

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 House Committees on
WATER, LAND, & HAWAIIAN AFFAIRS
and
ENERGY & ENVIRONMENTAL PROTECTION**

**Friday, March 13, 2020
10:30am
State Capitol, Conference Room 325**

**In consideration of
SENATE BILL 2386, SENATE DRAFT 2
RELATING TO WASTE MANAGEMENT**

Senate Bill 2386, Senate Draft 2 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



SB2386 SD2
RELATING TO WASTE MANAGEMENT
House Committee on Water, Land & Hawaiian Affairs
House Committee on Energy & Environmental Protection

March 13, 2020

10:30 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2386 SD2, 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,”¹ 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 SD2. Mahalo nui for the opportunity to testify on this measure.

¹ Haw. Rev. Stat. § 183C-1.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on SB2386 SD2
RELATING TO WASTE MANAGEMENT**

REPRESENTATIVE RYAN I. YAMANE, CHAIR
HOUSE COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Hearing Date: 3/13/2020

Room Number: 325

1 **Fiscal Implications:** Unknown.

2 **Department Testimony:** The Department of Health (Department) offers comments on
3 SB2386 SD2. This bill proposes to (1) prohibit a waste or disposal facility (any solid waste
4 facility, including but not limited to transfer stations, landfills, waste to energy, recycling, and
5 composting) from being sited in a Conservation District, except in emergency circumstances;
6 and (2) prohibit anyone from constructing, operating, modifying or expanding a waste or
7 disposal facility without first establishing a buffer zone of at least ½ mile around the waste or
8 disposal facility, except for existing facilities with proper permits that do not require physical
9 expansion requiring additional permitting modification.

10 The Department's comments are specific to language affecting Hawaii Revised Statutes (HRS),
11 Chapter 342H.

12 The broad definition of "waste or disposal facility" includes "solid waste reduction facility...as
13 defined in section 342G-1,...." Per HRS Chapter 342G-1, " 'Solid waste reduction facility' or
14 'waste reduction facility' means all contiguous land, including buffer zones, structures,
15 appurtenances, and improvements on the land used for solid waste handling. This term includes
16 a facility used as a transfer station, landfill, incinerator, composting plant, bioconversion site, or

1 recycling site utilized for the reduction, consolidation, conversion, processing, or disposal of
2 solid waste.”

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

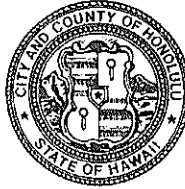
10 **Offered Amendments:** None.

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

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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

KIRK CALDWELL
MAYOR



LORI M.K. KAHIKINA, P.E.
DIRECTOR

TIMOTHY A. HOUGHTON
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 20-109

March 11, 2020

The Honorable Ryan I. Yamane, Chair
The Honorable Chris Todd, Vice-Chair
and Members of the Committee on Water, Land, and Hawaiian Affairs
The Honorable Nicole E. Lowen, Chair
The Honorable Tina Wildberger, Vice-Chair
and Members of the Committee on Energy and Environmental Protection
House of Representatives
State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Yamane and Lowen, Vice-Chairs Todd and Wildberger, and Members of the Committees on Water, Land, and Hawaiian Affairs, and Energy and Environmental Protection:

SUBJECT: SB 2386 SD2 - Relating to Waste Management

The Department of Environmental Services (ENV) of the City and County of Honolulu opposes SB 2386 SD2, prohibiting 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. The bill also requires no less than a one-half (1/2) mile buffer zone for the construction, modification, or expansion of waste or disposal facility.

For background, the City owns and operates one (1) active landfill, one (1) waste-to-energy facility, five (5) closed landfills, three (3) refuse transfer stations, and six (6) refuse and recycling drop-off convenience centers. Additionally, the City contracts with a mixed recyclables material recovery facility and a green waste composting facility to process recyclables, it collects from the curb and at convenience centers. These facilities are permitted and operated in accordance with Federal and State requirements. The requirement to create a one half (1/2) mile buffer zone between the edge of these sites and the nearest residential, school or hospital property line would effectively prevent the expansion of most if not all of these facilities, thereby limiting our ability to process solid waste on Oahu.

Given the limited inventory of land able to host a waste processing facility on Oahu, we are also concerned that this bill would significantly limit our ability to site new

The Honorable Ryan I. Yamane, Chair
The Honorable Chris Todd, Vice-Chair
and Members of the Committee on Water, Land, & Hawaiian
Affairs
The Honorable Nicole E. Lowen, Chair
The Honorable Tina Wildberger, Vice-Chair
and Members of the Committee on Energy & Environmental Protection
House of Representatives
March 11, 2020
Page 2

facilities, including a new landfill. The City is in the process of selecting a site for a new landfill, as required by the State Land Use Commission.

The proposed one half (1/2) mile buffer would eliminate all eleven (11) potential sites identified in our site selection studies and under consideration for the future landfill site because none would be able to comply with the buffer zone requirement in this bill.

Solid waste management and recycling facilities are heavily regulated under Federal and State rules. The Federal Resource Conservation and Recovery Act (RCRA) contains criteria for landfill siting, in consideration of health, safety and the environment. The addition of a one half (1/2) mile buffer zone requirement to the list of pre-existing and comprehensive State and Federal landfill siting criteria is redundant and unnecessary. Adding the buffer zone requirement would likely result in waste facilities, including the next landfill, being sited in remote locations that are difficult to access, and would come at increased cost to taxpayers.

Sincerely,



Lori M.K. Kahikina, P.E.
Director

SB-2386-SD-2

Submitted on: 3/9/2020 4:22:30 PM

Testimony for WLH on 3/13/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dyson Chee	Hawaii Youth Climate Coalition	Support	No

Comments:

SB-2386-SD-2

Submitted on: 3/9/2020 4:51:39 PM

Testimony for WLH on 3/13/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Support	No

Comments:



KE ONE O KĀKUHIEWA

O'ahu Council of the
Association of Hawaiian Civic Clubs

HOUSE COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS AND COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

FRIDAY MARCH 13, 2020
CONFERENCE ROOM 325
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-
MAKAHA HCC
HOPE PELEKIKENA 'ELUA

ALBERTA LOW-PEARL HARBOR
HCC
PU'UKŪ

ROTH PUAHALA -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 PAUAAHI HCC
KEHAULANI LUM

'EWA-PU'ULOLO 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'OLAULOLO HCC
RANAE "TESSIE"
FONOIMOANA

KO'OLAUPOKO HCC
ALICE P. HEWETT

LUALUALEI HCC
SHIRLINE HO

MAKAHA HCC
LUANN LANKFORD-
FABORITO

MAUNALUA HCC
ROSE KITTY SIMONDS

NA LANI 'EHA HCC
R. KELANI RAMOS

NĀNĀIKAPONO 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 WĀIALUA
MAKALAPUA CASSON-
FISHER

WAI'ANAE HCC
CYNTHIA ENRIQUEZ

WAIKIKI HCC
L. PI'IKEA TOMCZYK

HCC OF WAIMĀNALO
LOUANNA KAIO

Aloha Chairs Ryan Yamane, Nicole Lowen, Vice chairs Chris Todd and Tina Wildberger, and members of the committees on Water, Land & Hawaiian Affairs, and Energy & Environmental Protection ,

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 SD2**, 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 SD2.

