Nā Luna Alaka'i**

Alan Akao  
Kuni Agard  
Puamana Crabbe  
Kanani Pali  
Marlene Sai  
Bruce Wong

P.O. Box 4728  
Honolulu, HI 96812

[www.pkhcc.org](http://www.pkhcc.org)

*Founded in 1964  
by Lili'uokalani  
Kawānanakoa Morris*

Senate Committee on Judiciary

Friday, February 7, 2020

1:35 pm Conference Room 224

State Capitol

415 South Beretania Street

Re: SB2386 SD1 - RELATING TO WASTE MANAGEMENT

*Aloha* Chair Rhoads, Vice-Chair Keohokalole, and members of the Senate committees on Judiciary:

The Prince Kūhiō Hawaiian Civic Club **SUPPORTS** SB2386 SD1. This bill for an act will require half-mile buffer zones around waste or disposal facilities, including landfills. At its 60th annual convention, the Association of Hawaiian Civic Clubs adopted resolution 2019-52, urging the State of Hawai'i and all counties to create an adequate buffer zone around landfills, with a minimum buffer zone of one-half mile.

*E aloha kekahi i kekahi*

Love one another.

No community should suffer the negative health effects and decreased quality of life that are associated with waste or disposal facilities, including landfills.

Our club stands in solidarity with all those who suffer from the negative effects of waste or disposal facilities being placed too close to communities and believe that we all should have a clean and healthy environment. We have both educated and been educated by our island communities on the health hazards and negative effects of landfills. Particularly, how Native Hawaiians have faced environmental racism given the placement of the PVT Landfill in the Wai'anae coast of O'ahu. There, more than 18,000 people who live, work, and play daily within 2 miles of the currently operating landfill, and of those, 13,000 are Native Hawaiians. Moreover, two homestead communities, Princess Kahanu and Nānākuli, are located less than 0.5 miles from the currently operating landfill.

On August 20, 2019, we stood in solidarity with Nānāikapono Hawaiian Civic Club and hundreds of community members in opposition to the relocation of the PVT Landfill to remain in Nānākuli and Mā'ili - a mere 750 feet from homes - at the Nānākuli and Mā'ili Neighborhood Board meeting. On

September 4, 2019 we delivered a petition of more than 5,500 signatures in opposition of the referenced PVT Landfill relocation to a special session of the Nānākuli-Mā‘ili Neighborhood Board and later to the City and County of Honolulu, Department of Planning and Permitting. On December 16, 2019, we presented with community leader Eddie Werner of the Nānākuli Homestead on the public health crisis in Nānākuli and Mā‘ili to the Hawaiian Homes Commission. On February 14, we presented at a Native Hawaiian speaker series hosted by Papa Ola Lōkahi. These are some of the actions that we have taken, along with hundreds of community members who labor to *mālama ‘āina* and *aloha ‘ohana* – trying to stop a landfill from being placed in a community’s backyard.

In the spirit of *lōkahi*, we continue to advocate, not just for Nānākuli and Mā‘ili, but for all communities in our beloved Hawai‘i. Let us *aloha* each other and make sure that no community should suffer from the unmitigated ill effects of waste or disposal facilities, including landfills.

Founded in 1964, PKHCC was organized to promote the education and social welfare of people of Hawaiian ancestry and objectives include supporting high ethical standards in business, industry and the professional fields of enterprise.

PKHCC urges the committees to PASS SB2386 SD1.

*Me ke aloha,*

A. Makana Paris  
*Pelekikena*  
president@pkhcc.org

Encl.

‘A‘ole PVT Compiled Community Petitions 5,500+ link: <https://tinyurl.com/rzx766e>



# Environmental Racism & Public Health

A CASE STUDY IN NĀNĀKULI, O‘AHU

NATIVE HAWAIIAN SPEAKER SERIES

NATIVE HAWAIIAN HEALTH SCHOLARSHIP, PAPA OLA LŌKAHI

FEBRUARY 14, 2020

KAMUELA WERNER, UNIVERSITY OF HAWAI‘I AT MANOA

MAKANA PARIS, PRINCE KŪHIŌ HAWAIIAN CIVIC CLUB



# Overview

- ▶ Environmental Racism
- ▶ Environmental Justice in Hawaii
- ▶ Nānākuli Case Study
- ▶ Native Hawaiian Health Disparities
- ▶ Environmental Racism in Nānākuli?
- ▶ Strategies to Address Environmental Racism & Justice
- ▶ Recommendations



# Environmental Racism

AN AMERICAN STORY







Non-violent  
acts of Civil  
disobedience

# U.S. Government Response to Protest

- ▶ 1983 GAO Report, "Siting of Hazardous Waste Landfills and Their Correlation With Racial and Economic Status of Surrounding Communities"
- ▶ 3 out of 4 landfills located in poor and African American neighborhoods
- ▶ Demonstrated disproportionate impact instead of a random distribution

## General Accounting Office

### Siting Of Hazardous Waste Landfills And Their Correlation With Racial And Economic Status Of Surrounding Communities

This report provides information on the racial and economic characteristics of communities surrounding four hazardous waste landfills in three southeastern States. It also describes Federal criteria for siting landfills and provides data on public participation and how the Environmental Protection Agency's (EPA's) proposed hazardous waste facility permit changes will affect it.

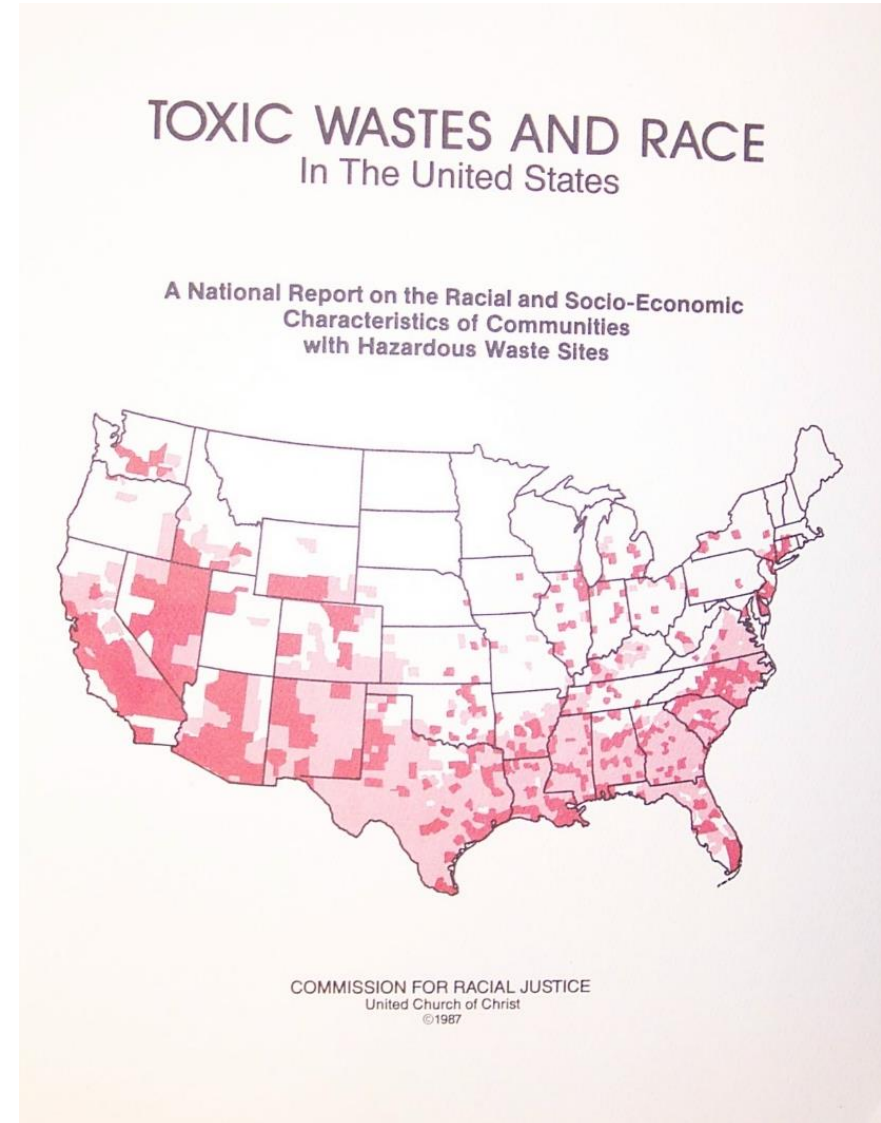


GAO/RCED-83-168  
JUNE 1, 1983



# Faith Community Response to Protest

- ▶ 1987 UCCCRJ Report, "Toxic Wastes and Race in The United States"
- ▶ 3 out of 5 Hispanic and African Americans lived in areas with uncontrolled toxic waste sites



# National Law Journal Investigates

- ▶ 1992 National Law Journal “Unequal Protection: The Racial Divide In Environmental Law - A Special Investigation”
- ▶ Polluters in white communities received higher penalties for violating environmental laws than polluters in minority communities
- ▶ Federal government took longer to address hazards in Super Fund sites located in minority communities and accepted less stringent clean-up plans

## Toxic Wastes and Race at Twenty 1987—2007

A Report Prepared for the  
United Church of Christ  
Justice & Witness Ministries



Justice & Witness Ministries:  
Rev. M. Linda Jaramillo  
Executive Minister

Dr. Carlos J. Correa Bernier  
Minister for Environmental Justice

Principal Authors:  
Robert D. Bullard, Ph.D.  
Paul Mohai, Ph.D.  
Robin Saha, Ph.D.  
Beverly Wright, Ph.D.

United Church of Christ  
© March 2007

## Faith Community Improves Upon Initial Study

- ▶ 1987-2007 UCCCRJ Report “Toxic Wastes and Race at Twenty”
- ▶ disproportionately large numbers of people of color still live in hazardous waste host communities
- ▶ these communities are not equally protected by environmental laws



- ▶ “Cancer Alley”
- ▶ 85 mile-long stretch of the Mississippi River lined with oil refineries and petrochemical plants
- ▶ People living in the area more than 50 times likely to get cancer than the average American
- ▶ Predominantly African American and poor communities







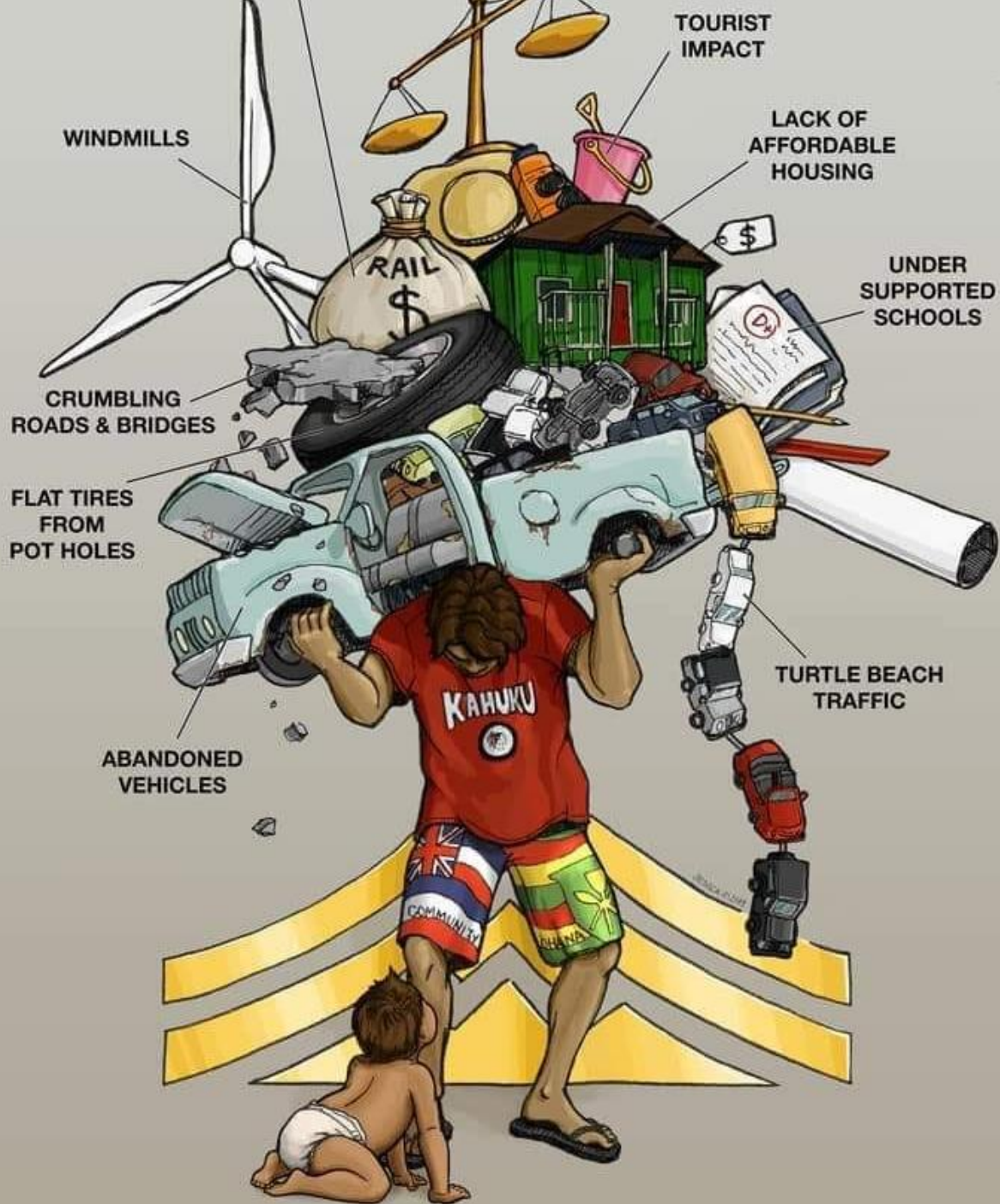
- ▶ Flint, Michigan
- ▶ Predominately African American community
- ▶ Since 2014, residents exposed to dangerous levels of lead in drinking water by city



- ▶ Navajo Lands
- ▶ 1944 – 1986: mining companies blasted 30 million tons of uranium out of Navajo lands
- ▶ The U.S. Energy Department abandoned 521 mines after it stockpiled enough uranium for the Cold War
- ▶ Many Navajo have died of conditions linked to contamination







- ▶ Kahuku, Oahu
- ▶ Already face higher health, economic and social hazards beyond the pre-existing health disparities
- ▶ including higher rates of chronic disease, food insecurity and less access to health care

# Environmental Racism

- ▶ Racial discrimination in environmental policy making and the enforcement of regulations and laws; the deliberate targeting of people of color communities for toxic and hazardous waste facilities; the official sanctioning of the life-threatening presence of poisons and pollutants in communities; and the history of excluding people of color from the leadership of the environmental movement.
- ▶ Benjamin Chavis, *The Historical Significance and Challenges of the First National People of Colour Environmental Leadership Summit*, in *Proceedings of the First National People of Colour Environmental Leadership Summit* (Washington, DC: United Church of Christ Commission for Racial Justice, 1991)





# Environmental Racism

- ▶ “Where [a] policy, practice, or directive differentially affects or disadvantages (whether intended or unintended) individuals, groups, or communities based on race or color”
- ▶ Robert D. Bullard, *Natural Resources & Environment* Vol. 7, No. 3, Facility Siting (Winter 1993), pp. 23-26, 55-56



# Environmental Racism Criteria

- ▶ Race(s) in positions of authority
- ▶ Discriminatory laws or lack of enforcement of regulations
- ▶ Waste site(s) and/or point-source(s) of pollution [disamenities]
- ▶ Disadvantages a different race(s)

# Environmental Justice

HAWAII



# Environmental Justice

- ▶ “...the right of every person in Hawai‘i to live in a clean and healthy environment, to be treated fairly, and to have meaningful involvement in decisions that affect their environment and health; with an emphasis on the responsibility of every person in Hawai‘i to uphold traditional and customary Native Hawaiian practices that preserve, protect, and restore the ‘āina for present and future generations. Environmental justice in Hawai‘i recognizes that no one segment of the population or geographic area should be disproportionately burdened with environmental and/or health impacts resulting from development, construction, operations and/or use of natural resources”
- ▶ Hawai‘i Environmental Justice Initiative Report, 2008

# Environmental Justice Criteria

- ▶ Every person in Hawaii
  - ▶ Clean and healthy environment
  - ▶ Meaningful involvement in processes affecting health & environment
  - ▶ Native Hawaiian *malama* 'āina knowledge
  - ▶ Present and future generations
- ▶ No single population or geographic area
  - ▶ Disproportionately burdened
  - ▶ Environmental and/or health impacts
  - ▶ Development, construction, and/or use of natural resources



“...right to a clean and  
healthful environment...”

HAWAII STATE CONSTITUTION ARTICLE XI, SECTION 9

Section 9. Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources. Any person may enforce this right against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law.



“ ...a due process hearing  
was required...”

”

IN RE APPLICATION OF MAUI ELECTRIC CO., LTD. 2017

...to protect the asserted property right to a clean and healthful environment  
guaranteed by article XI, section 9 and defined by HRS Chapter 269.

# Environmental Justice Criteria

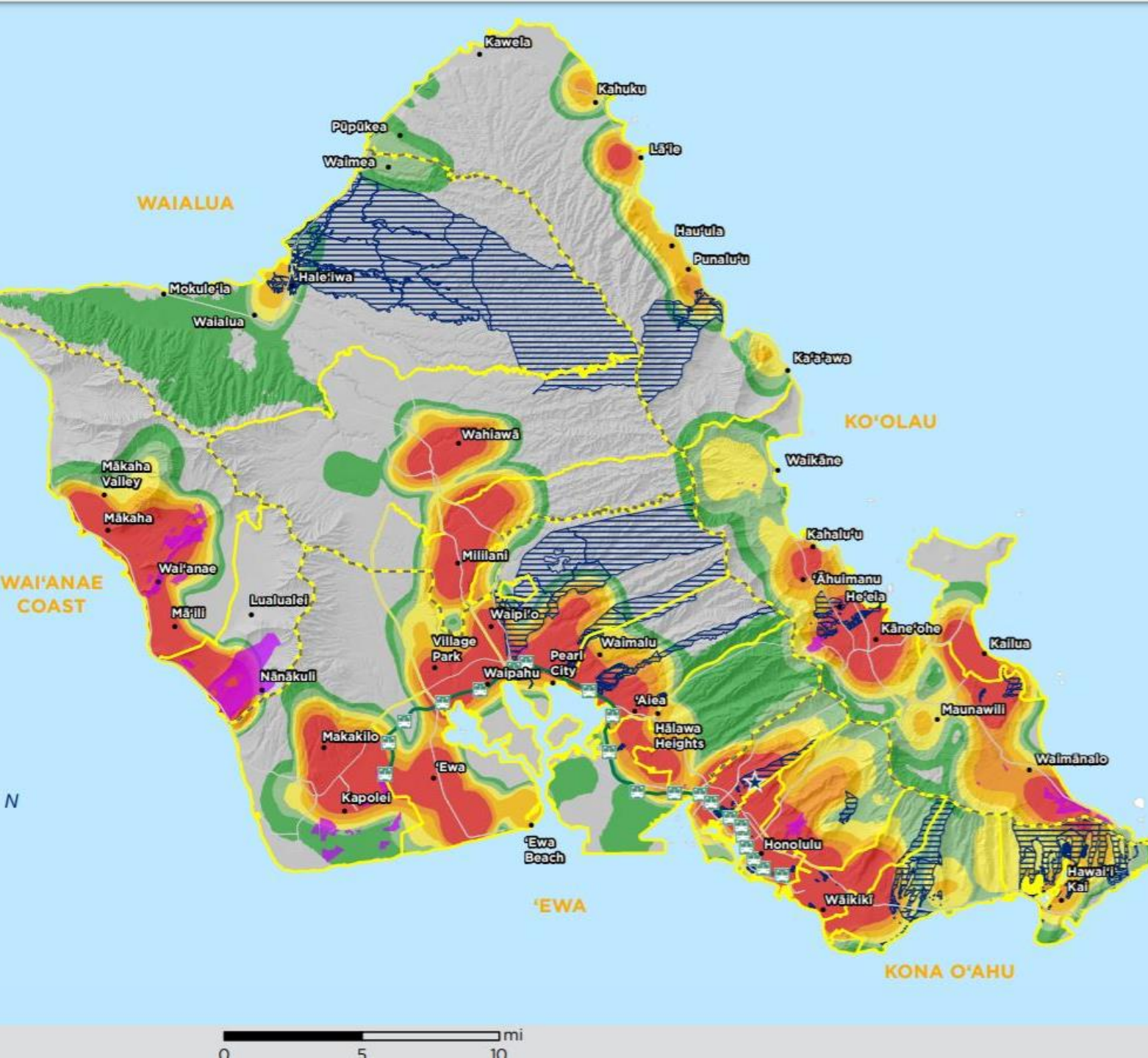
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  - ▶ Present and future generations
- ▶ No single population or geographic area
  - ▶ Disproportionately burdened
  - ▶ Environmental and/or health impacts
  - ▶ Development, construction, and/or use of natural resources



# Nānākuli Case Study

PART1: SITUATING THE SPACE

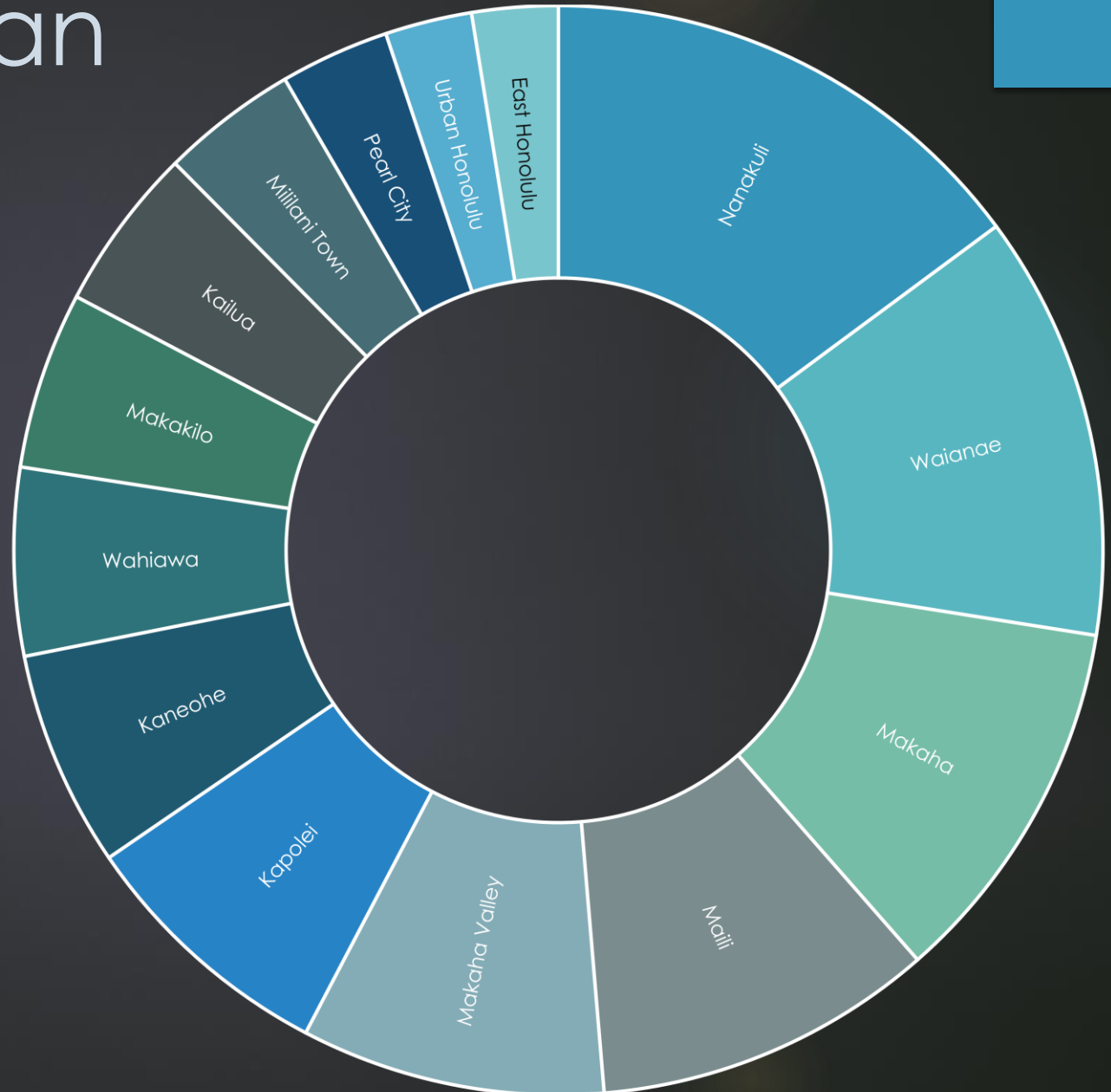




# Native Hawaiians on O'ahu

# % Native Hawaiian Pop on Oahu

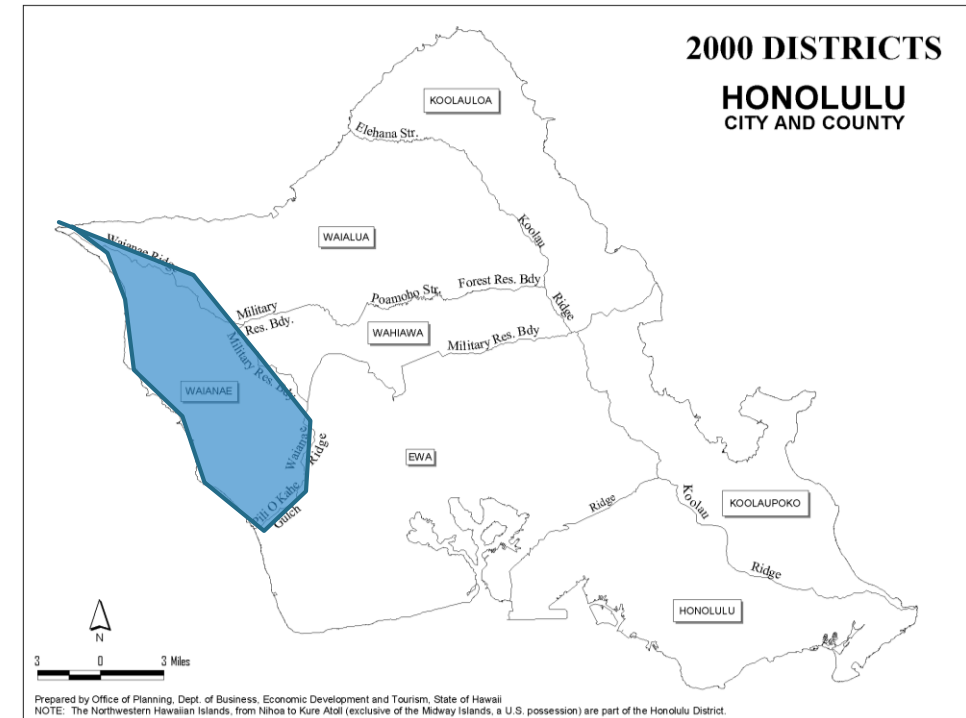
Community	% Haw. Pop.	Council District 1
Nanakuli	71.50%	
Waianae	60.80%	
Makaha	53.10%	
Maili	48.70%	
Makaha Valley	43.40%	
Kapolei	37.40%	
Kaneohe	30.90%	
Wahiawa	26.80%	
Makakilo	25.30%	
Kailua	23.40%	
Mililani Town	19.50%	
Pearl City	15.60%	
Urban Honolulu	12.40%	
East Honolulu	12.30%	

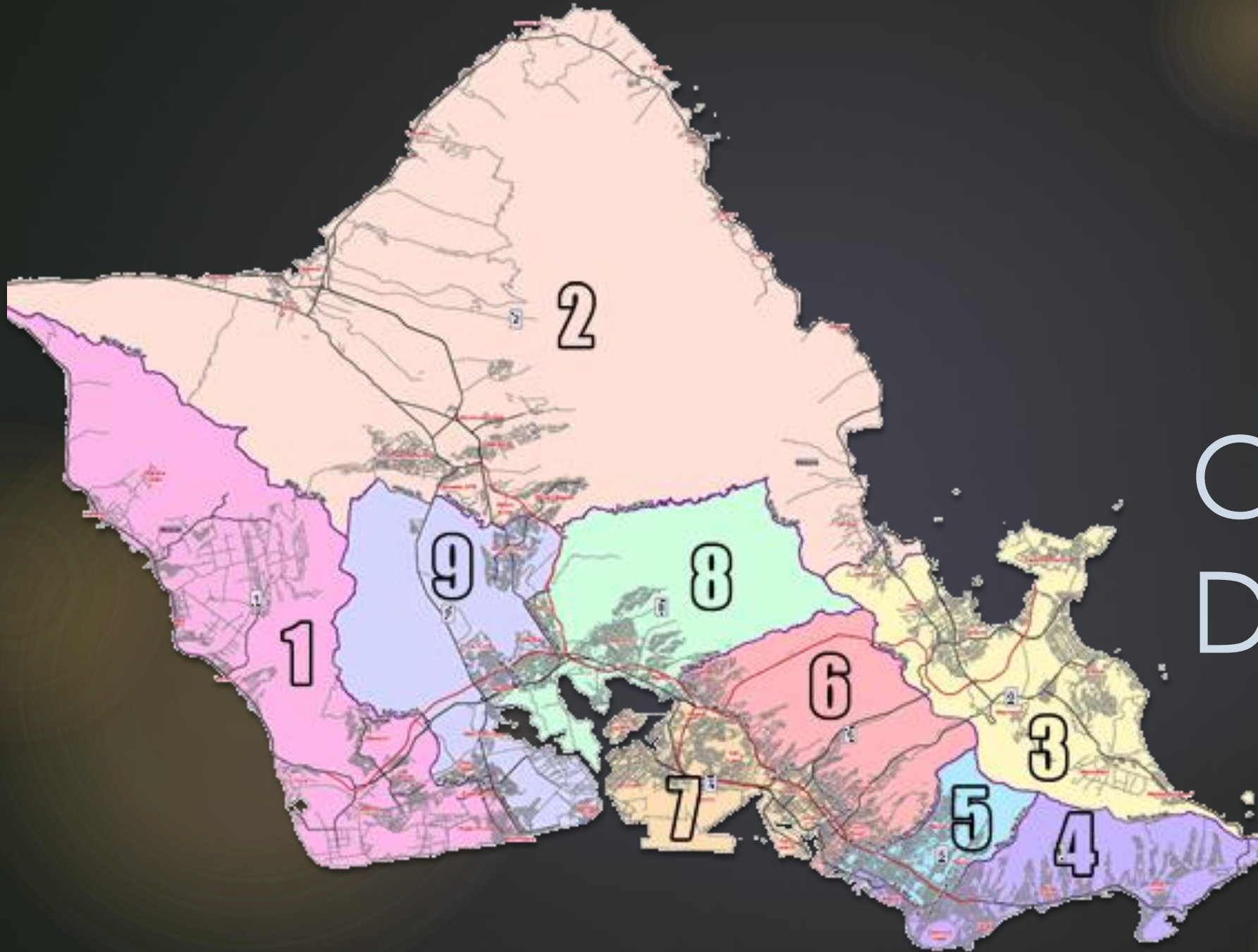




# O 'ahu Poverty Rates

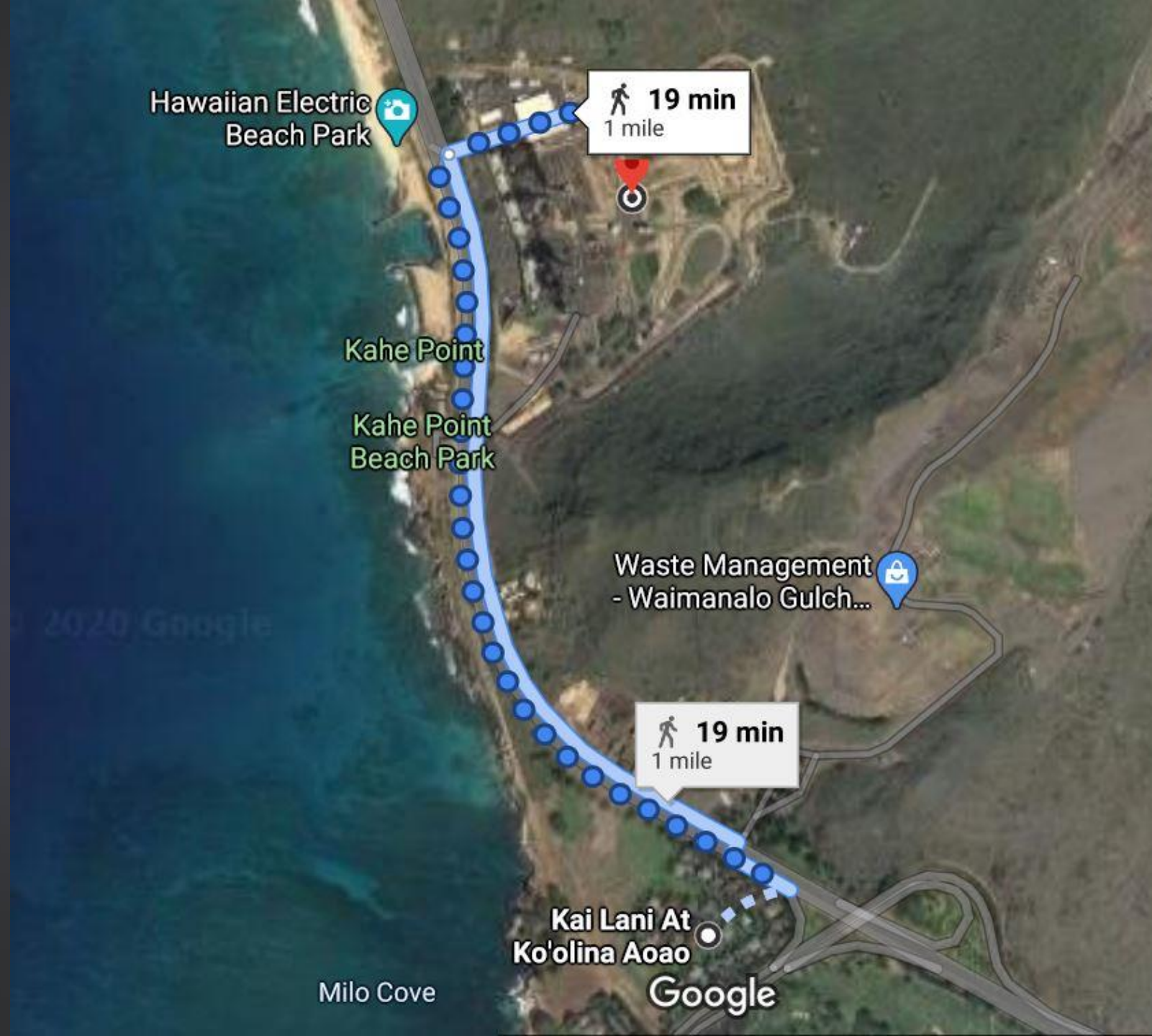
- ▶ census county division (CCD) with the highest rates in 2016 of poverty was **Waianae CCD**
- ▶ over 22% of adults aged 18-64 below the poverty line
- ▶ compared to State of Hawaii overall poverty rate of 10.8%
- ▶ Central O'ahu, North Shore, and metro Honolulu poverty rate around 10%
- ▶ Ewa and Windward poverty rate around 6%





# Council Districts

# Kahe Power Plant

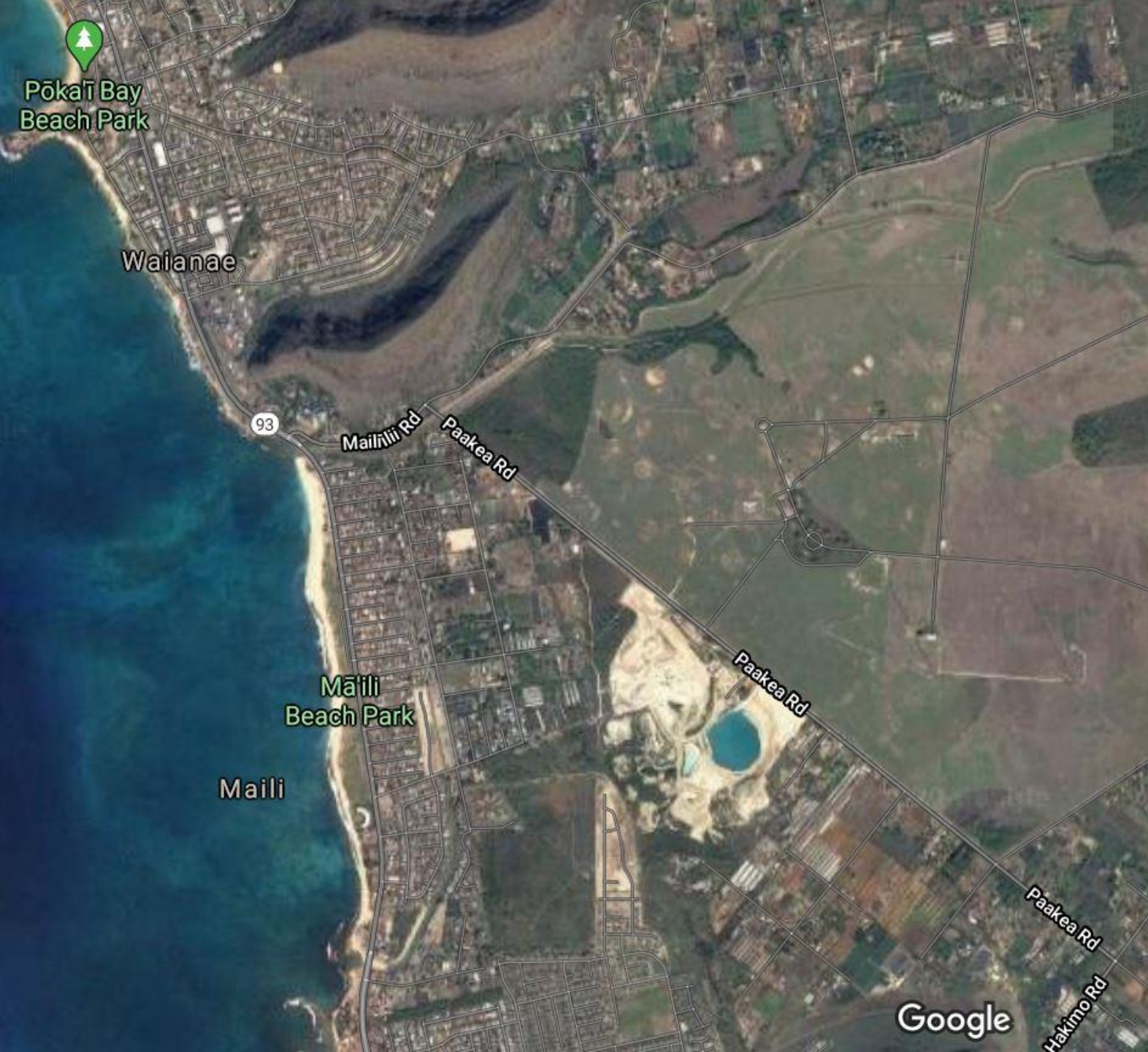




# Wastewater Treatment Plant







Lualualei

# Campbell Industrial Park

- ▶ H-Power
- ▶ Oil Refinery
- ▶ AES Coal Power Plant





# Waimanalo Gulch Sanitary Landfill



# Nānākuli Case Study

PART2: PVT LANDFILL & PROPOSED RELOCATION  
STORIES OF COMMUNITY & STORIES OF LANDFILLS



“ “...the landfill is not good  
for our people...”

DOLLY NAIWI, NĀNĀKULI HIGH SCHOOL EDUCATOR, HOMESTEADER, FORMER  
PRESIDENT OF NĀNĀIKAPONO HAWAIIAN CIVIC CLUB

BORN 1949, DECEASED 2019 AT AGE 70

DEPARTMENT OF HEALTH HEARING, DRAFT PERMIT RENEWAL AND MODIFICATION PVT LAND COMPANY  
INTEGRATED SOLID WASTE MANAGEMENT, WAIANAE, OAHU, SEPTEMBER 2, 2010

We affirm the hundreds of kama‘āina testimony presented since the 1980s -- at Neighborhood Board meetings, City and County of Honolulu landfill site selection meetings, State Land Use Commission hearings, Department of Health hearings, and community gatherings at churches and other locations -- voicing concerns over the adverse health impacts of living and working in close proximity to landfills in general and the operations and plans of PVT Land Company, Ltd. (PVT) in specific.





Edward Kenneth  
“Hīnano” Werner

1937 - 2020





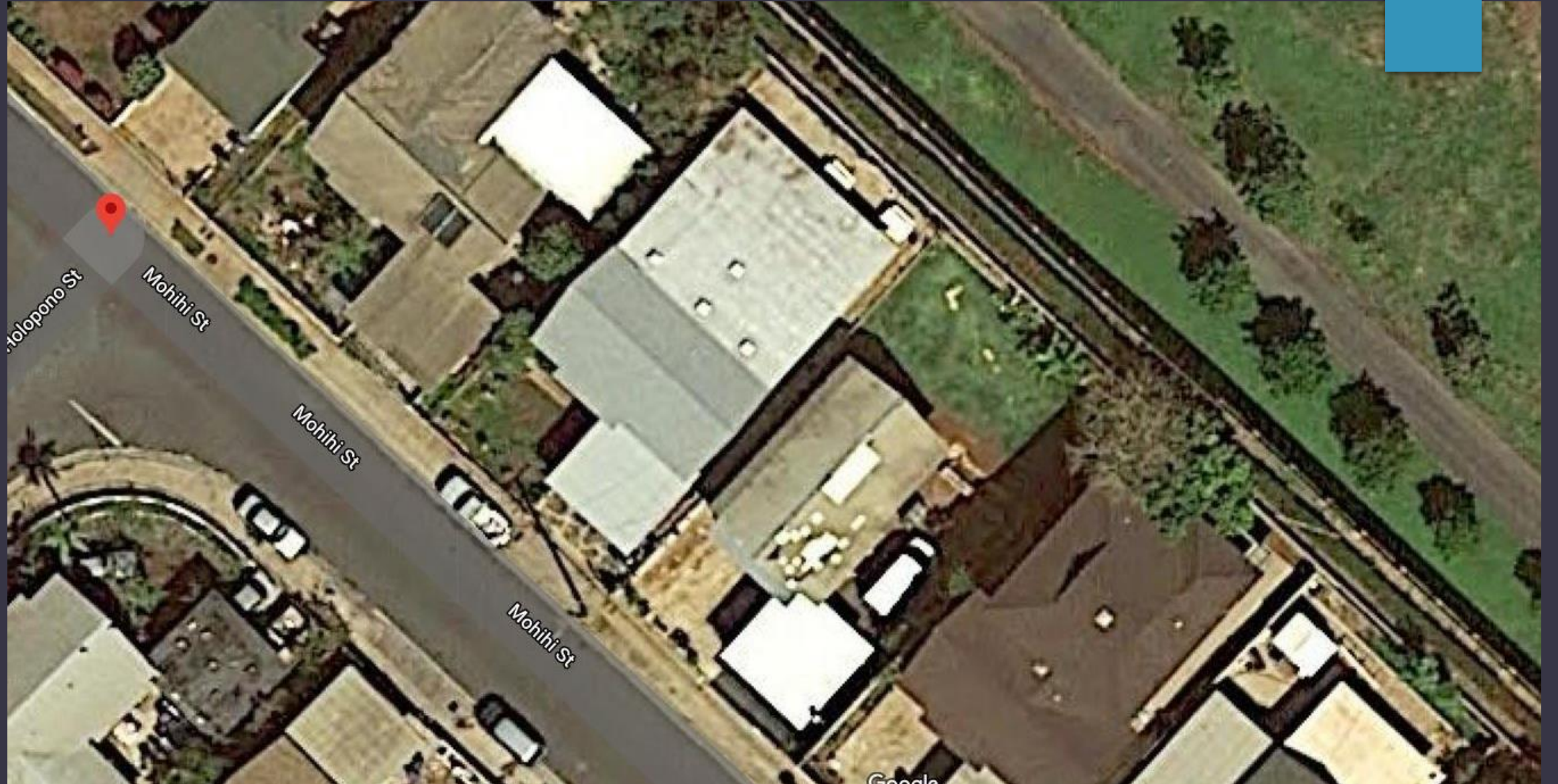














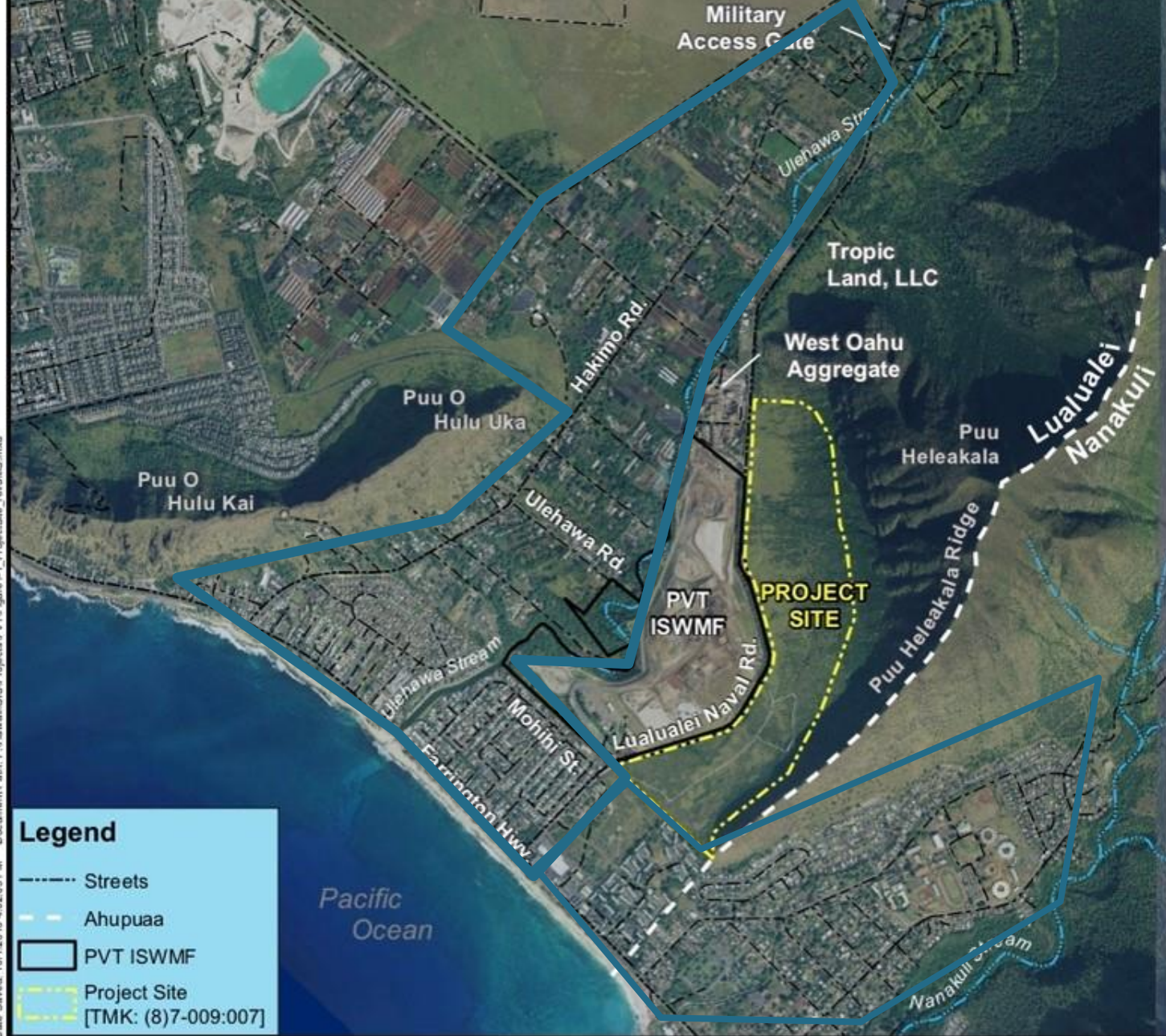
# Help Nikita Beat Colon Cancer



Robin Kitsu is organizing this fundraiser on behalf of Nikita Mendonca.