Ke One O Kakūhihewa 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 16th 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.

Hailama V. K. K. Farden, President

Hawaii Bioeconomy Trade Organization

HOUSE OF REPRESENTATIVES / HAWAII STATE SENATE
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2020

COMMITTEES ON WLH/EEP

Rep Yamane, Chair
Rep Todd, Vice Chair
Rep Lowen, Chair
Rep Wildberger, Vice Chair

DATE: March 13, 2020
TIME: 10:30am
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

TESTIMONY ON SENATE BILL NO. 2386 SD2, RELATING TO WASTE MANAGEMENT

Position: Oppose

To the Honorable Rep Ryan Yamane, Chair; the Honorable Rep Chris Todd Vice Chair; To the Honorable Rep Nicole Lowen, Chair; the Honorable Rep Wildberger Vice Chair; and Members of the Committee:

Thank you for the opportunity to submit testimony concerning SB 2386, SD 2, Relating to Waste Management. My name is Carl Campagna, and I am the Executive Director of the Hawaii Bioeconomy Trade Organization (HBeTO). This organization is a 501 (c) (6) non-profit trade organization dedicated to the advancement of integrated biologically-based systems which produce products and services to re-use waste and make renewable fuel, local food, and value-added products in Hawaii. HBeTO strongly supports collaborations which reduce lifecycle greenhouse gases relative to imported petroleum energy and support the state's economic development. We seek to apply science and data-based best practices to re-use waste as well as restore agricultural land, watersheds, and indigenous ecosystems.

HBeTO opposes SB 2386, SD 2 as passage of this Bill would undermine our efforts to produce sustainable, reliable, and locally produced renewable fuel and energy.

HBeTO understands that SB 2386, SD 2 would require certain landfills to have a buffer zone of no less than one-half mile around them. The requirements of this bill are not workable for any future landfill as evidenced by that fact that no landfill in the State of Hawaii meets this requirement. We are particularly concerned that this measure would stop PVT Land Company from relocating its Integrated Solid Waste Management Facility from its current location to a site across the street on Lualualei Naval Road.

You may know that PVT is the only publicly available facility that is permitted to accept construction and demolition debris on Oahu, but PVT is also the State's largest recycler. Up to eighty

Hawaii Bioeconomy Trade Organization

percent of construction and demolition debris that enters the PVT facility is separated, crushed, or shredded for reuse or recycling. Of greatest importance to HBeTO, wood and other combustible materials are processed into feedstock that can be used in a gasifier or an anaerobic digester to produce clean renewable fuels.

HBeTO strongly supports the re-use of construction debris to produce sustainable, reliable, and locally produced renewable fuel and energy. Producing renewable energy from PVT feedstock will further the State's efforts to reduce Hawaii's dependence on fossil fuels and contribute to meeting the State's recycling goals.

We respectfully ask that you hold this Bill. Rather than impose a strict statewide buffer requirement that cannot be met, we urge you to allow the state and local agencies that issue permits to landfills to consider the site-specific and project-specific facts when setting a buffer requirement. Thank you again for the opportunity to submit comments.

Many thanks for your time and consideration

Carl Campagna
Executive Director
Hawaii Bioeconomy Trade Organization
808-383-7699
carl@hawaiibioeconomy.org

THE HOUSE

Committee on Water, Land & Hawaiian Affairs

Rep. Ryan I. Yamane, Chair

Rep. Chris Todd, Vice Chair

Committee on Energy & Environmental Protection

Rep. Nicole E. Lowen, Chair

Rep. Tina Wildberger, Vice Chair

State Capitol, Conference Room 325

Friday, March 13, 2020; 10:30 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 2386, S.D.2,
RELATING TO WASTE MANAGEMENT**

The ILWU Local 142 supports S.B. 2386, S.D.2, 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, modification, or expansion of a waste or disposal facility.

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 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 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.2. Thank you for the opportunity to share our views on this matter.



**HOUSE COMMITTEES ON WATER, LAND AND HAWAIIAN AFFAIRS, AND ENERGY AND
ENVIRONMENTAL PROTECTION
State Capitol, Conference Room 325
415 South Beretania Street
10:30 AM**

March 13, 2020

RE: SENATE BILL NO. 2386 S.D. 2, RELATED TO WASTE MANAGEMENT

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

My name is Dwight Mitsunaga, 2020 President of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA-Hawaii is opposed to S.B. 2386 SD 2, which would amend Chapter 183C and 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. The bill also requires no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a waste or disposal facility.

If the bill were to pass, we understand that it would result in the closure of both the City and County of Honolulu's Waimanalo Gulch Sanitary Landfill and the PVT Integrated Solid Waste Management Facility. With no known alternatives for waste disposal, this would pose a significant problem for all residents on the island. Unless viable alternative sites for waste disposal are readily available and economically viable, we do not believe that adopting this legislation would benefit the public on Oahu.

We are opposed to S.B. 2386 SD 2 and appreciate the opportunity to provide our input on this matter.



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

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Honolulu, HI 96812

www.pkhcc.org

*Founded in 1964
by Lili'uokalani
Kawānanakoa Morris*

House Committee on Water, Land, & Hawaiian Affairs
House Committee on Energy & Environmental Protection

Friday, March 13, 2020
10:30 am Conference Room 325
State Capitol
415 South Beretania Street

Re: SB2386 SD2 - RELATING TO WASTE MANAGEMENT

Aloha Chair Yamane, Chair Lowen, Vice-Chair Todd, Vice-Chair Tina Wildberger and members of the House committees on Water, Land, & Hawaiian Affairs and Energy & Environmental Protection:

The Prince Kūhiō Hawaiian Civic Club **SUPPORTS** SB2386 SD2. This bill for an act will 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. It further requires no less than a one-half mile buffer zone for the construction, modification, or expansion of a waste or disposal facility. 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.

The Public Health Crisis already occurring in Nānākuli and Mā‘ili will likely be exacerbated due to the evolving SARS-CoV-2 virus (abbreviated as Covid-19 *a.k.a.* Coronavirus Disease 2019) pandemic. The first reported presumptive case of Covid-19 in Hawai‘i was reported by State Department of Health on March 6, 2020. On March 8, 2020, the second presumptive case of Covid-19 in Hawai‘i was reported. Further, the [State of Hawaii](#), and all counties including the [City and County of Honolulu](#), have declared emergencies due to Covid-19. These emergency governmental declarations come in the wake of the United States enactment of a [Public Health Emergency](#) for Covid-19 on January 31st, 2020 which followed after the World Health Organization declaration of an [international public health emergency](#) on January 30th, 2020.