Created June 1, 2017 |  Medical, Illness & Healing

The Nanakuli High and Intermediate School Performing Arts Center is asking for your support as a member of our NPAC family is fighting colon cancer. Former NPAC student and current NPAC assistant, Nikita Mendonca, has been diagnosed with stage 3 colon cancer. Although Nikita was having symptoms for over four years, the various doctors she saw over that time did not diagnose her condition till January 2017 where she received the gut-wrenching news that it was colon cancer.



# Life Expectancies

Census tracks surrounding  
PVT Landfills including  
Nānākuli & Princess Kahanu  
Homesteads: **~72 yrs.**  
HI Average: **~82 yrs.**  
**A 10 year loss**

CDC/US Department of Health



National Vital Statistics System

U.S. Small-area Life Expectancy  
Estimates Project - USALEEP

**usaleep**

Neighborhood Life  
Expectancy Project

Figure  
1-1



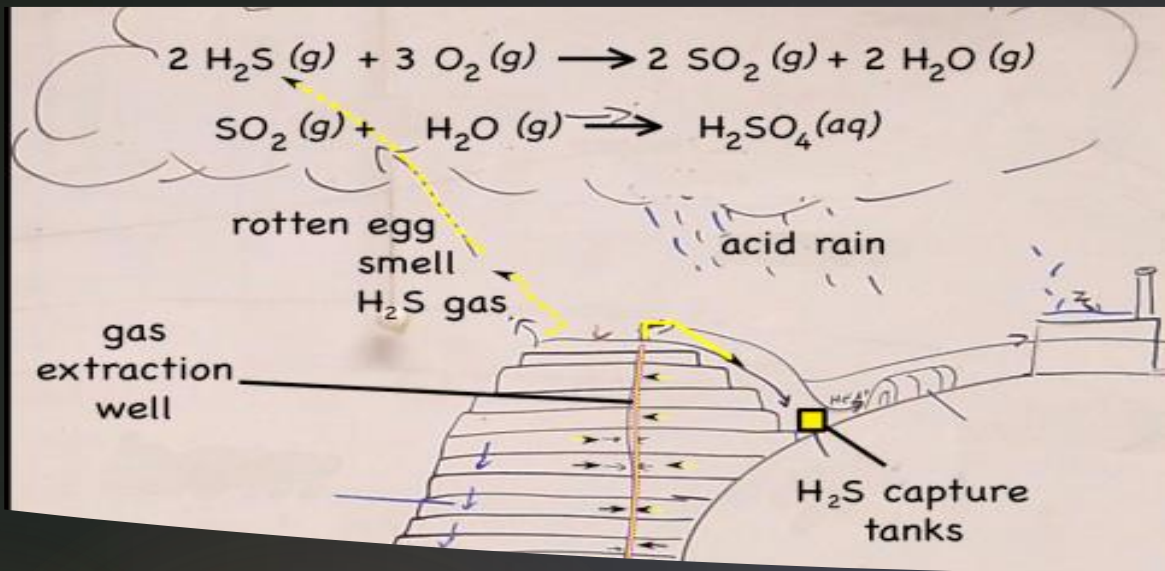
# Landfills are Health Hazards

- ▶ “Leaks from the waste may contaminate soils and water streams, and produce air pollution through emissions of e.g. heavy metals and persistent organic pollutants (POPs), **ultimately creating health hazards.**” (emphasis added)
- ▶ *Waste and human health: Evidence and needs.* November 2015, Bonn, Germany, World Health Organization



# Health Risks 1-4 miles from Landfills

- ▶ Adverse pregnancy outcomes
- ▶ Increase infant low birth weights
- ▶ Increases in the risk of birth defects
- ▶ Headaches
- ▶ Sleepiness
- ▶ Respiratory problems
- ▶ Central nervous system problems
- ▶ Psychological conditions
- ▶ Gastrointestinal issues
- ▶ *Health effects of residence near hazardous waste landfill sites: a review of epidemiologic literature, Environmental Health Perspectives, 2000; Health effects associated with the disposal of solid waste in landfills and incinerators in populations living in surrounding areas: a systematic review, The International Journal of Public Health, 2013*



- ▶ Landfills w/ Gypsum Drywall Produce Hydrogen Sulfide
  - ▶ Tolaymat, T. & D. Carson. Best Management Practices to Prevent and Control Hydrogen Sulfide and Reduced Sulfur Compound Emissions at Landfills That Dispose of Gypsum Drywall. U.S. Environmental Protection Agency, Washington, DC, EPA/600/R-14/039, 2015
- ▶ Hydrogen Sulfide Exposure Causes
  - ▶ Lung Cancer
  - ▶ Respiratory Illnesses
  - ▶ Respiratory Death
  - ▶ *Morbidity and mortality of people who live close to municipal waste landfills: a multisite cohort study, International Journal of Epidemiology, 2016*

# PVT Landfill Waste Overview

- ▶ **42%** of All Waste Generated on O'ahu – **2,072,539** (2018) is construction and demolition waste and goes to a PVT Landfill
  - ▶ Letter to Prince Kuhio Hawaiian Civic Club, City and County of Honolulu, Department of Environmental Services, dated October 8, 2019
- ▶ **~80%** is recycled by PVT
  - ▶ PVT Integrated Solid Waste Management Facility Relocation Draft EIS, July 11, 2019
- ▶ The **~20%** not able to be recycled remains in the landfill including...
  - ▶ Asbestos
  - ▶ Contaminated Soils
  - ▶ AES Coal Ash
  - ▶ Gypsum > Hydrogen Sulfide Gas
  - ▶ PVT Integrated Solid Waste Management Facility Relocation Draft EIS, July 11, 2019





# PVT Landfill Sites

- ▶ Current: 171 acres | Proposed: 179 acres
- ▶ **Within 2 miles...**
  - ▶ 18k people live work and play daily
  - ▶ 13k people (72%) are Native Hawaiians
- ▶ **Within 1 mile...**
  - ▶ Hundreds of Homes
  - ▶ Dozens of farms
  - ▶ Nānākuli Elementary, High and Intermediate
  - ▶ Nānāikapono Elementary
  - ▶ Ka Wai Hona Public Charter School
  - ▶ Kamehameha Schools pre-school
  - ▶ QLCC
  - ▶ Churches/Places of worship
  - ▶ Parks
  - ▶ Stores
  - ▶ Medical clinics
  - ▶ Kūpuna housing
- ▶ **Within ½ mile...**
  - ▶ Princess Kahanu Homestead
  - ▶ Nānākuli Homestead

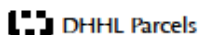


## Proposed

## Current

## Princess Kahanu Estates

### LEGEND



## Proposed Land Use Designations

-  Commercial  
 Community Use - Homestead  
 Community Use - Public  
 Conservation  
 Industrial  
 General Agriculture  
 Special District  
 Homestead - Existing Residential  
 Homestead  
 Homestead - Existing Agriculture  
 Other  
 Road  
 TMK Parcels

**Disclaimer:** This map has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data.

DRAFT: 7/11/2013

Proposed Land Use Designations  
Nānākuli & Princess Kahanu Estates Parcels

## O'AHU ISLAND PLAN

Department of Hawaiian Home Land

Inland of Oz





# 1/2 Mile Buffer Zone

Proposed


Current

Princess Kahanu  
Estates

Pu'uheleakala

Nānākuli

## LEGEND

 DHHL Parcels

Proposed Land Use Designations

-  Commercial
-  Community Use - Homestead
-  Community Use - Public
-  Conservation
-  Industrial
-  General Agriculture
-  Special District
-  Homestead - Existing Residential
-  Homestead
-  Homestead - Existing Agriculture
-  Other
-  Road
-  TMK Parcels

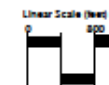
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DRAFT: 7/11/2013

Proposed Land Use Designations  
Nānākuli & Princess Kahanu Estates Parcels

## O'AHU ISLAND PLAN

Department of Hawaiian Home Lands



# Mayor's Advisory Report on Landfill Site Selection 2012

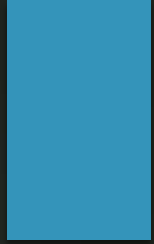




Table 1-1 – List of Sites for Application of Community-Based Criteria

Site Name (Alphabetic Order)	Within UIC/ No Pass Line*	TMK <sup>4</sup>	Parcel Acreage	Land Ownership
Ameron Quarry	No	42015001	382	Private
Kāneʻohe by H-3	No	44012001	158	Private
Kapaʻa Quarry Road	No	44011003	258	Private
Keʻeau	Yes	83001013	634	Private
Upland Hawaiʻi Kai	No	39010047	97	Private
Upland Kahuku 1	Yes	56008002	1,621	Federal
Upland Kahuku 2	Yes	57002001	1,529	Federal
Upland Lāʻie	Yes	55007001	2,231	Private
Upland Nānākuli 1 <sup>5</sup>	Yes	85006011	882	Private
Upland Pupukea 1	Yes	61006001	2,177	Private
Upland Pupukea 2	Yes	61007001	1,672	Private

\*Sites that intersect the UIC/No Pass Line are considered within the UIC/No Pass Line.

# MACLSS

## 11 Sites Identified

# MACLSS Community-Based Criteria

Table 1-2 – Community-Based Criteria and Weighting

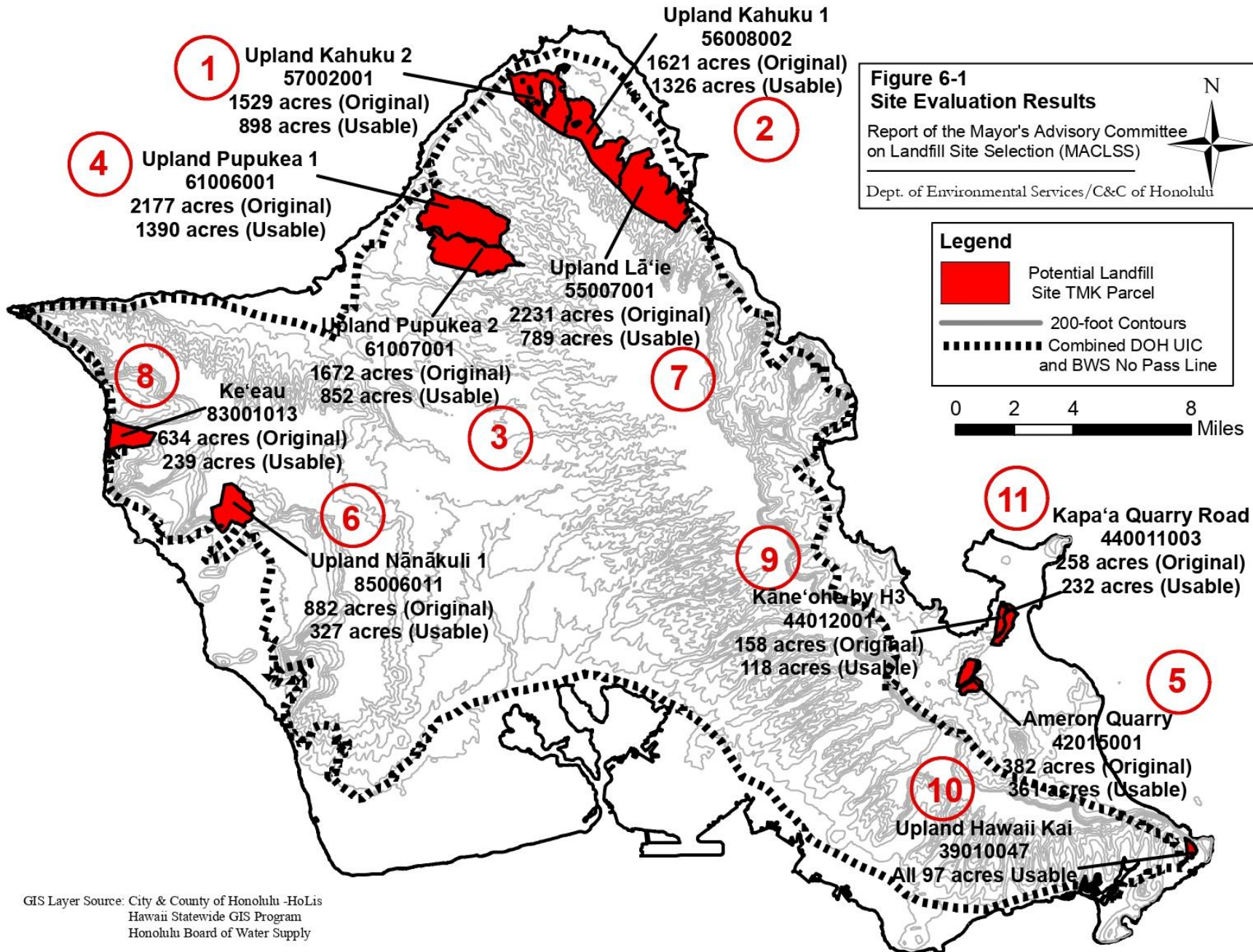
No.	Criterion Name	Weights
1	Landfill Capacity	2.50
2	Location Relative to Educational Institutions, Health Care Facilities, or Parks and Recreation Facilities	9.85
3	Location Relative to Residential Concentrations	10.00
4	Location Relative to Visitor Accommodations	4.00
5	Location Relative to Local or Visitor Commercial Facilities	4.00
6	Effect on Established Public View Planes	2.50
7	Wind Direction Relative to Landfill Site	4.00
8	Effect on Local Roads and Traffic in Residential Neighborhoods	9.55
9	Wear and Tear on Highways and Roadways Caused by Landfill Related Traffic	1.00
10	Location Relative to Identified Community Disamenities	9.25
11	Location Relative to H-POWER	8.65
12	Effect of Precipitation on Landfill Operations	9.25
13	Landfill Development, Operation and Closure Cost	7.00
14	Land Use Displacement Cost	2.50
15	Potential for Solid Waste-Related Land Uses	1.00
16	Location Relative to Wetlands and Natural Area Reserve System Land	4.00
17	Location Relative to Listed Threatened and Endangered Species	2.50
18	Location of Surface Water Resources	8.95
19	Location of Archaeological and Culturally Significant Resources	1.00

# MACLSS Community-Based Criteria

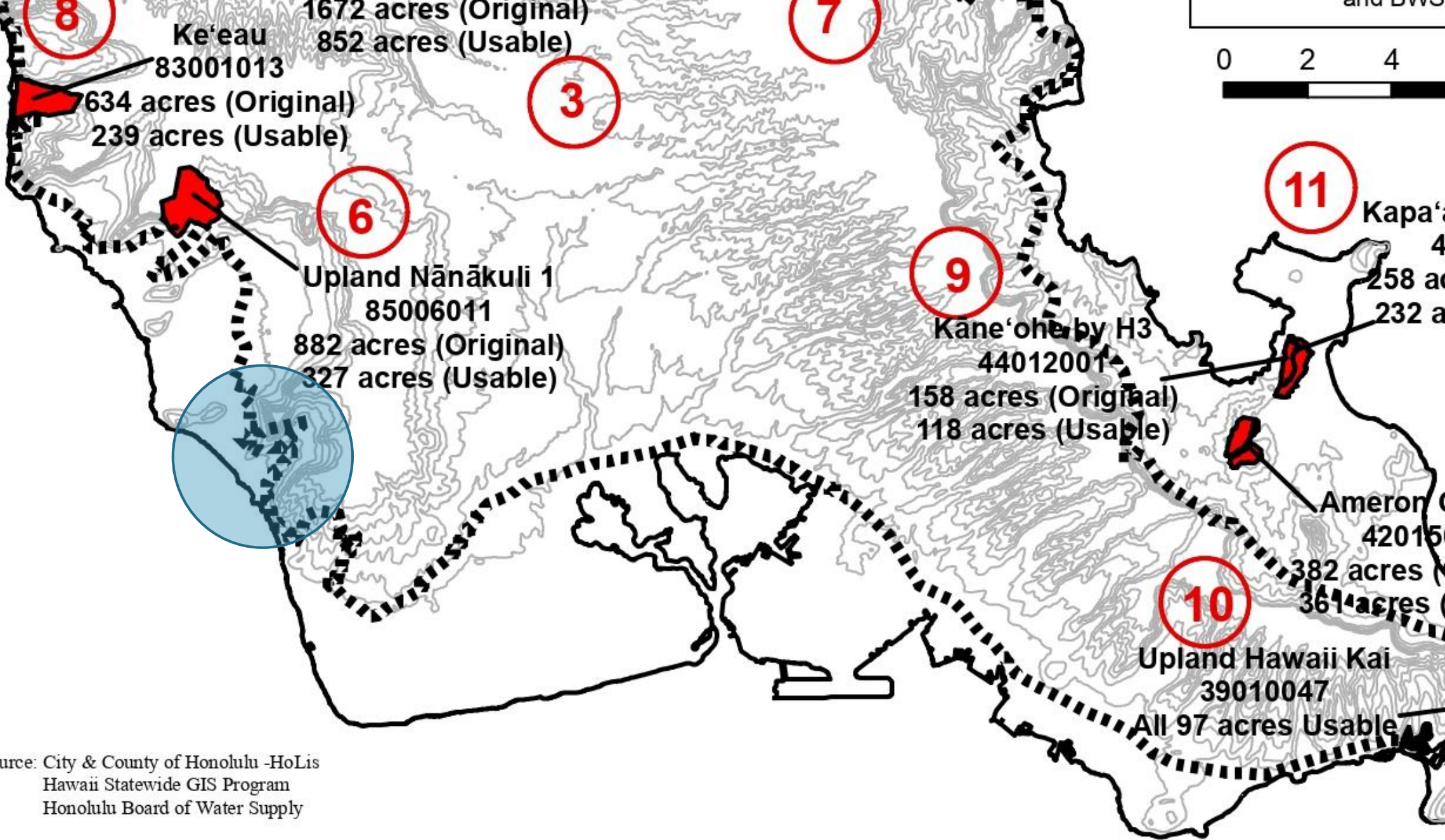
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GIS Layer Source: City & County of Honolulu -HoLis  
Hawaii Statewide GIS Program  
Honolulu Board of Water Supply



# Native Hawaiian Health Disparities

NĀNĀKULI & HAWAII



# Asthma

- ▶ Out of all ethnic groups State-wide, Native Hawaiians had the highest percentage of adults with asthma for years 2012, 2013, and 2014
  - ▶ *The Hawaii Health Data Warehouse; Data Source: State of Hawaii , Department of Health, Behavioral Risk Factor Surveillance System (BRFSS)*

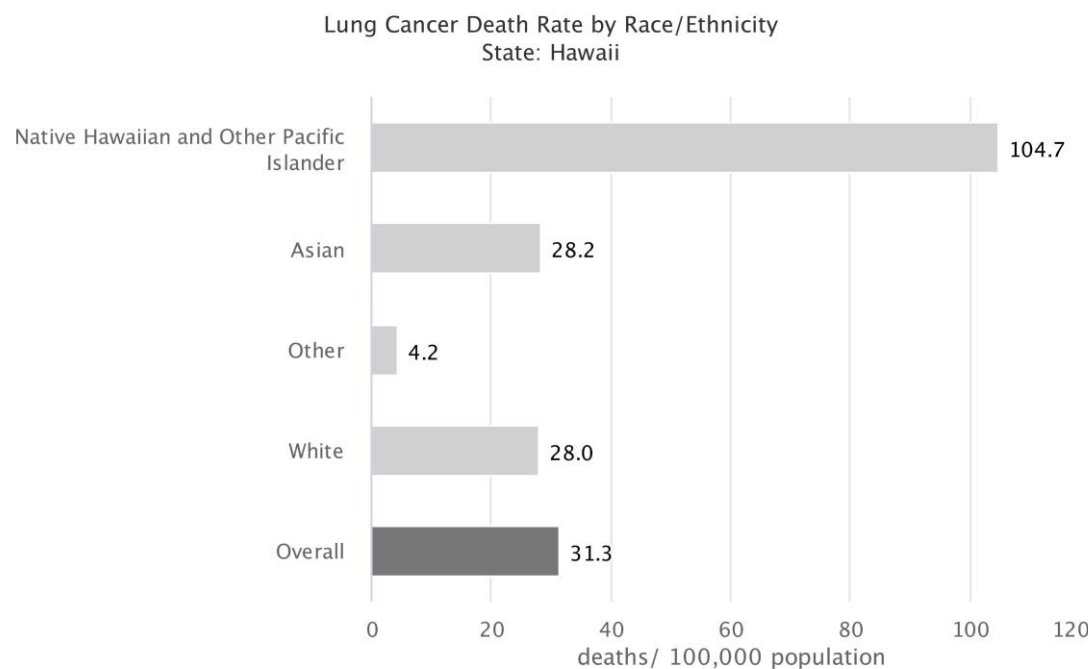
# Asthma - Nānākuli

- ▶ Out of a total of 24 communities State-wide, the Nanakuli Community has the highest percentage of adults with asthma for years 2012, 2013, and 2014
  - ▶ *The Hawaii Health Data Warehouse; Data Source: State of Hawaii , Department of Health, Behavioral Risk Factor Surveillance System (BRFSS)*

# Chronic Obstructive Pulmonary Disease - Nānākuli

- ▶ Out of a total of 24 communities State-wide, Chronic Obstructive Pulmonary Disease (COPD) prevalence (45+) was highest for those from the Nanakuli community for the aggregated years 2011-2013 and 2012-2014.
  - ▶ *The Hawaii Health Data Warehouse; Data Source: State of Hawaii , Department of Health, Behavioral Risk Factor Surveillance System (BRFSS)*





Source: Hawaii State Department of Health, Vital Statistics (2015)

[www.hawaiihealthmatters.org](http://www.hawaiihealthmatters.org)

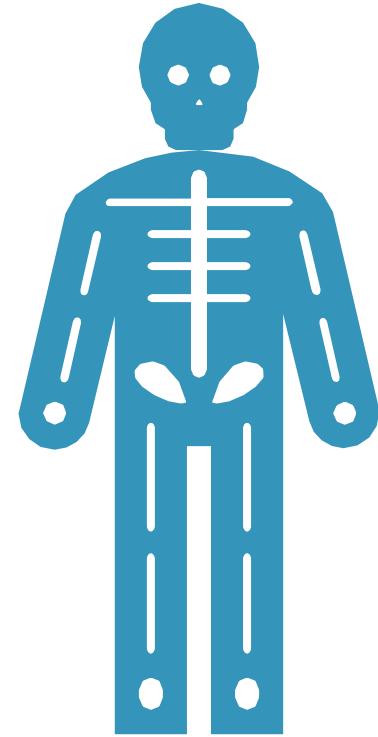
# Lung Cancer

# Lung & Bronchus Cancers

- ▶ Native Hawaiian males and females have the highest incidence and mortality rates from lung & bronchus cancers
  - ▶ *Hawai'i Cancer at a Glance 2009-2013. University of Hawai'i Cancer Center and Hawai'i Tumor Registry. 2016.*

# Colon & Rectal Cancers

- ▶ Native Hawaiians have the highest proportion of late stage colon and rectal cancers
  - ▶ *Hawai'i Cancer at a Glance 2009-2013. University of Hawai'i Cancer Center and Hawai'i Tumor Registry. 2016.*





# Uterus/endo- metrium cancer

- ▶ Uterus/endometrium cancer incidence and mortality were highest for Native Hawaiians (2009-2013)
  - ▶ *Hawai'i Cancer at a Glance 2009-2013. University of Hawai'i Cancer Center and Hawai'i Tumor Registry. 2016.*



Environmental Racism in Nānākuli?