Our communities in Nānākuli and Mā‘ili, due to the public health crisis already occurring there, fit the criteria of being within the vulnerable populations of those that would have a higher likely hood of death due to contracting Covid-19. We must do better.

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 SD2.

Me ke aloha,



A. Makana Paris

Pelekikena

president@pkhcc.org

Encl.

‘A‘ole PVT Compiled Community Petitions 5,500+ link: <https://tinurl.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 Hawai'i
- ▶ 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

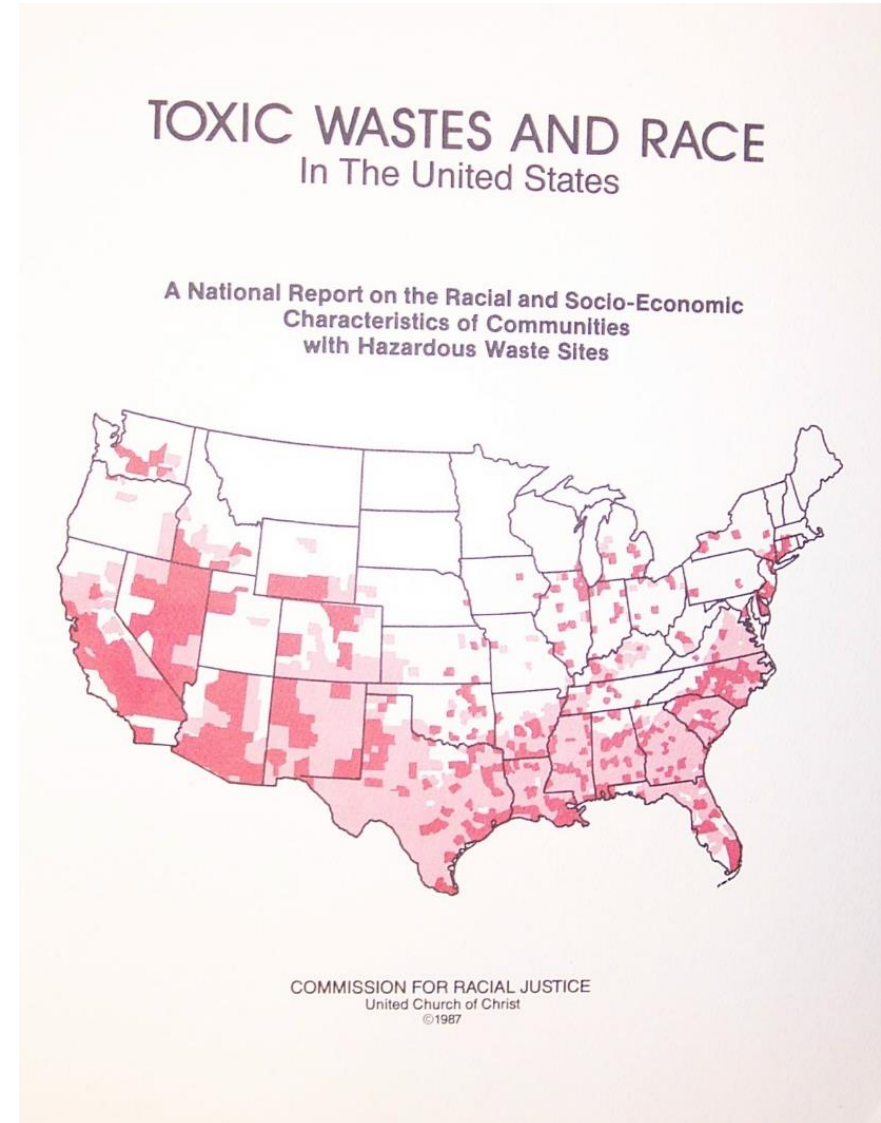
This report provides information on the racial and economic characteristics of communities surrounding four hazardous waste landfills in three southeastern States. It also describes Federal criteria for siting landfills and provides data on public participation and how the Environmental Protection Agency's (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 Hawai'i
 - ▶ 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...”

HAWAI'I 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.

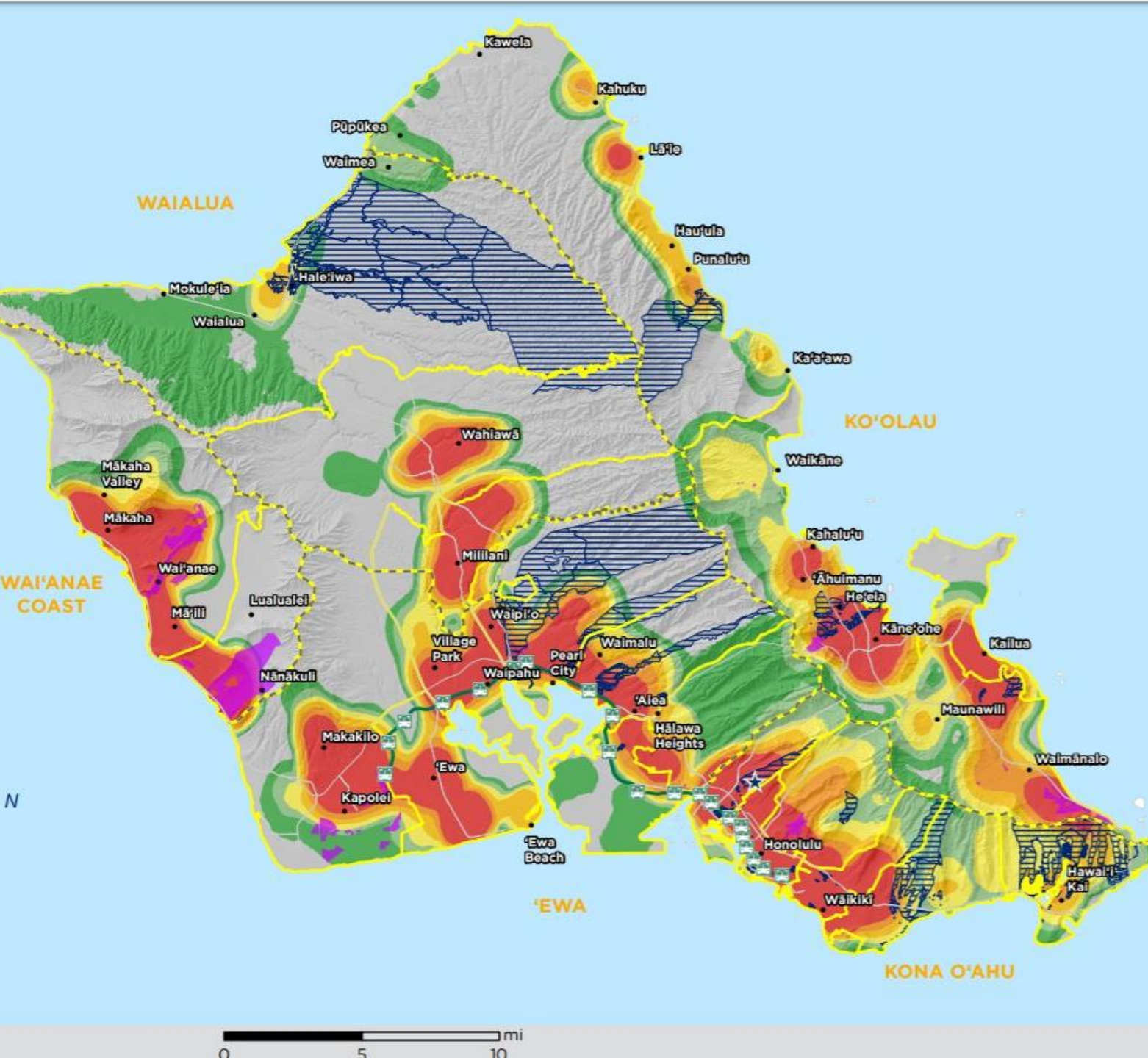
Environmental Justice Criteria

- ▶ Every person in Hawai'i
 - ▶ 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