# Environmental Racism Criteria

- ▶ Race(s) in positions of authority
- ▶ Discriminatory laws or lack of enforcement of regulations
- ▶ Waste site(s) and/or point-source(s) of pollution [disamenities]
- ▶ Disadvantages a different race(s)



# Environmental Racism Criteria

- ▶ Race(s) in positions of authority
- ▶ Discriminatory laws or lack of enforcement of regulations
- ▶ Waste site(s) and/or point-source(s) of pollution [disamenities]
- ▶ Disadvantages a different race(s)



# Strategies

ADDRESSING ENVIRONMENTAL RACISM & ACHIEVING  
ENVIRONMENTAL JUSTICE



## ▶ FUNDING REGULATORY AGENCIES

- ▶ Increase funding for EPA/DOH to conduct independent and academically sound testing on air and water for known causes that lead to a significant negative impact on health and/or loss of life

## ▶ MONITORING AND DATA ANALYSIS

- ▶ Further develop and validate advanced monitoring and data analysis technologies for little understood and currently unknown causes that lead to a significant negative impact on health and/or loss of life

## ▶ CLEANER SOCIETY

- ▶ Promote “clean” power, development, and manufacturing

## ▶ RACIAL DIVERSITY

- ▶ Promoting racial diversity in positions of decision-making authority

## ▶ “BUFFER ZONES”

- ▶ Creation of “buffer zones” between people and disamenity





# Recommendations

WHAT ABOUT LANDFILLS IN HAWAI'I AND NATIVE HAWAIIANS?

# Recommendations

1. Oppose the proposed relocation of PVT Landfill in Nānākuli
2. Oppose the creation of any landfill within ½ mile of Hawaiian Home Lands
3. Support legislation (e.g. SB2368 SD1) that creates a minimum of ½ mile buffer zone around waste or disposal facilities

# Mahalo

Kamuela Werner, NIMHD Minority Health Research  
Training Scholar & Makana Paris, President Prince  
Kūhiō Hawaiian Civic Club

[kamuelaw@hawaii.edu](mailto:kamuelaw@hawaii.edu) | [president@pkhcc.org](mailto:president@pkhcc.org)



The Thirtieth Legislature  
Regular Session of 2020

STATE SENATE  
Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair  
State Capitol, Conference Room 016  
Thursday, February 27, 2020; 10:30 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 2386, S.D.1,  
RELATING TO WASTE MANAGEMENT**

The ILWU Local 142 supports S.B. 2386, S.D.1, which prohibits any waste or disposal facility from being located in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. Requires no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a municipal solid waste landfill unit.

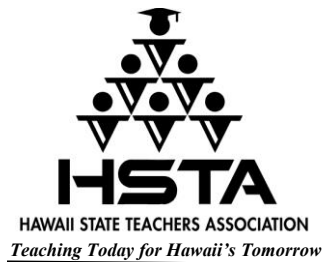
The ILWU Local 142 stands in solidarity with our members and their families whose health and quality of life are negatively affected by waste or disposal facilities, including landfills. For example, hundreds of our members and family members in Nānākuli and Mā‘ili are suffering from a public health crisis.

According to the Center for disease Control/National Center for Health Statistics Neighborhood Life Expectancy Project, our members and their families within 2 miles of the current PVT Landfill live **10 years less than the state average of 82 years**, being the 2<sup>nd</sup> and 3<sup>rd</sup> lowest life expectancies in the entire state. This is unacceptable. Every community in Hawai‘i as a matter of fairness and decency deserves a “clean and healthful environment” (HI State Constitution Article XI, Section 9; In re Maui Elec. Co., 2017 Haw.) PVT currently operates only 750 feet from residences (Draft Environmental Impact Statement: PVT Integrated Solid Waste Management Facility - Expanded Recycling, Landfill, Grading and Renewable Energy Project). The PVT landfill also operates within two miles of Nānākuli Elementary, High and Intermediate, Nānāikapono Elementary, Ka Wai Hona Public Charter School, and Kamehameha Schools pre-school, places of worship, stores, medical clinics, and kupuna housing that over 18,000 people daily live, work, and play.

The global scientific community affirms what the community of Wai‘anae has been living through -- especially those that live, work, and play in Nānākuli -- that landfills are a health hazard (*See Vrijheid M., Health effects of residence near hazardous waste landfill sites: a review of epidemiologic literature. Environ Health Perspect*, 2000; Njoku PO, Edokpayi JN, Odiyo JO, Health and Environmental Risks of Residents Living Close to a Landfill: A Case Study of Thohoyandou Landfill, Limpopo Province, South Africa. *Int J Environ Res Public Health*, 2019; Waste and Human Health: Evidence and needs, World Health Organization Nov 2015).

No community should suffer like those in Nānākuli and Mā‘ili. So, we ask that you implement a commonsense policy that ensures that no community in the future will suffer the negative effects of waste or disposal facilities, including landfills. Please ensure that future landfills will not be in anyone’s back yard.

The ILWU Local 142 recommends passage of S.B. 2386, S.D.1. Thank you for the opportunity to share our views on this matter.



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: [www.hsta.org](http://www.hsta.org)

Corey Rosenlee  
President

Osa Tui Jr.  
Vice President

Logan Okita  
Secretary-Treasurer

Wilbert Holck  
Executive Director

## TESTIMONY BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS

RE: SB 2386, SD1 – RELATING TO TEACHER COMPENSATION

THURSDAY, FEBRUARY 27, 2020

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Dela Cruz and Members of the Committee:

The Hawaii State Teachers Association **supports SB 2386, SD1**, relating waste management

This bill will prohibit any waste or disposal facility from being in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. It would further require no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a waste or disposal facility.

HSTA stands in solidarity with our members and their families whose health and quality of life are negatively affected by waste or disposal facilities, including landfills. For example, hundreds of our members and family members in Nānākuli and Mā‘ili are suffering from a public health crisis.

According to the Center for disease Control/National Center for Health Statistics Neighborhood Life Expectancy Project, our members and their families within 2 miles of the current PVT Landfill live **10 years less than the state average of 82 years**, being the 2<sup>nd</sup> and 3<sup>rd</sup> lowest life expectancies in the entire state. This is unacceptable.

Every community in Hawai‘i as a matter of fairness and decency deserves a “clean and healthful environment” (HI State Constitution Article XI, Section 9; In re Maui Elec. Co., 2017 Haw.) PVT currently operates only 750 feet from residences (Draft Environmental Impact Statement: PVT Integrated Solid Waste Management Facility - Expanded Recycling, Landfill, Grading and Renewable Energy Project). **The PVT landfill also operates within two miles of Nānākuli Elementary, High and Intermediate, Nānāikapono Elementary, Ka Wai Hona Public Charter**



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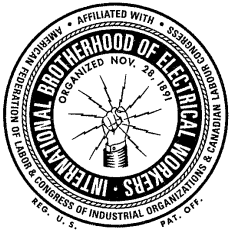
Wilbert Holck  
Executive Director

**School, and Kamehameha Schools pre-school, places of worship, stores, medical clinics, and kupuna housing that over 18,000 people daily live, work, and play.**

The global scientific community affirms what the community of Wai‘anae has been living through -- especially those that live, work, and play in Nānākuli -- that landfills are a health hazard (See Vrijheid M., Health effects of residence near hazardous waste landfill sites: a review of epidemiologic literature. *Environ Health Perspect*, 2000; Njoku PO, Edokpayi JN, Odiyo JO, Health and Environmental Risks of Residents Living Close to a Landfill: A Case Study of Thohoyandou Landfill, Limpopo Province, South Africa. *Int J Environ Res Public Health*, 2019; Waste and Human Health: Evidence and needs, World Health Organization Nov 2015).

**No community should suffer like those in Nānākuli and Mā‘ili. So, we ask that you implement a common sense policy that ensures that no community in the future will suffer the negative effects of waste or disposal facilities, including landfills. We need to protect our keiki and our future. Please ensure that future landfills will not be in anyone’s back yard, including our schools and the neighborhoods our children play in, thus the Hawaii State Teachers Association asks for your support of this bill.**





# International Brotherhood of Electrical Workers

**LOCAL UNION NO. 1186 • Affiliated with AFL-CIO**

1935 HAU STREET, ROOM 401 • HONOLULU, HI 96819-5003  
TELEPHONE (808) 847-5341 • FAX (808) 847-2224

**LATE**

TO: SENATE COMMITTEE ON JUDICIARY  
Hearing on Thursday, February 27, at 10:30a.m., in Room 016

RE: TESTIMONY IN SUPPORT OF SB2386 SD1

Honorable Chair Karl Rhoads, Vice Chair Jarrett Keohokalole, and Committee Members:

The International Brotherhood of Electrical Workers Local Union 1186 (IBEW 1186) represents over 3,400 members working in electrical construction, telecommunications, and with Spectrum. Our members include civil service employees at Pearl Harbor, Kaneohe, Hickam, and at every military installation in Hawaii. IBEW Local 1186 also partners with over 110 signatory electrical contracting companies that perform most of the electrical work in the State.

The IBEW 1186 SUPPORTS SB 2386 SD1. The bill for an act will prohibit any waste or disposal facility from being in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. It would further require no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a waste or disposal facility.

Our union stands in solidarity with our members and their families whose health and quality of life are negatively affected by waste or disposal facilities, including landfills. For example, hundreds of our members and family members in Nānākuli and Mā'ili are suffering from a public health crisis.

The global scientific community affirms what the community of Wai'anae has been living through -- especially those that live, work, and play in Nānākuli, which includes members and families of IBEW Local 1186 -- that landfills are a health hazard. No community should suffer like those in Nānākuli and Mā'ili. We ask that you implement a commonsense policy that ensures that no community in the future will suffer the negative effects of waste or disposal facilities, including landfills. Please ensure that future landfills will not be in anyone's back yard.

Sincerely,

Damien T.K. Kim  
Business Manager/  
Financial Secretary



## HAWAII BUILDING & CONSTRUCTION TRADES COUNCIL

735 Bishop Street, Suite 412 \* Honolulu, HI 96813

(808) 524-2249 \* [www.hbctc.org](http://www.hbctc.org)

**LATE**

### EXECUTIVE BOARD

**DAMIEN T.K. KIM**

*President*

International Brotherhood  
Of Electrical Workers  
Local 1186

**MARC YAMANE**

*Vice President*

Elevator Constructors  
Local 126

**PETER IRIARTE**

*Secretary/Treasurer*

Operative Masons &  
Plasterers Local 630

**DOUGLAS FULP**

*Sergeant-At-Arms*

International Association of  
Heat & Frost Insulators &  
Allied Workers Local 132

**MELVIN P. SILVA**

*Trustee*

Bricklayers & Allied  
Craftworkers Local 1

**VALENTINO CERIA**

*Trustee*

Plumbers & Fitters  
Local 675

**ART TOLENTINO**

Sheetmetal Workers, I.A.  
Local 293

**WAYNE KAULULAAU**

Hawaii Teamsters &  
Allied Workers Local 996

**JACOB EVENSON**

Boilermakers, Ironship  
Builders Local 627

**JOSEPH O'DONNELL**

Ironworkers Local 625

**VAUGHN CHONG**

Roofers, Waterproofers &  
Allied Workers United Union  
Of Roofers Local 221

**RYDEN VALMOJA**

District Council 50  
Painters & Allied Trades  
Local 1791  
Carpet, Linoleum & Soft Tile  
Local 1926  
Drywall, Tapers & Finishers  
Local 1944  
Glaziers, Architectural Metal  
& Glassworkers Local 1889

February 26, 2020

The Honorable Karl Rhoads, Chair

Committee on Judiciary

The Honorable Jarrett Keohokalole, Vice Chair

Committee on Judiciary

State Capitol, Room 016

Honolulu, Hawaii 96813

**RE: SB 2386 SD1**

Aloha Chair Rhoads & Vice Chair Keohokaloe and Members of the Judiciary Committee:

My name is Gino Soquena, Executive Director of the Hawaii Building & Construction Trades Council. On behalf of the 15 Construction Trade Unions and their Members that I represent, I would like to offer written testimony in **STRONG SUPPORT** of Bill SB2386 SD1. The bill for an act will prohibit any waste or disposal facility from being in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. It would further require no less than a onehalf mile buffer zone for the construction, operation, modification, or expansion of a waste or disposal facility.

The HBCTC stands in solidarity with our members and their families whose health and quality of life are negatively affected by waste or disposal facilities, including landfills. For example, hundreds of our members and family members in Nānākuli and Mā'ili are suffering from a public health crisis. According to the Center for disease Control/National Center for Health Statistics Neighborhood Life Expectancy Project, our members and their families within 2 miles of the current PVT Landfill live 10 years less than the state average of 82 years, being the 2nd and 3rd lowest life expectancies in the entire state. This is unacceptable. Every community in Hawai'i as a matter of fairness and decency deserves a "clean and healthful environment" (HI State Constitution Article XI, Section 9; In re Maui Elec. Co., 2017 Haw.) PVT currently operates only 750 feet from residences (Draft Environmental Impact Statement: PVT Integrated Solid Waste Management Facility - Expanded Recycling, Landfill, Grading and Renewable Energy Project). The PVT landfill also operates within two miles of Nānākuli Elementary, High and Intermediate, Nānāikapono Elementary, Ka Wai Hona Public Charter School, and Kamehameha Schools pre-school, places of worship, stores, medical clinics, and kupuna housing that over 18,000 people daily live, work, and play. The global scientific community affirms what the community of Wai'anae has been living through -- especially those that live, work, and play in Nānākuli -- that landfills are a health hazard (See Vrijheid M., Health effects of residence near hazardous waste landfill sites: a review of epidemiologic literature. Environ Health Perspect, 2000; Njoku PO, Edokpayi JN, Odiyo JO, Health and Environmental Risks of Residents Living Close to a Landfill: A

Case Study of Thohoyandou Landfill, Limpopo Province, South Africa. Int J Environ Res Public Health, 2019; Waste and Human Health: Evidence and needs, World Health Organization Nov 2015).

No community should suffer like those in Nānākuli and Mā'ili. So, we ask that you implement a policy that ensures that no community in the future will suffer the negative effects of waste or disposal facilities, including landfills. Please ensure that future landfills will not be in anyone's back yard.

Mahalo Nui Loa,

A handwritten signature in blue ink, appearing to read 'Gino Soquena', with a long horizontal flourish extending to the right.

Gino Soquena  
Executive Director  
Hawaii Building & Construction Trades Council





# SIERRA CLUB OF HAWAI'I

**LATE**

## SENATE COMMITTEE ON JUDICIARY

February 27, 2020 10:30 AM Room 016

**In SUPPORT of SB2386 SD1:** Relating to Waste Management

---

Aloha Chair Rhoads, Vice Chair Keohokalole, and members of the committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i is in **support of SB2386 SD1** which seeks to: 1) prohibit any waste or disposal facility from being located in a conservation district except in emergency circumstances and 2) establish a ½ mile buffer zone around landfills to mitigate significant risks to public safety and health.

The Sierra Club of Hawai'i is committed to supporting efforts to protect Hawaii's natural resources, which includes state conservation districts, as well as ensure that communities island-wide are not at a safety or health risk from toxic waste which comes from landfills.

The purpose of conservation districts is to conserve, protect, and preserve the important natural and cultural resources within the State. Conservation districts not only contain important natural resources essential for maintaining Hawai'i's ecosystems, but are culturally and historically significant to the Native Hawaiian community. Hawai'i should be holding the standard extremely high for places that hold such importance to the people and the environment. It is critical that we do not allow waste and disposal facilities on or near conservation districts.

The second part of this bill helps to address the expansion of the PVT landfill, which is O'ahu's only construction and demolition landfill, processing up to 3,000 tons of waste each day including toxic coal ash from the AES coal plant. The current proposal to expand the PVT landfill by another 135 acres would leave only a 750-foot buffer zone between the nearest homes and the landfill. This is not an acceptable safety measure. Residents in the area are reporting health issues related to exposure to landfill pollution, dust, debris, asbestos, and other harmful chemicals, while recent U.S. Census Data shows the life expectancies in Nānākuli are ten years less than the Hawai'i average. We support the establishment of a ½ mile buffer zone from landfill sites to address the siting of hazardous waste facilities near to areas where residents live, work, and play.

We urge the committee to pass this measure as it is crucial for protecting state natural and cultural resources which are incredibly valuable to the people and State of Hawai'i.

Thank you very much for this opportunity to provide testimony in **support of SB2386**.

**SB-2386-SD-1**

Submitted on: 2/24/2020 3:21:21 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alexandra Kahn	Testifying for Surfrider Oahu	Support	No

Comments:



# KE ONE O KĀKUHIHEWA

O'ahu Council of the  
Association of Hawaiian Civic Clubs

## SENATE COMMITTEE ON JUDICIARY

**MONDAY FEBRUARY 27, 2020**

CONFERENCE ROOM 016

STATE CAPITOL

415 South Beretania Street

BENTON KEALII PANG, PH.D.-  
HAWAIIAN CIVIC CLUB OF  
HONOLULU  
PELEKIKENA

JACOB KA'ŌMAKAOKALĀ AKI-  
KING KAMEHAMEHA HCC  
HOPE PELEKIKENA

GEORGIANA NAVARRO-  
MĀKAHA HCC  
HOPE PELEKIKENA 'ELUA

ALBERTA LOW-PEARL HARBOR  
HCC  
PU'UKŪ

ROTH PUHALA -KING  
KAMEHAMEHA HCC  
PELEKIKENA IHO NEI

TERI LOO-KO'OLAUPOKO HCC  
KĀKAU 'ŌLELO

CHRISTINE "CHRISSY" ANJO-  
PEARL HARBOR HCC  
HOLE KĀKAU 'ŌLELO

'AHAHUI SIWILA HAWAII O  
KAPOLEI  
LANCE HOLDEN

ALI'I PAUHI HCC  
KEHAULANI LUM

'EWA-PU'U'LOA HCC  
MARLEEN KAU'I SERRAO

HCC OF HONOLULU  
ANITA NAONE

KAILUA HCC  
MAPUANA DE SILVA

KALIHI-PĀLAMA HCC  
JUANITA BROWN  
KAWAMOTO

KING KAMEHAMEHA HCC  
LETANI PELTIER

KO'OLAULOA HCC  
RANAE "TESSIE"  
FONOIMOANA

KO'OLAUPOKO HCC  
ALICE P. HEWETT

LUALUALEI HCC  
SHIRLINE HO

MĀKAHA HCC  
LUANN LANKFORD-  
FABORITO

MAUNALUA HCC  
ROSE KITTY SIMONDS

NA LANI 'EHA HCC  
R. KELANI RAMOS

NĀNAIKAPONO HCC  
JAYCINE HICKS

PAPAKŌLE'A HCC  
KEALI'I LUM

PEARL HARBOR HCC  
ANTOINETTE LEE

PRINCE KŪHIŌ HCC  
A. MAKANA PARIS

PRINCESS KAI'ULANI HCC  
RUSTY RODENHURST

QUEEN EMMA HCC  
RAWLETTE P. KRAUT

HCC OF WĀHIAWA  
MARIE "MĀLIA" DOO

HCC OF WAIALUA  
MAKALAPUA CASSON-  
FISHER

WAI'ANAE HCC  
CYNTHIA ENRIQUEZ

WAIKIKI HCC  
L. PI'IKEA TOMCZYK

HCC OF WAIMĀNALO  
LOUANNA KAIO

Aloha Chair RHOADS, Vice chair KEOHOKALOLE, and members of the committee,

My name is Benton Kealii Pang and I am the president for the O'ahu Council of the Association of Hawaiian Civic Clubs. I am writing in **strong support** of **SB2386 SD1**, which prohibits any waste or disposal facility from being located in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health and requires no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a waste or disposal facility.

At its 60th annual convention in 2019, the Association of Hawaiian Civic Clubs, of which O'ahu Council is a member, adopted resolution 2019-52, urging the State of Hawai'i and all counties to created an adequate buffer zone around landfills with a minimum buffer zone of a one-half mile (attached).

No community should suffer the negative health impacts and decrease in quality of life from a waste or disposal facility, including a landfill. This bill for an act would ensure a minimum safe distance of one-half mile from such facilities and the public. Let's make sure that such sites, including landfills, are *not in anyone's backyard*.

Thus, Ke One O Kākuhihewa respectfully urges the Committee to **PASS** SB2386 SD1.

Ke One O Kākuhihewa is a native Hawaiian council made up of 24 civic clubs on the island of O'ahu. Our oldest member, Hawaiian Civic Club of Honolulu was established by Prince Jonah Kūhiō Kalaniana'ole on December 7, 1918.