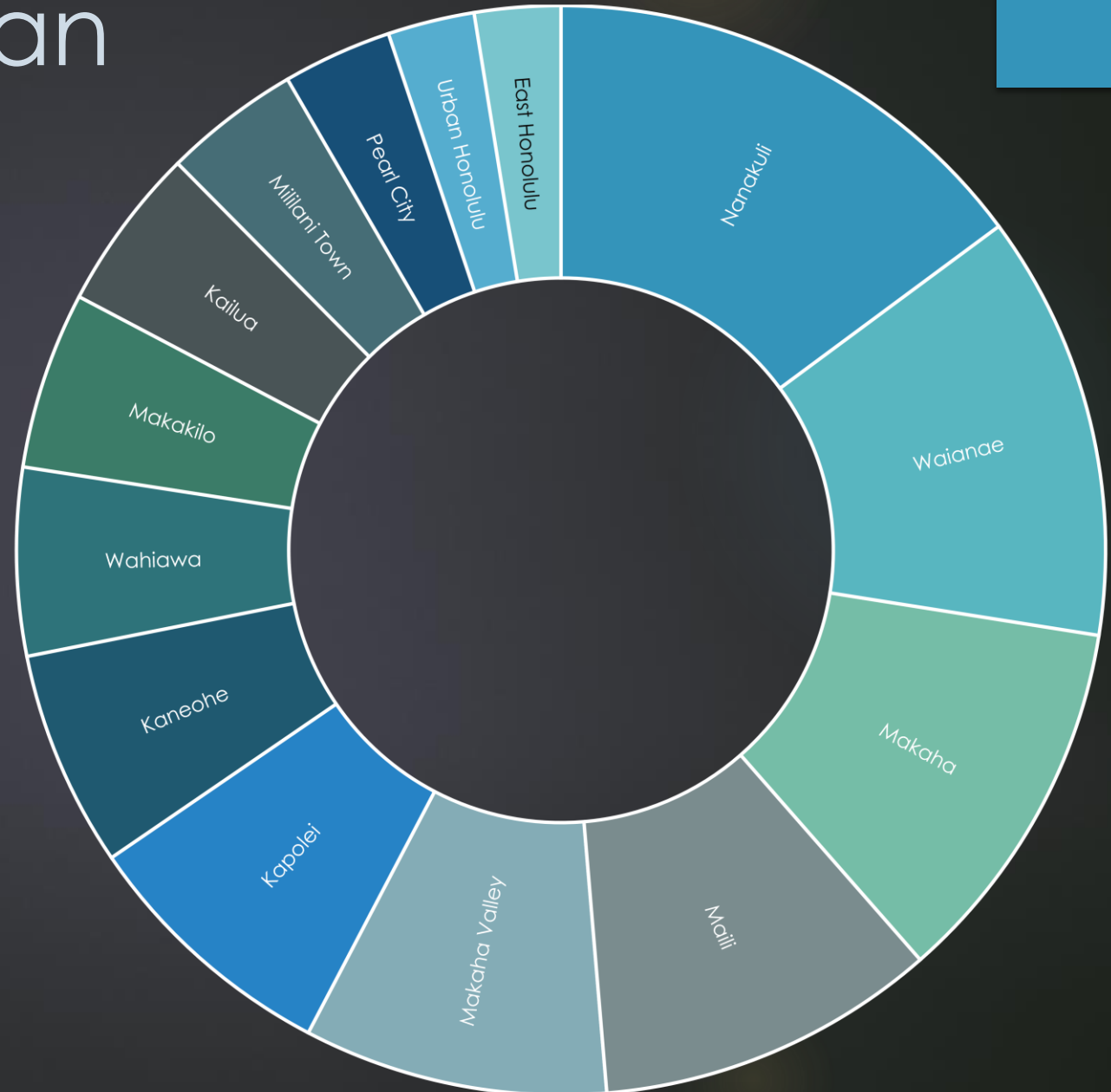
PART1: SITUATING THE SPACE



Native Hawaiians on O'ahu

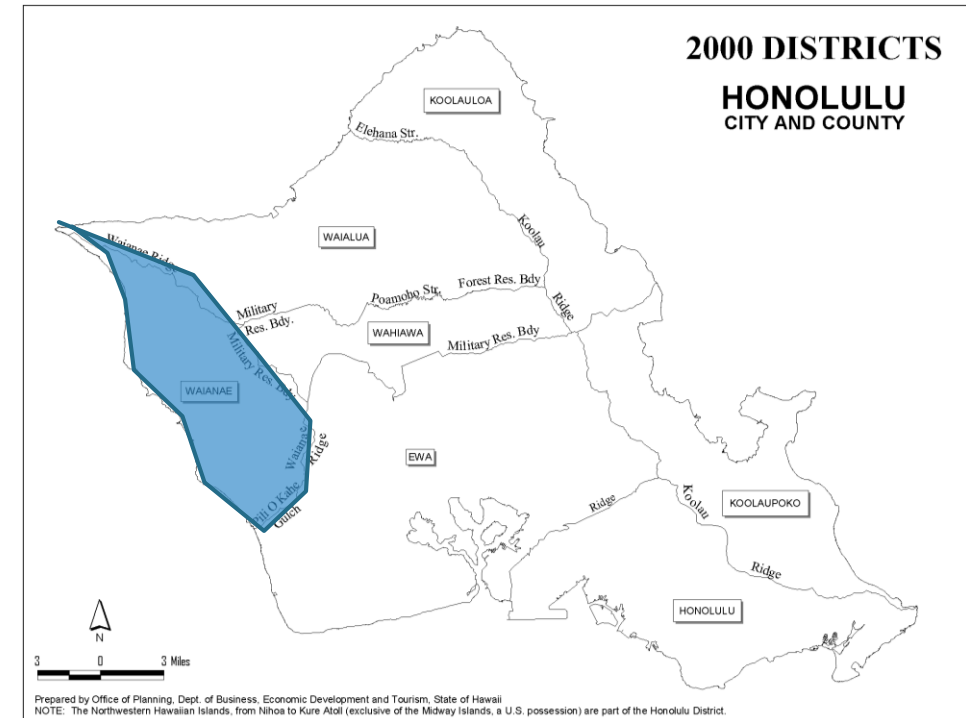
% Native Hawaiian Pop on O'ahu

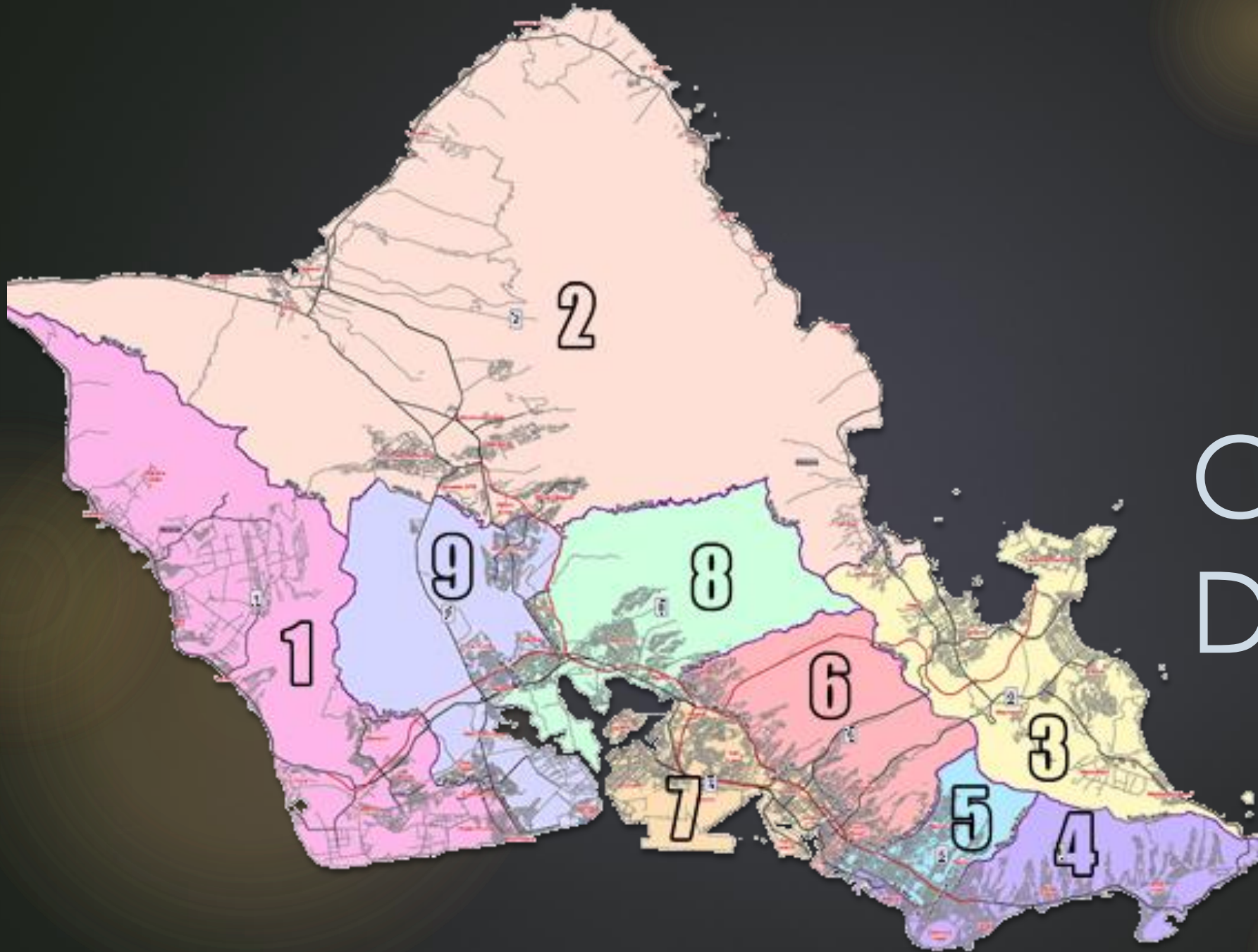
Community	% Haw. Pop.	Council District 1
Nanakuli	71.50%	
Waianae	60.80%	
Makaha	53.10%	
Maili	48.70%	
Makaha Valley	43.40%	
Kapolei	37.40%	
Kaneohe	30.90%	
Wahiawa	26.80%	
Makakilo	25.30%	
Kailua	23.40%	
Mililani Town	19.50%	
Pearl City	15.60%	
Urban Honolulu	12.40%	
East Honolulu	12.30%	



O'ahu Poverty Rates

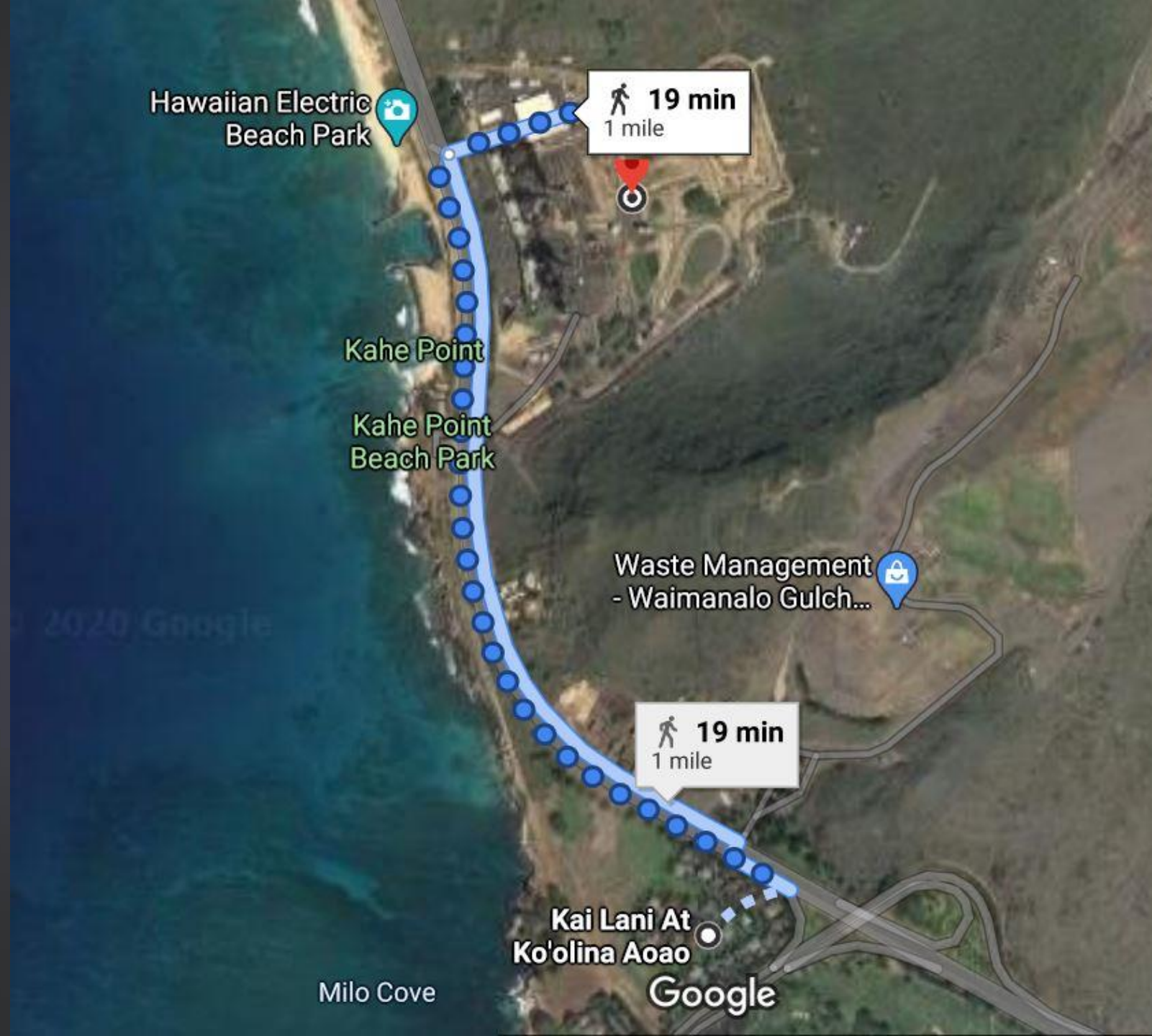
- ▶ census county division (CCD) with the highest rates in 2016 of poverty was **Waianae CCD**
- ▶ over 22% of adults aged 18-64 below the poverty line
- ▶ compared to State of Hawai'i overall poverty rate of 10.8%
- ▶ Central O'ahu, North Shore, and metro Honolulu poverty rate around 10%
- ▶ Ewa and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





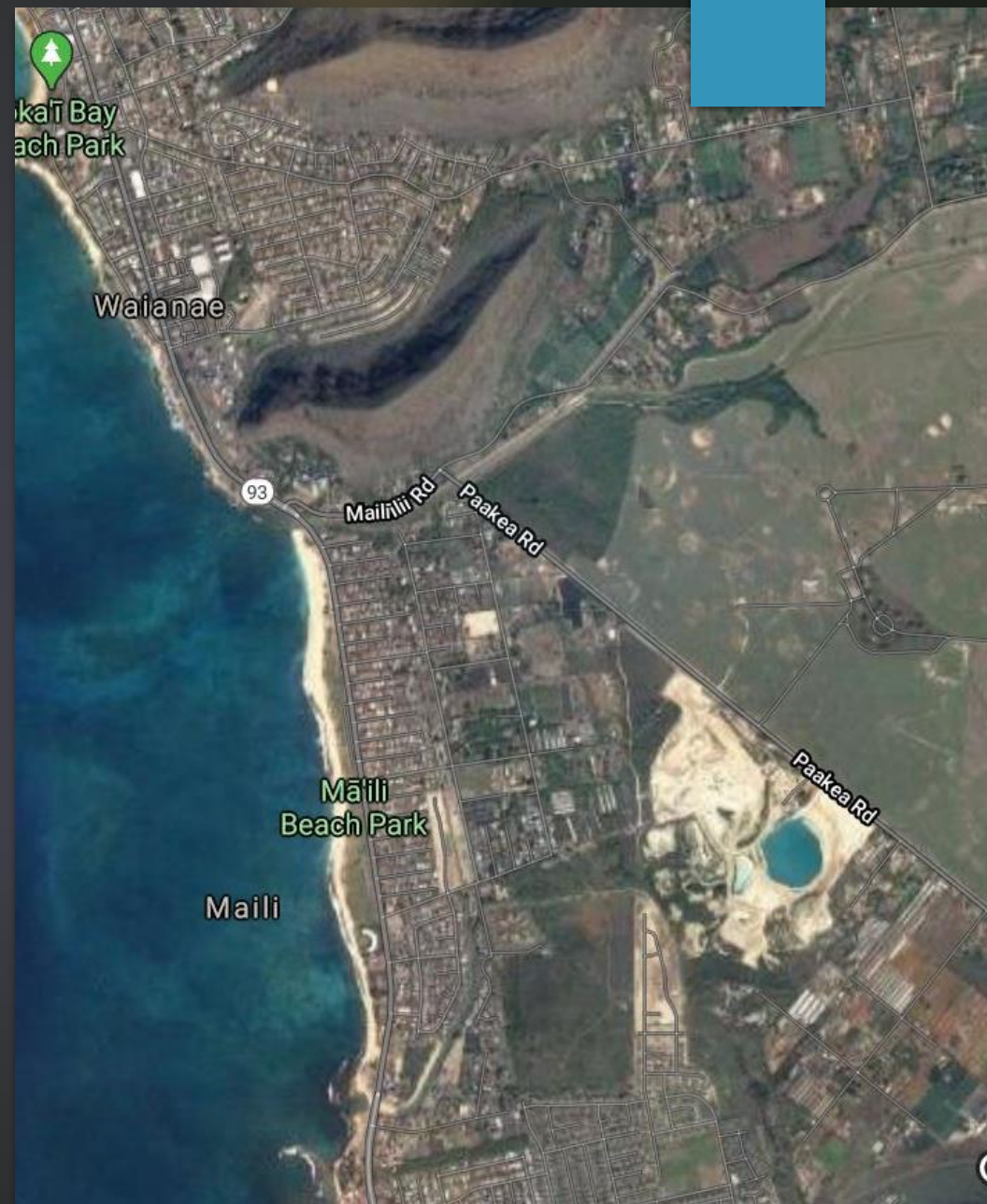
Council Districts

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.