Sincerely,

Benton Kealii Pang, Ph.D.



# ***ASSOCIATION OF HAWAIIAN CIVIC CLUBS***

## ***A RESOLUTION***

No. 2019 - 52

### **URGING THE STATE OF HAWAI‘I AND ALL COUNTIES TO CREATE AN ADEQUATE BUFFER ZONE AROUND LANDFILLS WITH A MINIMUM BUFFER ZONE OF ONE-HALF MILE**

WHEREAS, there is an emergence of scientific studies affirming the health hazards of living and working near landfills, including studies published by the World Health Organization in 2015, and “*Living near a landfill may damage your health*” published by the International Journal of Epidemiology, Oxford University Press, in 2016; and

WHEREAS, the State of Hawai‘i and the four counties lack landfill buffer zone requirements that adequately protect public health; and

WHEREAS, adequate landfill buffer zones provide minimum space of four miles and improvements, particularly trees and other vegetation, between a landfill’s structures used for handling or storing waste and homes, schools, and other public places; and

WHEREAS, hundreds of residents of Nānākuli Town and the Nānākuli Hawaiian Homestead, thousands of students attending Ka Waihona o Ka Na‘auao Public Charter School, Nānāikapono Elementary School, Nānākuli Elementary School, Nānākuli High and Intermediate School, Kamehameha Schools Community Learning Center, and thousands of members of the public go to places of worship, clinics, grocery stores, restaurants, and visit their ‘ohana at the Nānākuli kupuna housing, all within four miles of O‘ahu’s only construction and demolition landfill, the privately-owned landfill operated by PVT Land Company, Ltd. (PVT Landfill); and

WHEREAS, the current buffer zone between PVT Landfill and the nearest residential units and churches is approximately 750 feet; and

WHEREAS, since the 1980s, kama‘āina offered numerous oral and written testimony at Neighborhood Board meetings in the City and County of Honolulu, State of Hawai‘i Department of Health public hearings, and community gatherings at churches voicing concerns over the adverse health impacts of living and working in close proximity to landfills in general and PVT Landfill, in specific; and

WHEREAS, the State of Hawai‘i Department of Health has still not addressed the outstanding inquiries from the community related to the long-term health effects of the debris that



runs off of PVT Landfill during heavy rains, the leachate that permeates the ground, the dust particles from both PVT Landfill and its trucks that coat neighborhood houses as they drive through the community, and the gasses released by the decomposition of waste and other landfill activities, especially the cumulative and long-term health effects on those living and working within four miles of landfill; and

WHEREAS, the predominantly Native Hawaiian communities of Nānākuli Town and Nānākuli Hawaiian Homestead should no longer be subject to the adverse effects of landfills; and

WHEREAS, no community in Hawai'i should be impacted by the adverse effects of landfills.

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 60th Annual Convention in Lahaina, Maui, in the malama of Welchu and the rising of Lā'au Pau, this 16th day of November 2019, urging the State of Hawai'i and City and County of Honolulu to create an adequate buffer zone around landfills with a minimum buffer zone of one-half mile; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Governor of the State of Hawai'i, President of the State Senate, Speaker of the State House of Representatives, Chair of the State Senate subject matter committee on Hawaiian Affairs, Chair of the State House subject matter committee on Hawaiian Affairs, Chair of the Board of Trustees of the Office of Hawaiian Affairs, and all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted in the malama of Welchu and the rising of Lā'au Pau on the 16<sup>th</sup> day of November 2019, at the 60th Annual Convention of the Association of Hawaiian Civic Clubs in Lahaina, Maui.

Handwritten signature of Hailama V. K. K. Farden in black ink.

---

Hailama V. K. K. Farden, President

**SB-2386-SD-1**

Submitted on: 2/25/2020 9:32:29 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Milholen	Individual	Support	No

## Comments:

Aloha committee members. Mahalo for considering this measure. I am writing in support of SB2386 SD1, with a proposed amendment. I thank the Sierra Club Hawaii' for bringing the relevant points below to my attention.

"The current landfill has been in operation for over 35 years and recent data shows the generational health crisis that it has created on the Wai'anae Coast. Air pollution is flowing into nearby homes, parks, schools, hospitals and churches, as some are as close as 750 feet to the landfill site.

Residents in the area are reporting health issues related to exposure to landfill pollution, dust, debris, asbestos, and other harmful chemicals. West O'ahu residents deserve better.

Materials containing asbestos are allowed at the PVT Landfill, if wrapped in 6mm of plastic. Both asbestos and plastics are known hazards to the environment and public health. Recent US Census Data shows the life expectancies in NÄ• nÄ• kuli are ten years less than the Hawai'i average. Along with an increased risk of cancer from toxic heavy metal exposure, coal ash can affect human development, create lung and heart problems, cause stomach ailments, and contribute to premature mortality.

**WHY DOES THIS MATTER?**

Living within three miles of a landfill site is damaging to human health. Residents are exposed to chemicals from the landfill through air pollution, direct contact, ingesting drinking water or food contaminated by chemicals or through breast milk.

Each new truckload of garbage dumped daily into a landfill leads to an unknown amount of environmental pollution, expensive remediation costs, and health threats to those who live and work near the site. In 2012, the Honolulu City Council's Legislative Matters Committee asserted that the parcel proposed as PVT's relocation site has cultural and historic significance to the Native Hawaiian community and should not be developed. This is a justice issue. A 2016 study found "a consistent pattern over a 30-year period of

placing hazardous waste facilities in neighborhoods where poor people and people of color live."

Proposed amendment: An unintended consequence of this bill would be to restrict co-composting (compost that includes food scraps) operations of any kind, because they are classified as solid waste management facilities, regardless of size. Please consider amending with an exemption for "minor composting" operations to allow for this vital community and ecological service.

Mahalo for your consideration and supporting this measure.

Jennifer Milholen

**SB-2386-SD-1**

Submitted on: 2/25/2020 1:48:15 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mericia Palma Elmore	Testifying for SAG- AFTRA	Support	No

Comments:



**SB-2386-SD-1**

Submitted on: 2/25/2020 3:09:10 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tuiaana Scanlan	Testifying for IATSE Local 665	Support	Yes

Comments:

**Aloha Chair Rhoads, Vice-Chair Keohokalole and members of the Judiciary committee:**

**IATSE Local 665 SUPPORTS SB 2386, SD1. The bill for an act will prohibit any waste or disposal facility from being in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. It would further require no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a waste or disposal facility.**

**Our union stands in solidarity with our members and their families whose health and quality of life are negatively affected by waste or disposal facilities, including landfills. For example, hundreds of our members and family members in NÄ• nÄ• kuli and MÄ• ‘ili are suffering from a public health crisis.**

**According to the Center for disease Control/National Center for Health Statistics Neighborhood Life Expectancy Project, our members and their families within 2 miles of the current PVT Landfill live *10 years less than the state average of 82 years*, being the 2nd and 3rd lowest life expectancies in the entire state. This is unacceptable. Every community in Hawai‘i as a matter of fairness and decency deserves a “clean and healthful environment” (HI State Constitution Article XI, Section 9; In re Maui Elec. Co., 2017 Haw.) PVT currently operates only 750 feet from residences (Draft Environmental Impact Statement: PVT Integrated Solid**

Waste Management Facility - Expanded Recycling, Landfill, Grading and Renewable Energy Project). The PVT landfill also operates within two miles of NÄ• nÄ• kuli Elementary, High and Intermediate, NÄ• nÄ• ikapono Elementary, Ka Wai Hona Public Charter School, and Kamehameha Schools pre-school, places of worship, stores, medical clinics, and kupuna housing that over 18,000 people daily live, work, and play.

The global scientific community affirms what the community of Wai‘anae has been living through -- especially those that live, work, and play in NÄ• nÄ• kuli -- that landfills are a health hazard (See Vrijheid M., Health effects of residence near hazardous waste landfill sites: a review of epidemiologic literature. *Environ Health Perspect*, 2000; Njoku PO, Edokpayi JN, Odiyo JO, Health and Environmental Risks of Residents Living Close to a Landfill: A Case Study of Thohoyandou Landfill, Limpopo Province, South Africa. *Int J Environ Res Public Health*, 2019; Waste and Human Health: Evidence and needs, World Health Organization Nov 2015).

No community should suffer like those in NÄ• nÄ• kuli and MÄ• ‘ili. So, we ask that you implement a commonsense policy that ensures that no community in the future will suffer the negative effects of waste or disposal facilities, including landfills. Please ensure that future landfills will not be in anyone’s back yard.

Fraternally,

Tuiaana Scanlan

President, IATSE Local 665

**SB-2386-SD-1**

Submitted on: 2/25/2020 4:28:46 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Golojuch Jr	Individual	Support	No

Comments:

**SB-2386-SD-1**

Submitted on: 2/25/2020 4:30:53 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pride at Work - Hawaii	Testifying for Pride @ Work - Hawaii	Support	No

Comments:



**SB-2386-SD-1**

Submitted on: 2/25/2020 8:32:13 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teresa M Robertson	Individual	Support	No

Comments:

**SB-2386-SD-1**

Submitted on: 2/25/2020 8:33:47 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tatiana Kalaniopua Young	Individual	Support	No

Comments:

Before the Senate Judiciary Committee,

February 25, 2020

Senate Bill 2386 SD1

Related to Waste Management

Dear Chair Rhoads Vice Chair Keohokalole and members of the cmte,

I support SB 2386 SD1 because I want to protect my community from toxic waste and pollution that poses harm to public health. My cousin died at a young age from the effects of Luekemia because of DDT and toxic drift from a local landfill in the Waianae area. We must do everything in our power to make sure this does not happen to anyone else, especially young children.

Mahalo for your time,

Tatiana Kalaniopua Young

**MOKU O MANOKALANIPŌ**  
THE KAUA'I COUNCIL OF THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

Date: Peleluali 27, 2020

To: Ka 'Aha Kenekoa- Committee on Judiciary

From: Moku o Manokalanipō, The Kaua'i Council of the Association of Hawaiian Civic Clubs  
Malia Nobrega-Olivera, President  
malianob@gmail.com

Re: SB2386 SD1 - Relating to Waste Management

Aloha Luna Ho'omalua Karl Rhoads, Hope Luna Ho'omalua Jarrett Keohokalole, and members of the Senate Committee on Judiciary:

I'm writing on behalf of Moku o Manokalanipō, The Kaua'i Council of the Association of Hawaiian Civic Clubs which represents the four (4) Hawaiian Civic Clubs based on the island of Kaua'i.

Moku o Manokalanipō SUPPORTS SB 2386 SD1 . This bill prohibits any waste or disposal facility from being located in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. It further requires no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a waste or disposal facility.

Our members actively participated in our 60th annual convention on the island of Maui and the Association adopted resolution 2019-52, urging the State of Hawai'i and all counties to create an adequate buffer zone around landfills, with a minimum buffer zone of one-half mile.

No community should suffer the negative health impacts and decrease in quality of life from a waste or disposal facility, including a landfill. This bill for an act would ensure a minimum safe distance of one-half mile from such facilities and the public. Let's make sure that such sites, including landfills, are not in anyone's backyard .

Therefore, Moku o Manokalanipō respectfully urges the Committee to PASS SB2386 SD1.

The Hawaiian civic club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalaniana'ole with the creation of the Hawaiian Civic Club; the Association was formally organized in 1959 and in 1968, the Hawaiian Civic Clubs on the island of Kaua'i organized Moku o Manokalanipō, the Kaua'i Council of the Association of Hawaiian Civic Clubs.

**SB-2386-SD-1**

Submitted on: 2/26/2020 2:24:24 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Doora Shin	Testifying for Surfrider Foundation	Support	No

Comments:



**SB-2386-SD-1**

Submitted on: 2/26/2020 9:43:02 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alfred Lardizabal	Testifying for UPW	Support	No

Comments:

February 26, 2020

Chair Rhoads and members of the Senate Judiciary Committee

The UPW strongly supports SB2386, SD1 to prohibit any waste or disposal facility from being located in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. A buffer zone is also required that is no less than one-half mile from homes for construction, operation, modification or expansion of a waste disposal facility. The residents of the Ma'ili and Nanakuli communities have suffered too long from this unhealthy environment. They need your help to protect their families, especially the children.

UPW

**SB-2386-SD-1**

Submitted on: 2/26/2020 10:16:42 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
SanHi Government Strategies	Testifying for PVT Land Company, Ltd.	Oppose	Yes

Comments:

**LATE**

**SB-2386-SD-1**

Submitted on: 2/26/2020 10:33:39 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rayne	Individual	Support	No

Comments:

**LATE**

**SB-2386-SD-1**

Submitted on: 2/26/2020 3:39:58 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicole Chatterson	Individual	Support	No

Comments:

Aloha Chair Rhoads and JDC committee members,

We support this bill and the intent to create buffer zones around landfills. We offer the following comment:

As currently written, this bill would restrict compost operations in the buffer zone. The Dept. of Health considers all food waste compost operations "solid waste management facilities". We suggest exempting small-scale food waste operations from this bill so that communities can continue to develop regional, small-scale composting hubs.

Aloha,

Nicole Chatterson, Director, Zero Waste O'ahu





Luna O Nā Papa Alaka'i

**Pelekikena**

Anthony Makana Paris

**Hope Pelekikena 'Ekahi**

Randi Fernandez

**Hope Pelekikena 'Elua**

K ā'eo Kealoha Lindsey

**Pu'ukū**

Leilani Williams-  
Solomon

**Kākau 'Ōlelo Ho'opa'a**

Sai Furukawa

**Kākau 'Ōlelo Palapala**

Kamuela Werner

**Pelekikena Hala Koke**

Yvonne 'PeeWee' Ryan

**Nā Luna Alaka'i**

Alan Akao  
Kuni Agard  
Puamana Crabbe  
Kanani Pali  
Marlene Sai  
Bruce Wong

P.O. Box 4728  
Honolulu, HI 96812

[www.pkhcc.org](http://www.pkhcc.org)

*Founded in 1964  
by Lili'uokalani  
Kawānanakoa Morris*

Senate Committee on Judiciary

Friday, February 7, 2020

1:35 pm Conference Room 224

State Capitol

415 South Beretania Street

Re: SB2386 SD1 - RELATING TO WASTE MANAGEMENT

*Aloha* Chair Rhoads, Vice-Chair Keohokalole, and members of the Senate committees on Judiciary:

The Prince Kūhiō Hawaiian Civic Club **SUPPORTS** SB2386 SD1. This bill for an act will require half-mile buffer zones around waste or disposal facilities, including landfills. At its 60th annual convention, the Association of Hawaiian Civic Clubs adopted resolution 2019-52, urging the State of Hawai'i and all counties to create an adequate buffer zone around landfills, with a minimum buffer zone of one-half mile.

*E aloha kekahi i kekahi*

Love one another.

No community should suffer the negative health effects and decreased quality of life that are associated with waste or disposal facilities, including landfills.

Our club stands in solidarity with all those who suffer from the negative effects of waste or disposal facilities being placed too close to communities and believe that we all should have a clean and healthy environment. We have both educated and been educated by our island communities on the health hazards and negative effects of landfills. Particularly, how Native Hawaiians have faced environmental racism given the placement of the PVT Landfill in the Wai'anae coast of O'ahu. There, more than 18,000 people who live, work, and play daily within 2 miles of the currently operating landfill, and of those, 13,000 are Native Hawaiians. Moreover, two homestead communities, Princess Kahanu and Nānākuli, are located less than 0.5 miles from the currently operating landfill.

On August 20, 2019, we stood in solidarity with Nānāikapono Hawaiian Civic Club and hundreds of community members in opposition to the relocation of the PVT Landfill to remain in Nānākuli and Mā'ili - a mere 750 feet from homes - at the Nānākuli and Mā'ili Neighborhood Board meeting. On

September 4, 2019 we delivered a petition of more than 5,500 signatures in opposition of the referenced PVT Landfill relocation to a special session of the Nānākuli-Mā‘ili Neighborhood Board and later to the City and County of Honolulu, Department of Planning and Permitting. On December 16, 2019, we presented with community leader Eddie Werner of the Nānākuli Homestead on the public health crisis in Nānākuli and Mā‘ili to the Hawaiian Homes Commission. On February 14, we presented at a Native Hawaiian speaker series hosted by Papa Ola Lōkahi. These are some of the actions that we have taken, along with hundreds of community members who labor to *mālama ‘āina* and *aloha ‘ohana* – trying to stop a landfill from being placed in a community’s backyard.

In the spirit of *lōkahi*, we continue to advocate, not just for Nānākuli and Mā‘ili, but for all communities in our beloved Hawai‘i. Let us *aloha* each other and make sure that no community should suffer from the unmitigated ill effects of waste or disposal facilities, including landfills.

Founded in 1964, PKHCC was organized to promote the education and social welfare of people of Hawaiian ancestry and objectives include supporting high ethical standards in business, industry and the professional fields of enterprise.

PKHCC urges the committees to PASS SB2386 SD1.

*Me ke aloha,*



A. Makana Paris

*Pelekikena*

president@pkhcc.org

Encl.

‘A‘ole PVT Compiled Community Petitions 5,500+ link: <https://tinyurl.com/rzx766e>



# Environmental Racism & Public Health

A CASE STUDY IN NĀNĀKULI, O‘AHU

NATIVE HAWAIIAN SPEAKER SERIES

NATIVE HAWAIIAN HEALTH SCHOLARSHIP, PAPA OLA LŌKAHI

FEBRUARY 14, 2020

KAMUELA WERNER, UNIVERSITY OF HAWAI‘I AT MANOA

MAKANA PARIS, PRINCE KŪHIŌ HAWAIIAN CIVIC CLUB

# Overview

- ▶ Environmental Racism
- ▶ Environmental Justice in Hawaii
- ▶ Nānākuli Case Study
- ▶ Native Hawaiian Health Disparities
- ▶ Environmental Racism in Nānākuli?
- ▶ Strategies to Address Environmental Racism & Justice
- ▶ Recommendations





# Environmental Racism

AN AMERICAN STORY



# Protest in Warren County N.C., 1982





Non-violent  
Acts of Civil  
Disobedience

# U.S. Government Response to Protest

- ▶ 1983 GAO Report, "Siting of Hazardous Waste Landfills and Their Correlation With Racial and Economic Status of Surrounding Communities"
- ▶ 3 out of 4 landfills located in poor and African American neighborhoods
- ▶ Demonstrated disproportionate impact instead of a random distribution

## General Accounting Office

### Siting Of Hazardous Waste Landfills And Their Correlation With Racial And Economic Status Of Surrounding Communities

This report provides information on the racial and economic characteristics of communities surrounding four hazardous waste landfills in three southeastern States. It also describes Federal criteria for siting landfills and provides data on public participation and how the Environmental Protection Agency's (EPA's) proposed hazardous waste facility permit changes will affect it.

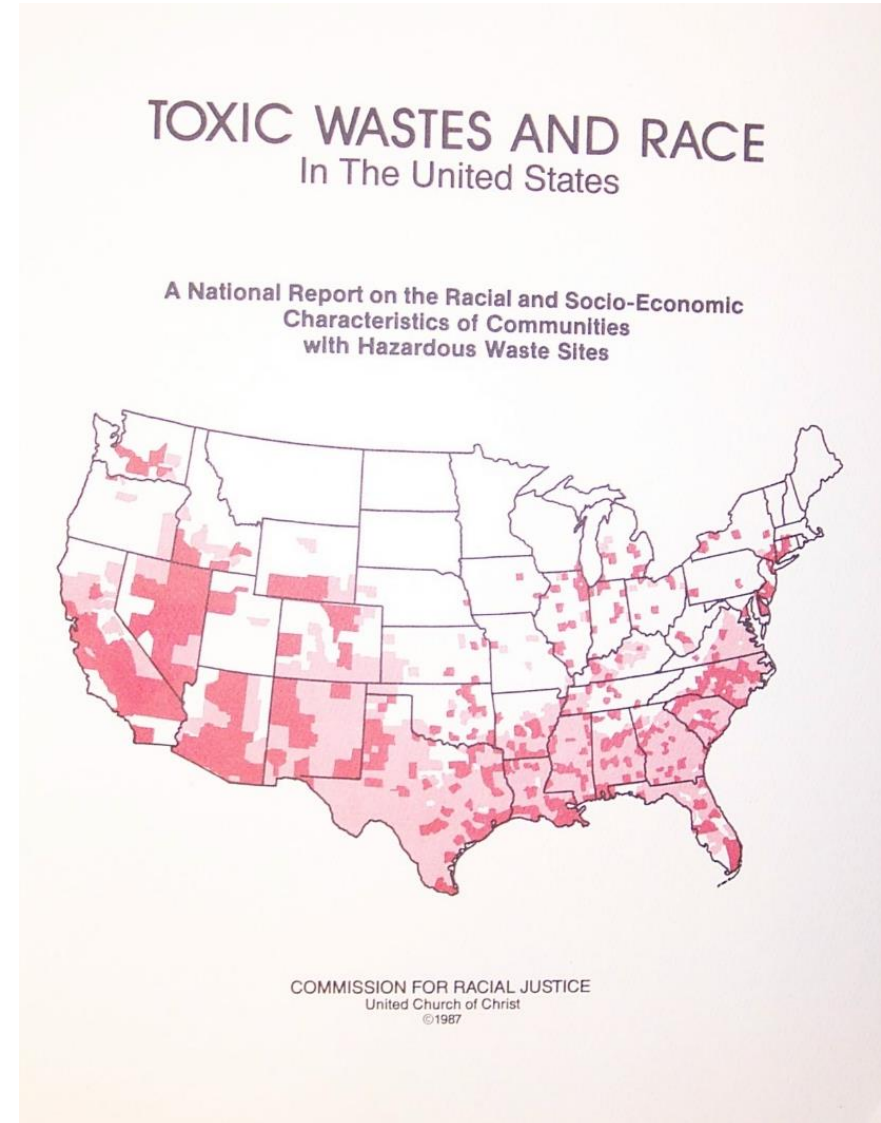


GAO/RCED-83-168  
JUNE 1, 1983



# Faith Community Response to Protest

- ▶ 1987 UCCCRJ Report, "Toxic Wastes and Race in The United States"
- ▶ 3 out of 5 Hispanic and African Americans lived in areas with uncontrolled toxic waste sites