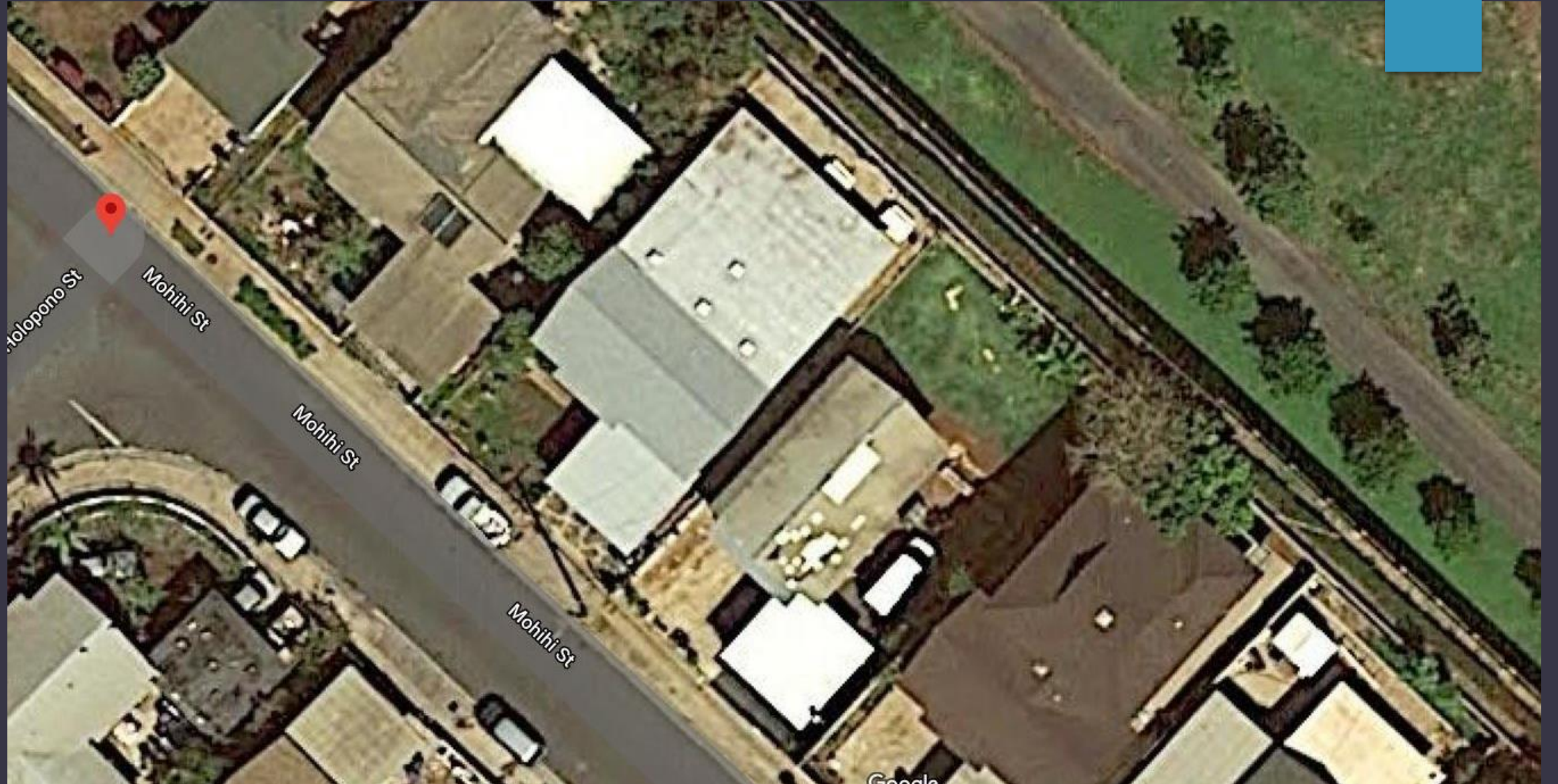
Edward Kenneth
“Hīnano” Werner

1937 - 2020









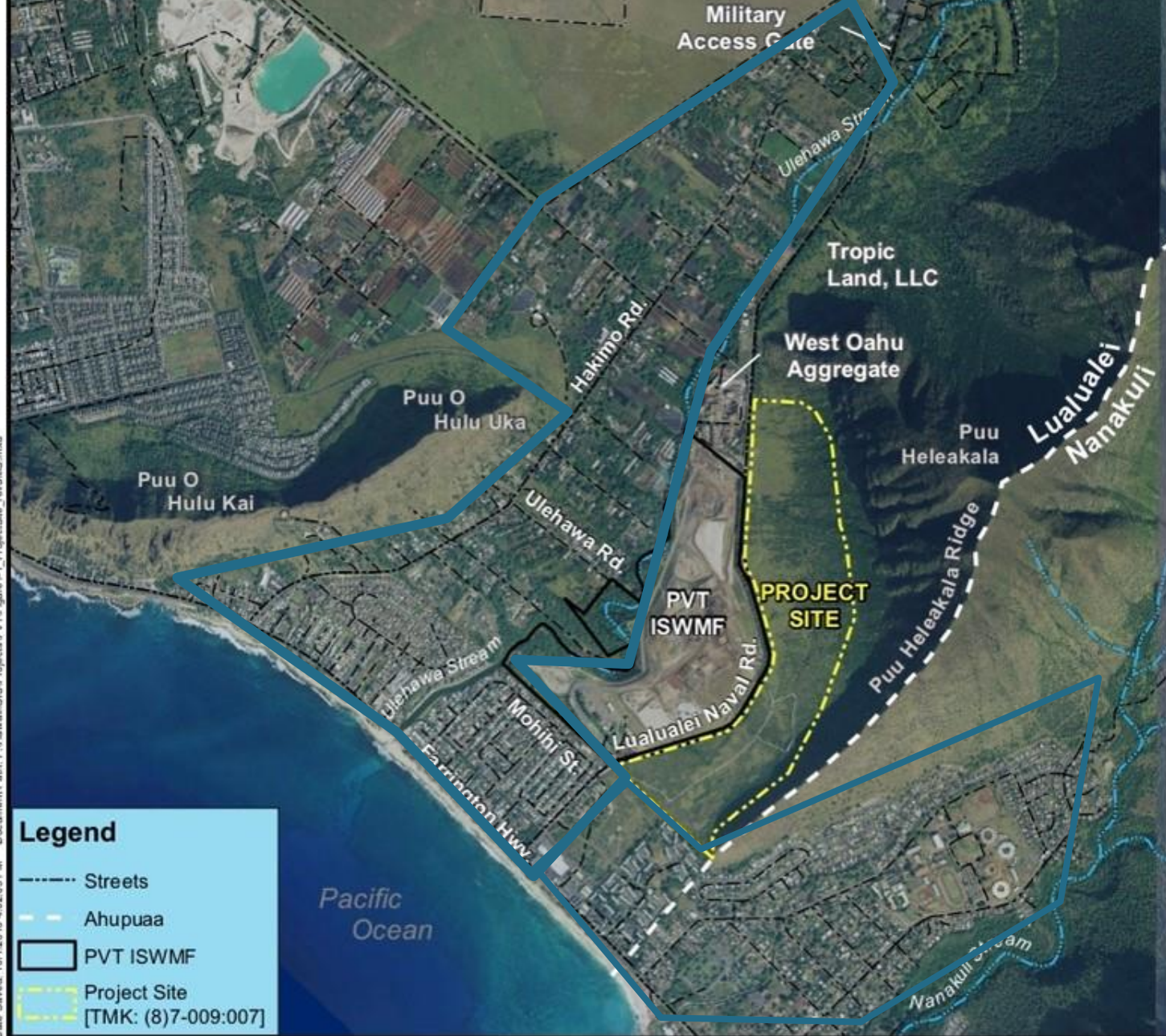
Help Nikita Beat Colon Cancer



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.