# National Law Journal Investigates

1992 National Law Journal “Unequal Protection: The Racial Divide In Environmental Law - A Special Investigation”

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graph TD; A[1992 National Law Journal “Unequal Protection: The Racial Divide In Environmental Law - A Special Investigation”] --> B[Polluters in white communities received higher penalties for violating environmental laws than polluters in minority communities]; B --> C[Federal government took longer to address hazards in Super Fund sites located in minority communities and accepted less stringent clean-up plans];
```

Polluters in white communities received higher penalties for violating environmental laws than polluters in minority communities

Federal government took longer to address hazards in Super Fund sites located in minority communities and accepted less stringent clean-up plans

## Toxic Wastes and Race at Twenty 1987—2007

A Report Prepared for the  
United Church of Christ  
Justice & Witness Ministries



Justice & Witness Ministries:  
Rev. M. Linda Jaramillo  
Executive Minister

Dr. Carlos J. Correa Bernier  
Minister for Environmental Justice

Principal Authors:  
Robert D. Bullard, Ph.D.  
Paul Mohai, Ph.D.  
Robin Saha, Ph.D.  
Beverly Wright, Ph.D.

United Church of Christ  
© March 2007

## Faith Community Improves Upon Initial Study

- ▶ 1987-2007 UCCCRJ Report “Toxic Wastes and Race at Twenty”
- ▶ disproportionately large numbers of people of color still live in hazardous waste host communities
- ▶ these communities are not equally protected by environmental laws



- ▶ “CANCER ALLEY”
- ▶ 85 mile-long stretch of the Mississippi River lined with oil refineries and petrochemical plants
- ▶ People living in the area more than 50 times likely to get cancer than the average American
- ▶ Predominantly African American and poor communities







- ▶ FLINT, MICHIGAN
- ▶ Predominately African American community
- ▶ Since 2014, residents exposed to dangerous levels of lead in drinking water by city



## ▶ NAVAJO LANDS

- ▶ 1944 – 1986: mining companies blasted 30 million tons of uranium out of Navajo lands
- ▶ The U.S. Energy Department abandoned 521 mines after it stockpiled enough uranium for the Cold War
- ▶ Many Navajo have died of conditions linked to contamination





# Environmental Racism

- ▶ Racial discrimination in environmental policy making and the enforcement of regulations and laws; the deliberate targeting of people of color communities for toxic and hazardous waste facilities; the official sanctioning of the life-threatening presence of poisons and pollutants in communities; and the history of excluding people of color from the leadership of the environmental movement.
- ▶ Benjamin Chavis, *The Historical Significance and Challenges of the First National People of Colour Environmental Leadership Summit*, in *Proceedings of the First National People of Colour Environmental Leadership Summit* (Washington, DC: United Church of Christ Commission for Racial Justice, 1991)



# Environmental Racism

- ▶ “Where [a] policy, practice, or directive differentially affects or disadvantages (whether intended or unintended) individuals, groups, or communities based on race or color”
- ▶ Robert D. Bullard, *Natural Resources & Environment* Vol. 7, No. 3, Facility Siting (Winter 1993), pp. 23-26, 55-56





# Environmental Racism Criteria



# Environmental Justice

HAWAII

# Environmental Justice

- ▶ “...the right of every person in Hawai‘i to live in a clean and healthy environment, to be treated fairly, and to have meaningful involvement in decisions that affect their environment and health; with an emphasis on the responsibility of every person in Hawai‘i to uphold traditional and customary Native Hawaiian practices that preserve, protect, and restore the ‘āina for present and future generations. Environmental justice in Hawai‘i recognizes that no one segment of the population or geographic area should be disproportionately burdened with environmental and/or health impacts resulting from development, construction, operations and/or use of natural resources”
- ▶ Hawai‘i Environmental Justice Initiative Report, Department of Health 2008

# Environmental Justice Criteria

- ▶ Every person in Hawaii
  - ▶ Clean and healthy environment
  - ▶ Meaningful involvement in processes affecting health & environment
  - ▶ Native Hawaiian *malama* 'āina knowledge
  - ▶ Present and future generations
- ▶ No single population or geographic area
  - ▶ Disproportionately burdened
  - ▶ Environmental and/or health impacts
  - ▶ Development, construction, and/or use of natural resources





“...right to a clean and  
healthful environment...”

HAWAII STATE CONSTITUTION ARTICLE XI, SECTION 9

Section 9. Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources. Any person may enforce this right against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law.



“ ...a due process hearing  
was required...”

”

IN RE APPLICATION OF MAUI ELECTRIC CO., LTD. 2017

...to protect the asserted property right to a clean and healthful environment guaranteed by article XI, section 9 and defined by HRS Chapter 269.

# Environmental Justice Criteria

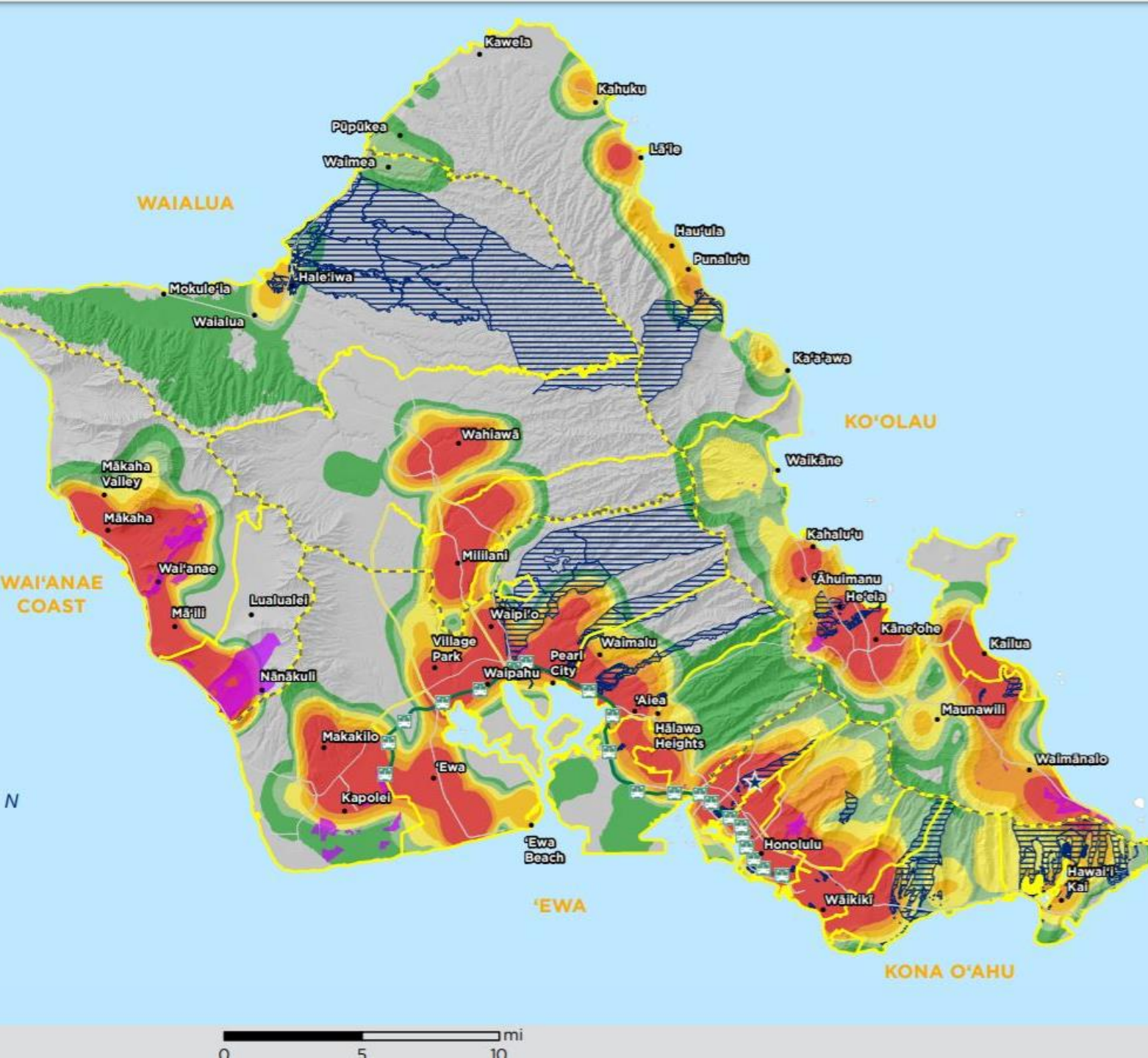
- ▶ Every person in Hawaii
  - ▶ Clean and healthy environment
  - ▶ Meaningful involvement in processes affecting health & environment
  - ▶ Native Hawaiian *malama* 'āina knowledge
  - ▶ Present and future generations
- ▶ No single population or geographic area
  - ▶ Disproportionately burdened
  - ▶ Environmental and/or health impacts
  - ▶ Development, construction, and/or use of natural resources



# Nānākuli Case Study

PART1: SITUATING THE SPACE

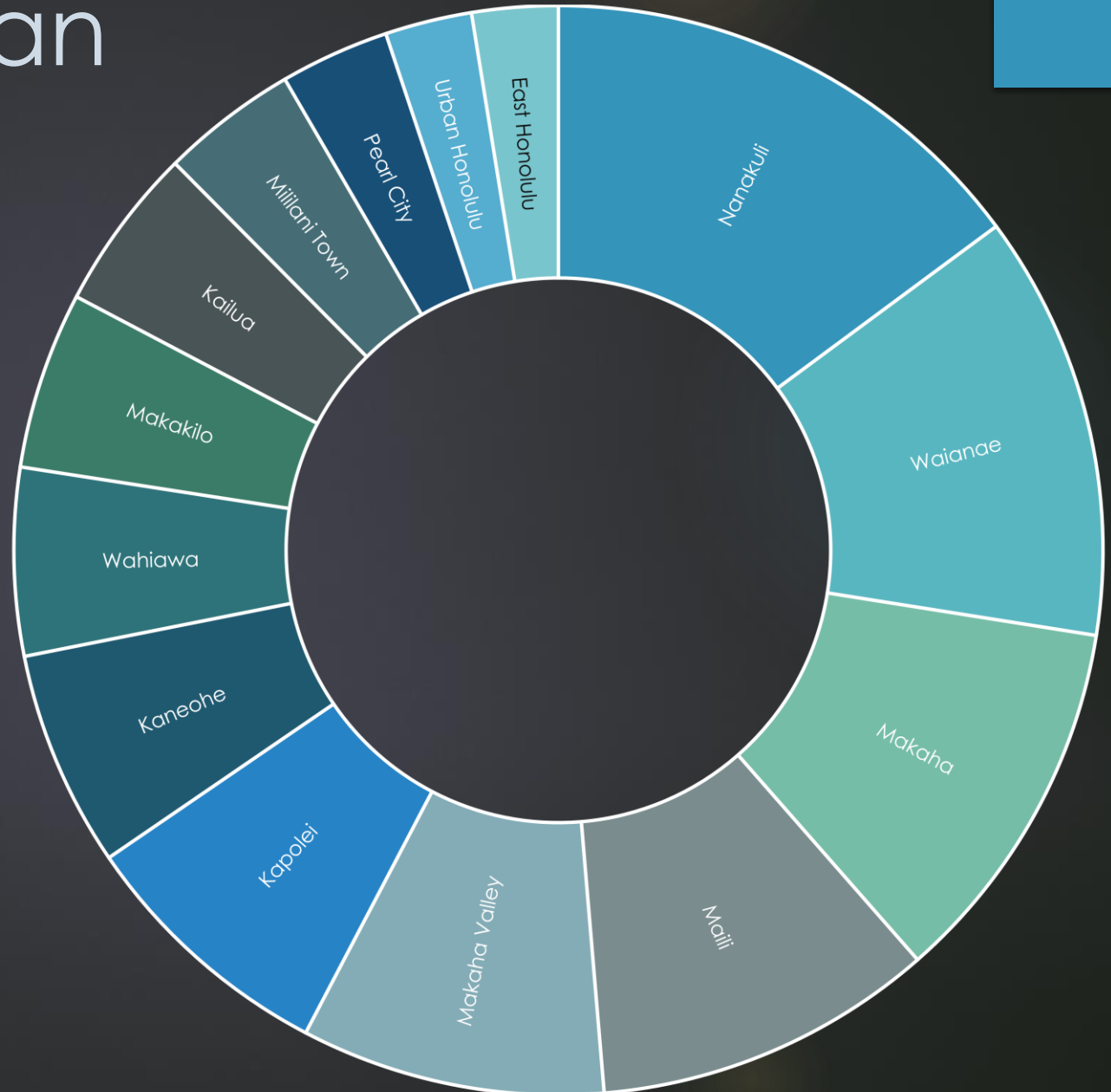




# Native Hawaiians on O'ahu

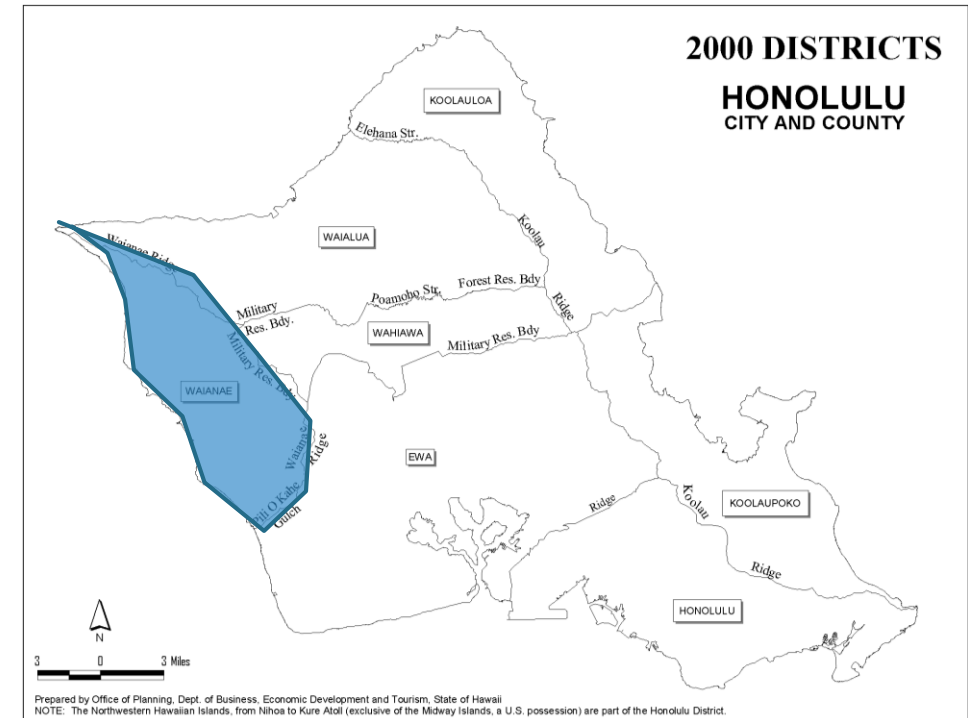
# % Native Hawaiian Pop on O'ahu

Community	% Haw. Pop.	Council District 1
Nanakuli	71.50%	
Waianae	60.80%	
Makaha	53.10%	
Maili	48.70%	
Makaha Valley	43.40%	
Kapolei	37.40%	
Kaneohe	30.90%	
Wahiawa	26.80%	
Makakilo	25.30%	
Kailua	23.40%	
Mililani Town	19.50%	
Pearl City	15.60%	
Urban Honolulu	12.40%	
East Honolulu	12.30%	

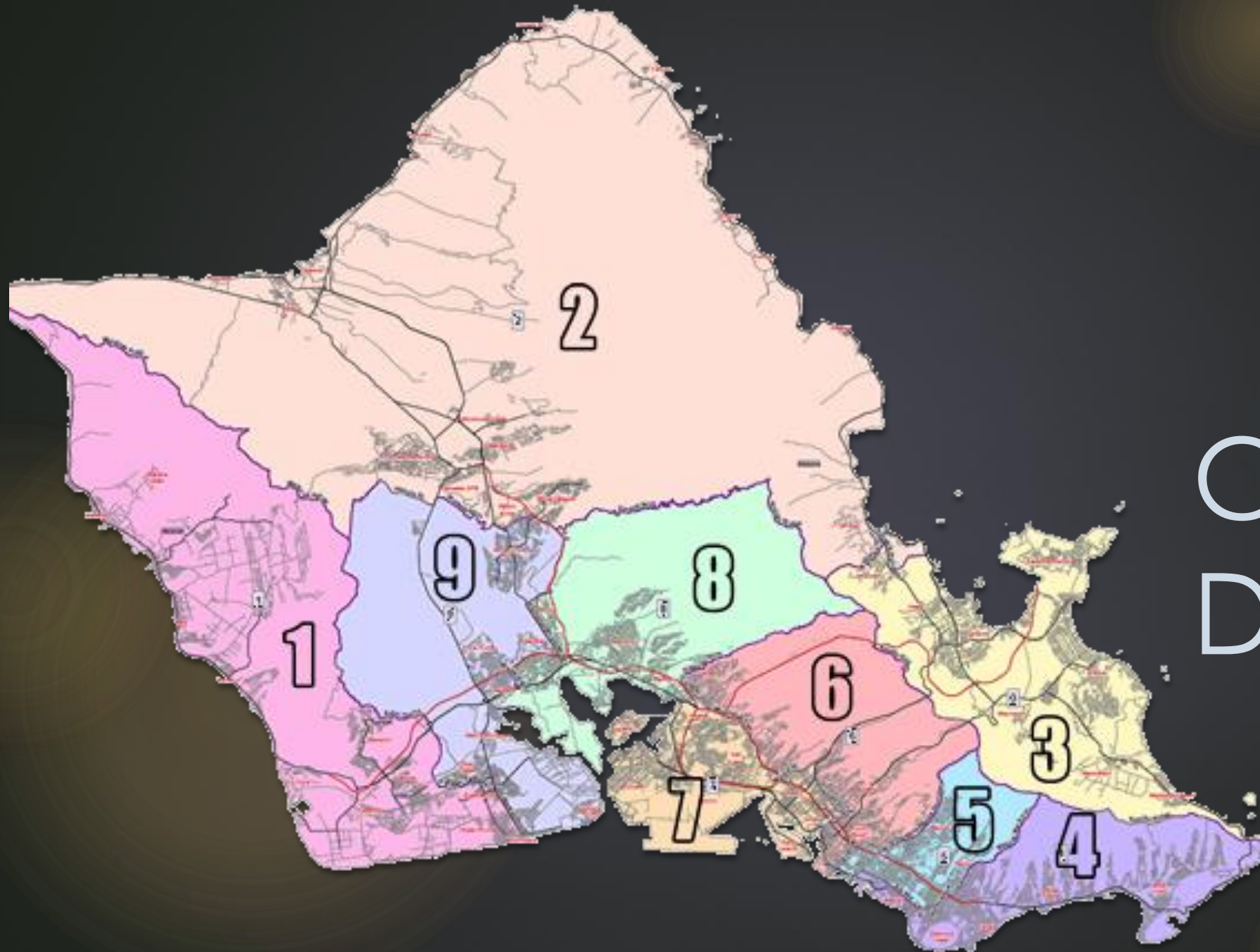


# O'ahu Poverty Rates

- ▶ census county division (CCD) with the highest rates in 2016 of poverty was Waianae CCD
- ▶ over 22% of adults aged 18-64 below the poverty line
- ▶ compared to State of Hawaii overall poverty rate of 10.8%
- ▶ Central O'ahu, North Shore, and metro Honolulu poverty rate around 10%
- ▶ Ewa and Windward poverty rate around 6%



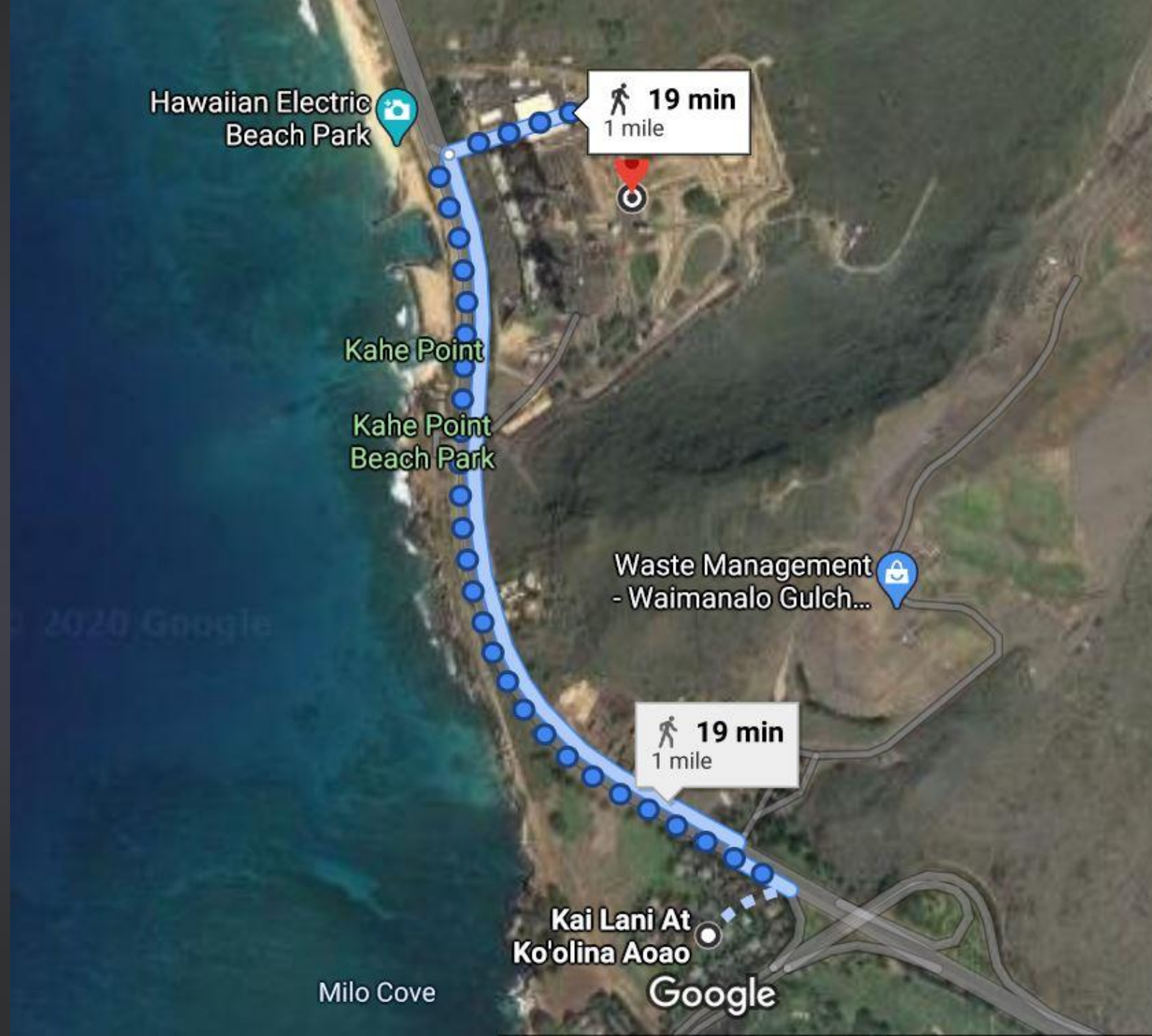




# Council Districts



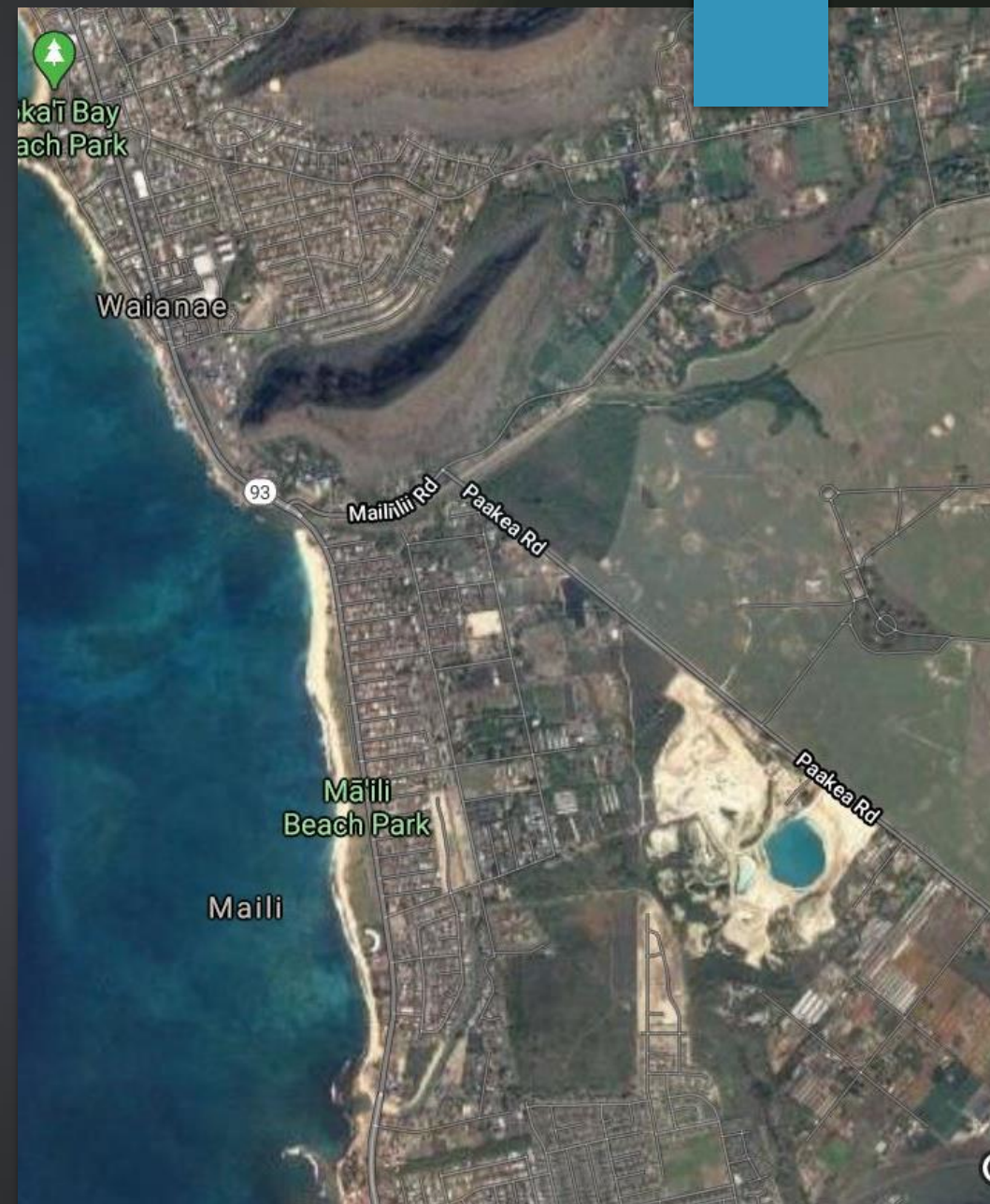
# Kahe Power Plant



# Wastewater Treatment Plant







# Lualualei Naval Magazine



# Campbell Industrial Park

- ▶ H-Power
- ▶ Oil Refinery
- ▶ AES Coal Power Plant
- ▶ Heavy industries







# Waimanalo Gulch Sanitary Landfill



# Nānākuli Case Study

PART2: PVT LANDFILL & PROPOSED RELOCATION  
STORIES OF COMMUNITY & STORIES OF LANDFILLS



“ “...the [PVT] landfill is not  
good for our people...”

DOLLY NAIWI, NĀNĀKULI HIGH SCHOOL EDUCATOR, HOMESTEADER, FORMER  
PRESIDENT OF NĀNĀIKAPONO HAWAIIAN CIVIC CLUB

BORN 1949, DECEASED 2019 AT AGE 70

DEPARTMENT OF HEALTH HEARING, DRAFT PERMIT RENEWAL AND MODIFICATION PVT LAND COMPANY  
INTEGRATED SOLID WASTE MANAGEMENT, WAIANAE, OAHU, SEPTEMBER 2, 2010

We affirm the hundreds of kama‘āina testimony presented since the 1980s -- at Neighborhood Board meetings, City and County of Honolulu landfill site selection meetings, State Land Use Commission hearings, Department of Health hearings, and community gatherings at churches and other locations -- voicing concerns over the adverse health impacts of living and working in close proximity to landfills in general and the operations and plans of PVT Land Company, Ltd. (PVT) in specific.





Edward Kenneth  
“Hīnano” Werner

1937 - 2020





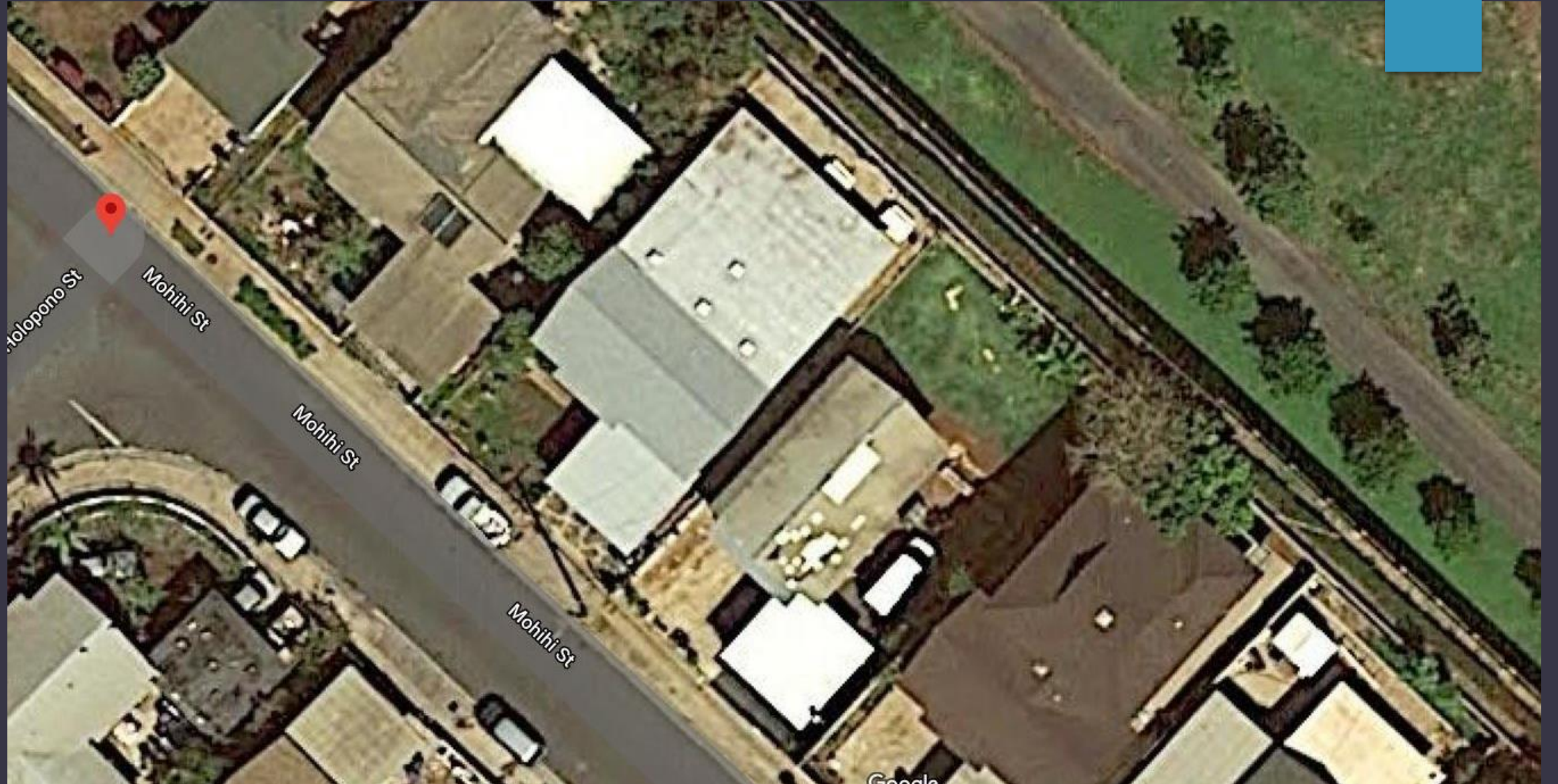














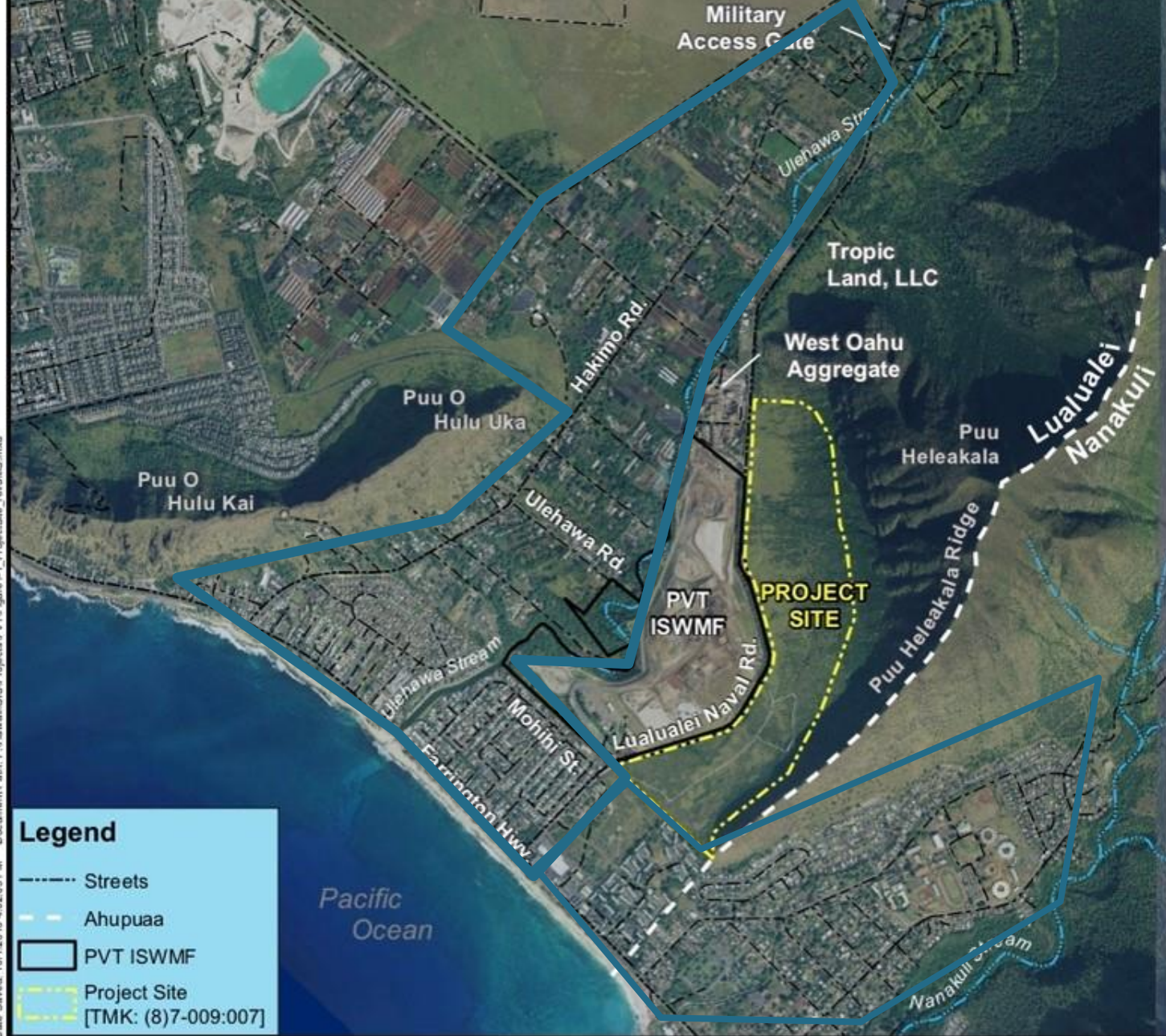
# Help Nikita Beat Colon Cancer



Robin Kitsu is organizing this fundraiser on behalf of Nikita Mendonca.

Created June 1, 2017 |  Medical, Illness & Healing

The Nanakuli High and Intermediate School Performing Arts Center is asking for your support as a member of our NPAC family is fighting colon cancer. Former NPAC student and current NPAC assistant, Nikita Mendonca, has been diagnosed with stage 3 colon cancer. Although Nikita was having symptoms for over four years, the various doctors she saw over that time did not diagnose her condition till January 2017 where she received the gut-wrenching news that it was colon cancer.



# Life Expectancies

Census tracks surrounding  
PVT Landfills including  
Nānākuli & Princess Kahanu  
Homesteads: **~72 yrs.**  
HI Average: **~82 yrs.**  
**A 10 year loss**

CDC/US Department of Health



National Vital Statistics System

U.S. Small-area Life Expectancy  
Estimates Project - USALEEP

**usaleep**

Neighborhood Life  
Expectancy Project

Figure  
1-1



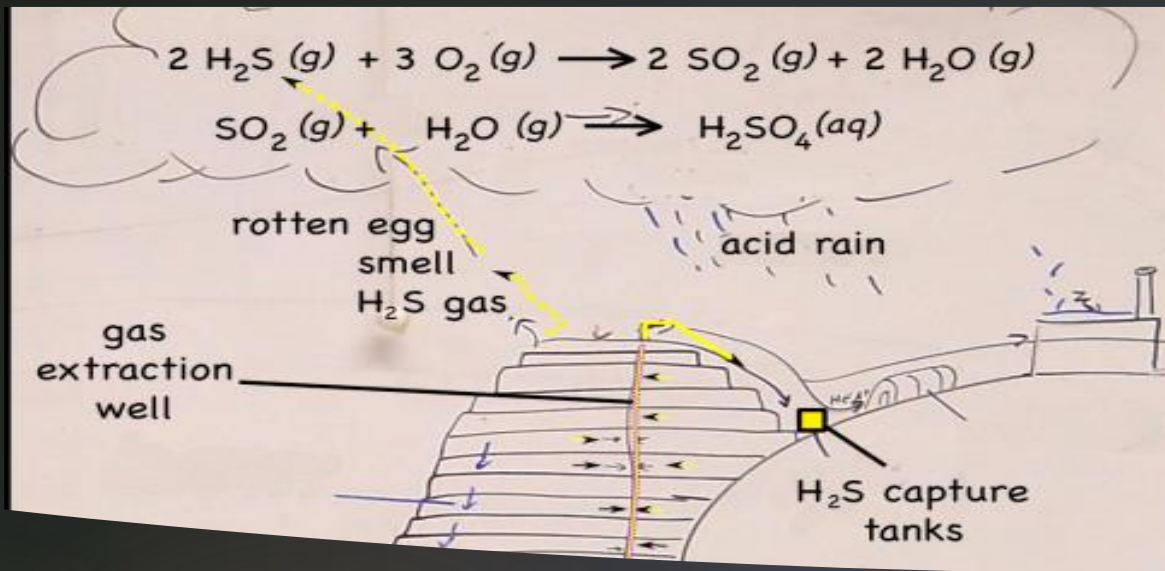
# Landfills are Health Hazards

- ▶ “Leaks from the waste may contaminate soils and water streams, and produce air pollution through emissions of e.g. heavy metals and persistent organic pollutants (POPs), **ultimately creating health hazards**.” (emphasis added)
- ▶ *Waste and human health: Evidence and needs*. November 2015, Bonn, Germany, World Health Organization

# Health Risks 1-4 miles from Landfills

- ▶ Adverse pregnancy outcomes
- ▶ Increase infant low birth weights
- ▶ Increases in the risk of birth defects
- ▶ Headaches
- ▶ Sleepiness
- ▶ Respiratory problems
- ▶ Central nervous system problems
- ▶ Psychological conditions
- ▶ Gastrointestinal issues
- ▶ *Health effects of residence near hazardous waste landfill sites: a review of epidemiologic literature, Environmental Health Perspectives, 2000; Health effects associated with the disposal of solid waste in landfills and incinerators in populations living in surrounding areas: a systematic review, The International Journal of Public Health, 2013*





- ▶ Landfills w/ Gypsum Drywall Produce Hydrogen Sulfide
  - ▶ Tolaymat, T. & D. Carson. Best Management Practices to Prevent and Control Hydrogen Sulfide and Reduced Sulfur Compound Emissions at Landfills That Dispose of Gypsum Drywall. U.S. Environmental Protection Agency, Washington, DC, EPA/600/R-14/039, 2015
- ▶ Hydrogen Sulfide Exposure Causes
  - ▶ Lung Cancer
  - ▶ Respiratory Illnesses
  - ▶ Respiratory Death
  - ▶ *Morbidity and mortality of people who live close to municipal waste landfills: a multisite cohort study, International Journal of Epidemiology, 2016*

# PVT Landfill Waste Overview

- ▶ **42%** of All Waste Generated on O'ahu – **2,072,539** (2018) is construction and demolition waste and goes to a PVT Landfill
  - ▶ Letter to Prince Kuhio Hawaiian Civic Club, City and County of Honolulu, Department of Environmental Services, dated October 8, 2019
- ▶ **~80%** is recycled by PVT
  - ▶ PVT Integrated Solid Waste Management Facility Relocation Draft EIS, July 11, 2019
- ▶ The **~20%** not able to be recycled remains in the landfill including...
  - ▶ Asbestos
  - ▶ Contaminated Soils
  - ▶ AES Coal Ash
  - ▶ Gypsum > Hydrogen Sulfide Gas
  - ▶ PVT Integrated Solid Waste Management Facility Relocation Draft EIS, July 11, 2019



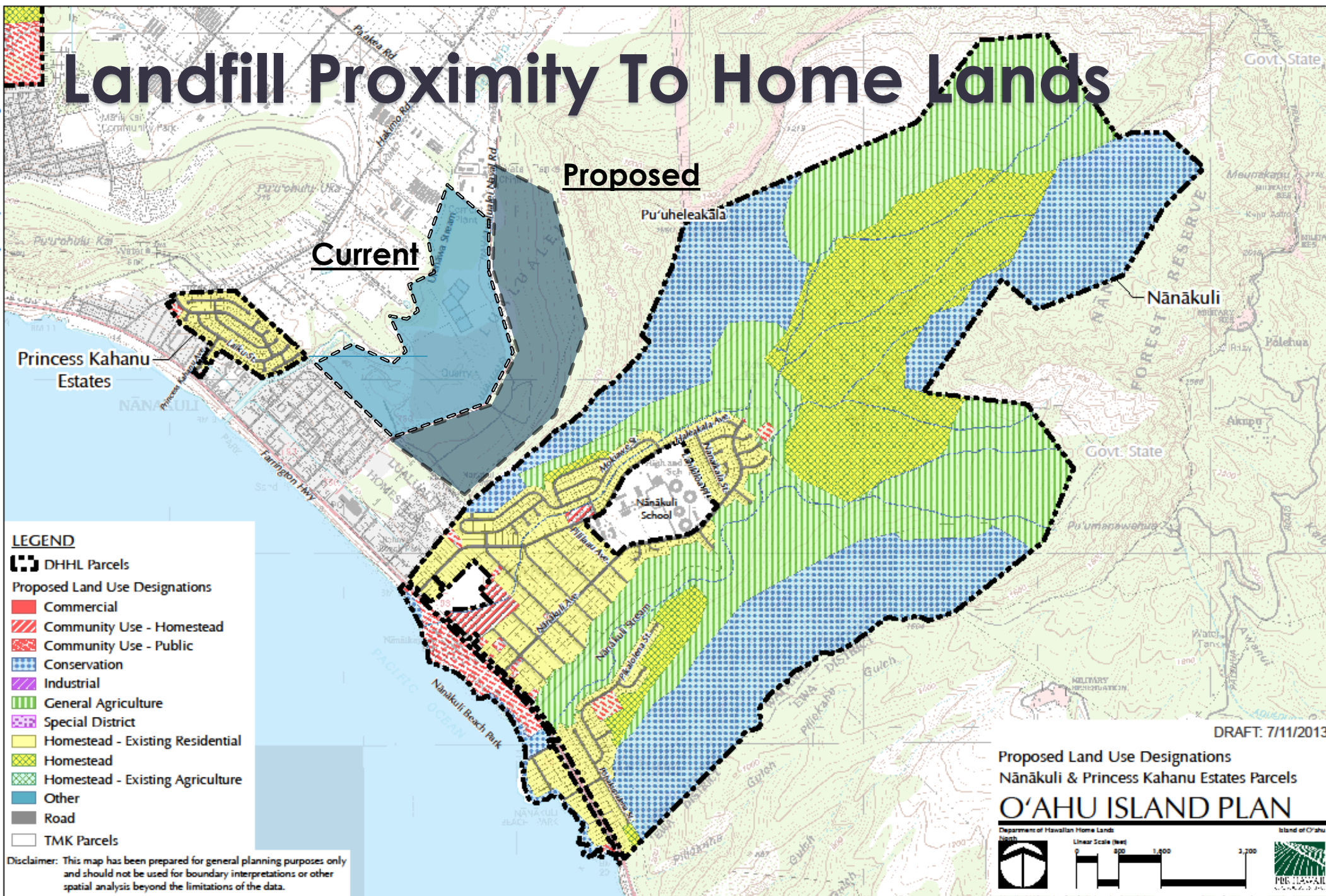


# PVT Landfill Sites

- ▶ Current: 171 acres | Proposed: 179 acres
- ▶ **Within 2 miles...**
  - ▶ 18k people live work and play daily
  - ▶ 13k people (72%) are Native Hawaiians
- ▶ **Within 1 mile...**
  - ▶ Hundreds of Homes
  - ▶ Dozens of farms
  - ▶ Nānākuli Elementary, High and Intermediate
  - ▶ Nānāikapono Elementary
  - ▶ Ka Wai Hona Public Charter School
  - ▶ Kamehameha Schools pre-school
  - ▶ QLCC
  - ▶ Churches/Places of worship
  - ▶ Parks
  - ▶ Stores
  - ▶ Medical clinics
  - ▶ Kūpuna housing
- ▶ **Within ½ mile...**
  - ▶ Princess Kahanu Homestead
  - ▶ Nānākuli Homestead



# Landfill Proximity To Home Lands



Disclaimer: This map has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data.



# 1/2 Mile Buffer Zone

Proposed

Current


Princess Kāhānu  
Estates

Pūhaleakāla

Nānākuli

Nānākuli  
School

## LEGEND

 DHHL Parcels

Proposed Land Use Designations

-  Commercial
-  Community Use - Homestead
-  Community Use - Public
-  Conservation
-  Industrial
-  General Agriculture
-  Special District
-  Homestead - Existing Residential
-  Homestead
-  Homestead - Existing Agriculture
-  Other
-  Road
-  TMK Parcels

Disclaimer: This map has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data.

DRAFT: 7/11/2013

Proposed Land Use Designations  
Nānākuli & Princess Kāhānu Estates Parcels

## O'AHU ISLAND PLAN

Department of Hawaiian Home Lands

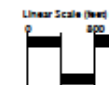


Table 1-1 – List of Sites for Application of Community-Based Criteria

Site Name (Alphabetic Order)	Within UIC/ No Pass Line*	TMK <sup>4</sup>	Parcel Acreage	Land Ownership
Ameron Quarry	No	42015001	382	Private
Kāneʻohe by H-3	No	44012001	158	Private
Kapaʻa Quarry Road	No	44011003	258	Private
Keʻeau	Yes	83001013	634	Private
Upland Hawaiʻi Kai	No	39010047	97	Private
Upland Kahuku 1	Yes	56008002	1,621	Federal
Upland Kahuku 2	Yes	57002001	1,529	Federal
Upland Lāʻie	Yes	55007001	2,231	Private
Upland Nānākuli 1 <sup>5</sup>	Yes	85006011	882	Private
Upland Pupukea 1	Yes	61006001	2,177	Private
Upland Pupukea 2	Yes	61007001	1,672	Private

\*Sites that intersect the UIC/No Pass Line are considered within the UIC/No Pass Line.

# Mayor's Advisory Committee on Landfill Site Selection 11 Sites Identified



Table 1-2 – Community-Based Criteria and Weighting

No.	Criterion Name	Weights
1	Landfill Capacity	2.50
2	Location Relative to Educational Institutions, Health Care Facilities, or Parks and Recreation Facilities	9.85
3	Location Relative to Residential Concentrations	10.00
4	Location Relative to Visitor Accommodations	4.00
5	Location Relative to Local or Visitor Commercial Facilities	4.00
6	Effect on Established Public View Planes	2.50
7	Wind Direction Relative to Landfill Site	4.00
8	Effect on Local Roads and Traffic in Residential Neighborhoods	9.55
9	Wear and Tear on Highways and Roadways Caused by Landfill Related Traffic	1.00
10	Location Relative to Identified Community Disamenities	9.25
11	Location Relative to H-POWER	8.65
12	Effect of Precipitation on Landfill Operations	9.25
13	Landfill Development, Operation and Closure Cost	7.00
14	Land Use Displacement Cost	2.50
15	Potential for Solid Waste-Related Land Uses	1.00
16	Location Relative to Wetlands and Natural Area Reserve System Land	4.00
17	Location Relative to Listed Threatened and Endangered Species	2.50
18	Location of Surface Water Resources	8.95
19	Location of Archaeological and Culturally Significant Resources	1.00

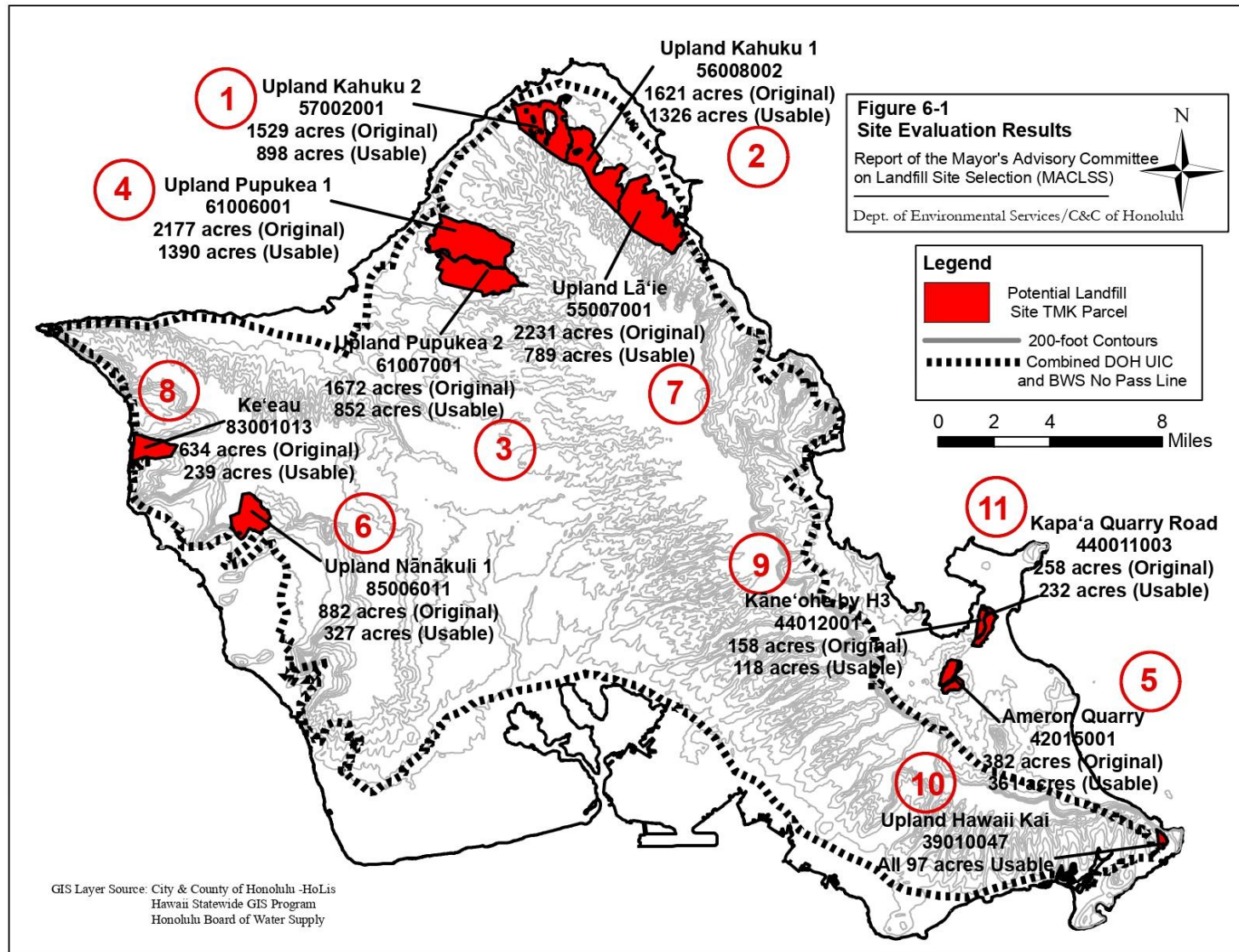
# MACLSS Community- Based Criteria

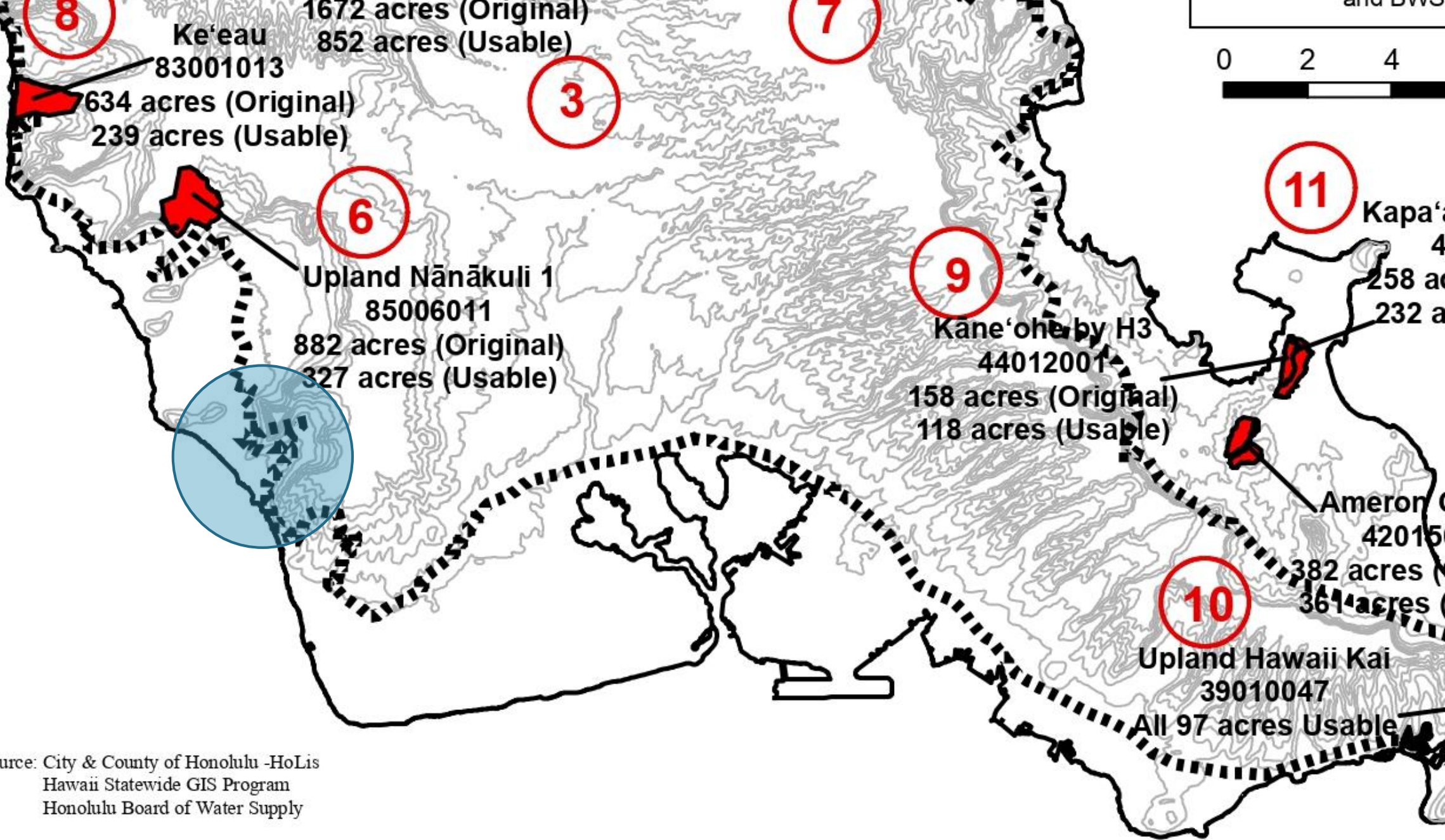
# MACLSS Community-Based Criteria

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GIS Layer Source: City & County of Honolulu -HoLis  
Hawaii Statewide GIS Program  
Honolulu Board of Water Supply





# Native Hawaiian Health Disparities

NĀNĀKULI & HAWAII

# Asthma

- ▶ Out of all ethnic groups State-wide, Native Hawaiians had the highest percentage of adults with asthma for years 2012, 2013, and 2014
  - ▶ *The Hawaii Health Data Warehouse; Data Source: State of Hawaii , Department of Health, Behavioral Risk Factor Surveillance System (BRFSS)*

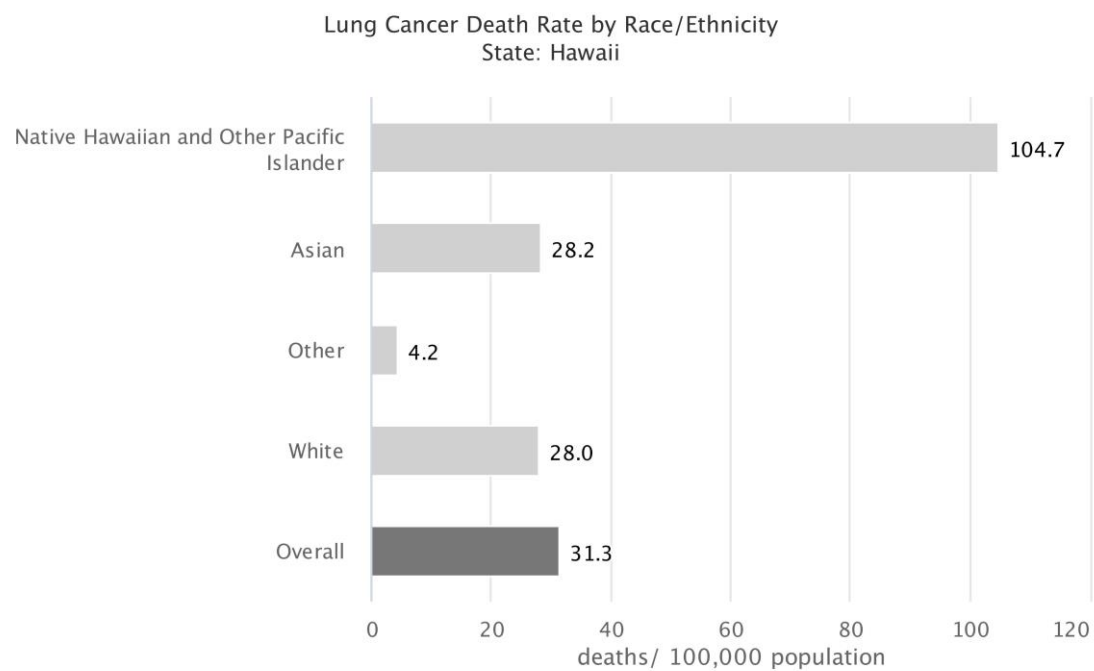


# Asthma - Nānākuli

- ▶ Out of a total of 24 communities State-wide, the Nanakuli Community has the highest percentage of adults with asthma for years 2012, 2013, and 2014
  - ▶ *The Hawaii Health Data Warehouse; Data Source: State of Hawaii , Department of Health, Behavioral Risk Factor Surveillance System (BRFSS)*

# Chronic Obstructive Pulmonary Disease - Nānākuli

- ▶ Out of a total of 24 communities State-wide, Chronic Obstructive Pulmonary Disease (COPD) prevalence (45+) was highest for those from the Nanakuli community for the aggregated years 2011-2013 and 2012-2014.
  - ▶ *The Hawaii Health Data Warehouse; Data Source: State of Hawaii , Department of Health, Behavioral Risk Factor Surveillance System (BRFSS)*



Source: Hawaii State Department of Health, Vital Statistics (2015)

[www.hawaiihealthmatters.org](http://www.hawaiihealthmatters.org)

# Lung Cancer

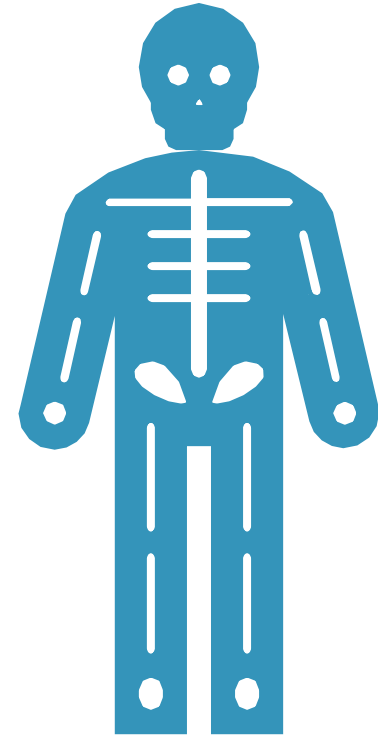


# Lung & Bronchus Cancers

- ▶ Native Hawaiian males and females have the highest incidence and mortality rates from lung & bronchus cancers
  - ▶ *Hawai'i Cancer at a Glance 2009-2013. University of Hawai'i Cancer Center and Hawai'i Tumor Registry. 2016.*

# Colon & Rectal Cancers

- ▶ Native Hawaiians have the highest proportion of late stage colon and rectal cancers
  - ▶ *Hawai'i Cancer at a Glance 2009-2013. University of Hawai'i Cancer Center and Hawai'i Tumor Registry. 2016.*



# Uterus/endo- metrium cancer

- ▶ Uterus/endometrium cancer incidence and mortality were highest for Native Hawaiians (2009-2013)
  - ▶ *Hawai'i Cancer at a Glance 2009-2013. University of Hawai'i Cancer Center and Hawai'i Tumor Registry. 2016.*





Environmental Racism in Nānākuli?

# Environmental Racism Criteria



# Environmental Racism?



*Where is the waste and sources of pollution located?*



*Is there unequal treatment towards a specific race or races in that location?*



*Is there a race or races in authority that are different from that race or those races being affected?*



*Are there laws, lack of laws, or lack of enforcement that results in unequal treatment?*





# Strategies

ADDRESSING ENVIRONMENTAL RACISM & ACHIEVING  
ENVIRONMENTAL JUSTICE



## ▶ FUNDING REGULATORY AGENCIES

- ▶ Increase funding for EPA/DOH to conduct independent and academically sound testing on air and water for known causes that lead to a significant negative impact on health and/or loss of life

## ▶ MONITORING AND DATA ANALYSIS

- ▶ Further develop and validate advanced monitoring and data analysis technologies for little understood and currently unknown causes that lead to a significant negative impact on health and/or loss of life

## ▶ CLEANER SOCIETY

- ▶ Promote “clean” power, development, and manufacturing

## ▶ RACIAL DIVERSITY

- ▶ Promoting racial diversity in positions of decision-making authority

## ▶ “BUFFER ZONES”

- ▶ Creation of “buffer zones” between people and disamenity



# Recommendations

WHAT ABOUT LANDFILLS, NATIVE HAWAIIANS, AND ALL OUR  
COMMUNITIES OF HAWAI'I?



# Recommendations

## 1. STOP ENVIRONMENTAL RACISM IN NĀNĀKULI

- ▶ Oppose the proposed relocation of PVT Landfill in Nānākuli

## 2. STOP ENVIRONMENTAL RACISM AGAINST NATIVE HAWAIIANS ACROSS THE STATE

- ▶ Oppose the creation of any landfill within ½ mile of Hawaiian Home Lands

## 3. PROTECT ALL COMMUNITIES FROM LANDFILLS

- ▶ Support legislation (e.g. SB2368 SD1) that creates a minimum of ½ mile buffer zone around waste or disposal facilities

# Mahalo

Kamuela Werner, NIMHD Minority Health Research  
Training Scholar & Makana Paris, President Prince  
Kūhiō Hawaiian Civic Club

[kamuelaw@hawaii.edu](mailto:kamuelaw@hawaii.edu) | [president@pkhcc.org](mailto:president@pkhcc.org)

**SB-2386-SD-1**

Submitted on: 2/27/2020 10:03:13 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Natashja Tong	Individual	Support	No

Comments:





To  
Senate Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalale, Vice Chair

February 28, 2020; 9:30 am  
Conference Room 016

From: Bruce Iverson, Director of Marketing and Development, Reynolds Recycling, Inc.

**Testimony in Opposition to SB2386 SD1 Proposal Relating to Waste Management**

Reynolds Recycling, as Hawaii's largest bottle and can recycler, **opposes SB 2386 SD1 Proposal.**

While we appreciate the original intent of this bill, the SD1 Proposal vastly overreaches that original intent. Every State Certified Redemption Center would immediately be eliminated as unable to meet the requirements to operate with a one-half mile buffer zone. By passing this you will single handedly kill the entire Deposit Beverage Program. These Certified Redemption Centers already require zoning approval, owner approval, and DOH approval, and because of the resulting permit from the DOH, they would all fall victim to this law as unintended consequences.

While we understand the need for proper regulations, these Certified Redemption Centers are operating on commercial property, approved for business, are paying rent to a landlord or property owner, and are already well regulated. This additional requirement would make it impossible to operate out of a commercial property as there are no commercial properties for lease with a one-half mile buffer on Oahu, and not likely on any neighbor island as well.

For the above reasons, we very strongly oppose the currently **SB2386 SD1** Proposed

Thank you for the opportunity to submit this testimony.

**Testimony of  
Stephen Joseph  
PVT Land Company, Ltd.**

**SB 2386, SD 1, Relating to Waste Management**

***SUBMITTED VIA CAPITOL WEBSITE***

Chair Karl Rhoads  
Vice Chair Jarrett Keohokalole  
Members of the Senate Committee on Judiciary

Re: SB 2386, SD 1, Relating to Waste Management

Dear Chair Rhoads, Vice Chair Keohokalole and Members of your Committee,

Thank you for the opportunity to submit testimony concerning SB 2386, SD 1, Relating to Waste Management. PVT **strongly opposes** SB 2386, SD 1 as passage of this bill would be devastating to the health and safety of the people of Hawaii and to the environment.

SB 2386, SD 1 provides that that “[n]o person, including any federal agency, the State, or any county, shall construct, operate, 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.”

If adopted, the immediate impact of this bill on Oahu is to close the Waimanalo Gulch Sanitary Landfill. It would also result in the closure of HPOWER, as HPOWER would not be able to dispose of its ash, which currently is disposed at the Waimanalo Gulch Sanitary Landfill. In addition, this bill would result in the immediate closure of the PVT Integrated Solid Waste Management Facility. PVT is the only publicly available facility that is permitted to accept construction and demolition debris on Oahu.

Closing the landfills in our State would have devastating results:

- The residents, visitors, businesses and government entities in the State would have no legal place to take their municipal solid waste. Illegal dumping would be rampant, both on private and government land.
- Developers and contractors in the construction industry, as well as federal, State and local governments, would have no legal place to take their construction and demolition debris. Construction projects on Oahu – as small as a kitchen remodel or as large as the rail project - would come to a halt.
- The bill is a serious blow to disaster preparedness. In the event of a natural disaster, the

first response is debris removal, particularly from priority roadways. The City and County of Honolulu plans for a category 4 hurricane. Under this scenario, PVT would receive 2/3 of the anticipated 6.2 million cubic yards of debris, which is comparable in volume to filling Yankee Stadium five times. With this bill, there would be no place for the disaster debris to go.

- The residents, visitors, businesses and government agencies on Oahu would also be deprived of an important source of electricity on Oahu with the closure of HPOWER. With the closure of PVT, the recycling of wood and other combustible materials into a feedstock that can be used as a renewable fuel would not be possible. These actions would impede the State's efforts to reduce Hawaii's dependence on fossil fuels.
- The State would not be able to meet its recycling goals. The vast majority of construction and demolition debris that enters the PVT facility is separated, crushed, or shredded for reuse or recycling. PVT is able to recycle up to 80 percent of the debris that enters the facility: metals are recycled offsite; concrete, rock and dirt are recycled for use at the facility or offsite; wood and other combustible material are processed into feedstock that can be used in a gasifier to produce clean synthetic natural gas.
- Together with PVT, the construction industry is the largest recycler of solid waste on Oahu. The City and County of Honolulu recently published its 2019 Integrated Solid Waste Management Plan Update (November 2019). The 2019 Report describes the tremendous increase in recycling on Oahu, from 74,000 tons of material in 1988 to 1,198,000 tons in 2017. The construction industry, including PVT, is the largest recycler with 763,279 tons of rock, concrete and asphalt recycled. See Table 4-1. Total Tons Recycled, Calendar Year 2017 at [https://www.opala.org/solid\\_waste/pdfs/ISWMP\\_2019\\_Final.pdf](https://www.opala.org/solid_waste/pdfs/ISWMP_2019_Final.pdf)

Finally, the bill is not necessary. Both state and local government currently regulate the buffer zones for landfills. For example, for the Waimanalo Gulch Sanitary Landfill, the buffer zone requirement can be found in the Special Use Permit issued to the City by the State Land Use Commission. For PVT, the buffer zone requirement can be found in its Solid Waste Management Permit issued by the State Department of Health. The applicable rules allow the consideration of various factors that are site specific. In contrast, the proposal before you is designed to close facilities that are operating in accordance with the permits they have been issued.

PVT respectfully requests that your Committee reject this bill. Thank you again for the opportunity to submit comments.