Location Map
PVT ISWMF Relocation
Nanakuli, Waianae District, Oahu, Hawaii

Figure
1-1

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

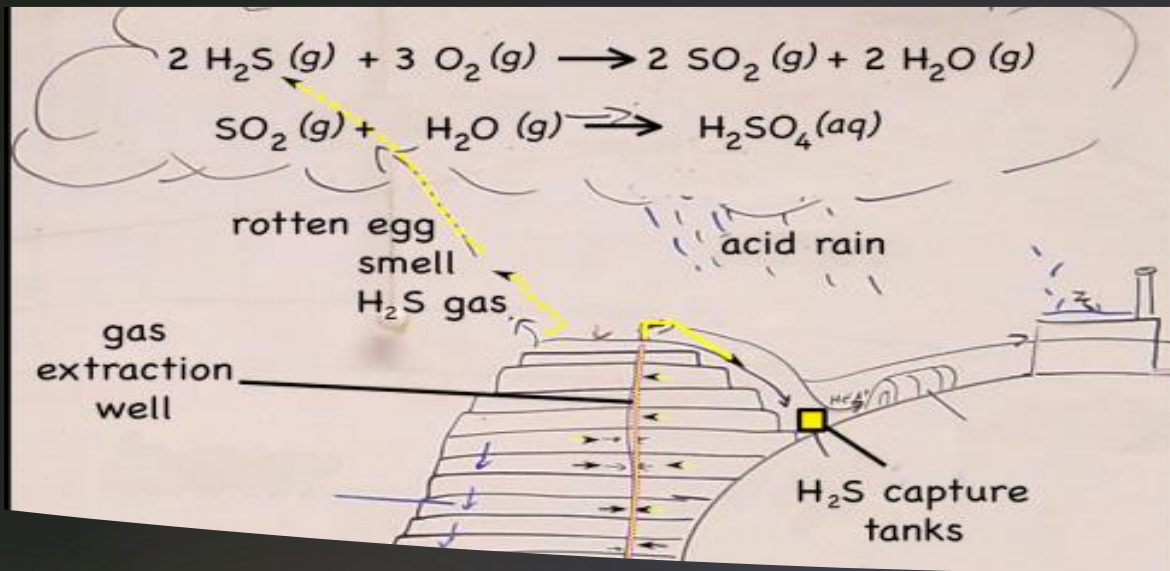
Neighborhood Life
Expectancy Project

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



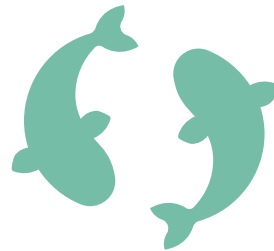
PVT Landfill Sites

- ▶ 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

Laws, Regulations, and Policies



City and County of
Honolulu



State of Hawai'i



U.S. Federal
Government

Permits for Proposed Relocation

Table 1-1 Proposed Action Permits and Approvals

State		
Department of Health, Solid and Hazardous Waste Branch	Solid Waste Management Permit	Modification of Existing Permit (Permit No. LF-0061-15)
Department of Health, Clean Water Branch	National Pollutant Discharge Elimination System Discharges Associated with Industrial Activity NOI B	Modification of Existing Permit (Permit No. HI R50B941)
Department of Health, Clean Air Branch	Noncovered Source Permit	New Permit
Department of Health, Safe Drinking Water Branch	Underground Injection Control Permit	New Permit
Office of Planning, Land Use Commission	Special Use Permit	New Permit
City and County of Honolulu		
Department of Planning and Permitting	Building Permits, including permits for electrical or plumbing work	New Permits
Planning Commission	Special Use Permit	New Permit

‘A‘OLE PVT COMPILED COMMUNITY PETITIONS IN OPPOSITION

5,500+

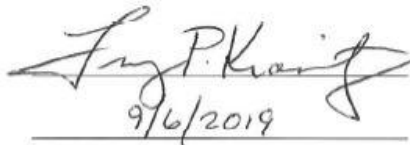
PVT Integrated Solid Waste Management Facility
Relocation: TMK (1) 8-7-009:007

Franz Krintz, AICP
City and County of Honolulu
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, HI 96813
(808) 768-8046

September 6, 2019

Presented by Prince Kūhiō Hawaiian Civic Club
President Makana Paris
president@pkhcc.org

Received by:


Date: 9/6/2019

Environmental Impact Statement

Minimum Distances on Landfills



STATE – NONE



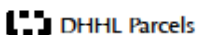
OAHU – 500 FEET

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

Island of Oʻahu



500 ft line

Proposed


Current

Princess Kahanu
Estates


Pu'uheleakāla

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

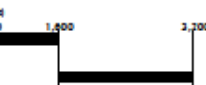
Disclaimer: This map has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data.

DRAFT: 7/11/2013

Proposed Land Use Designations
Nānākuli & Princess Kahanu Estates Parcels

O'AHU ISLAND PLAN

Department of Hawaiian Home Lands



1/2 Mile Buffer Zone

500 ft line

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

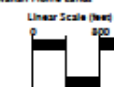
Disclaimer: This map has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data.

DRAFT: 7/11/2013

Proposed Land Use Designations
Nānākuli & Princess Kahanu Estates Parcels

O'AHU ISLAND PLAN

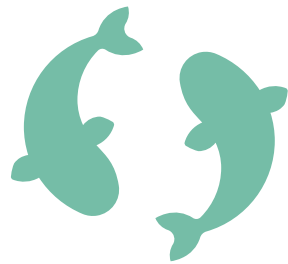
Department of Hawaiian Home Lands



Island of O'ahu



Regulators of Landfills



Department of Health of the State
of Hawai'i

Solid and Hazardous Waste Branch

Clean Water Branch

Clean Air Branch



City and County of Honolulu

Department of Environmental Services

Department of Planning and Permitting

Permits for Current Landfill

Table 1-1 Proposed Action Permits and Approvals

State		
Department of Health, Solid and Hazardous Waste Branch	Solid Waste Management Permit	Modification of Existing Permit (Permit No. LF-0061-15)
Department of Health, Clean Water Branch	National Pollutant Discharge Elimination System Discharges Associated with Industrial Activity NOI B	Modification of Existing Permit (Permit No. HI R50B941)
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Office of Planning, Land Use Commission	Special Use Permit	New Permit
City and County of Honolulu		
Department of Planning and Permitting	Building Permits, including permits for electrical or plumbing work	New Permits
Planning Commission	Special Use Permit	New Permit

Report of the Mayor's Advisory Committee on Landfill Site Selection (MACLSS)

City and County of Honolulu, Hawai'i

September 2012

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

Site Name (Alphabetic Order)	Within UIC/ No Pass Line*	TMK ⁴	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 ⁵	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

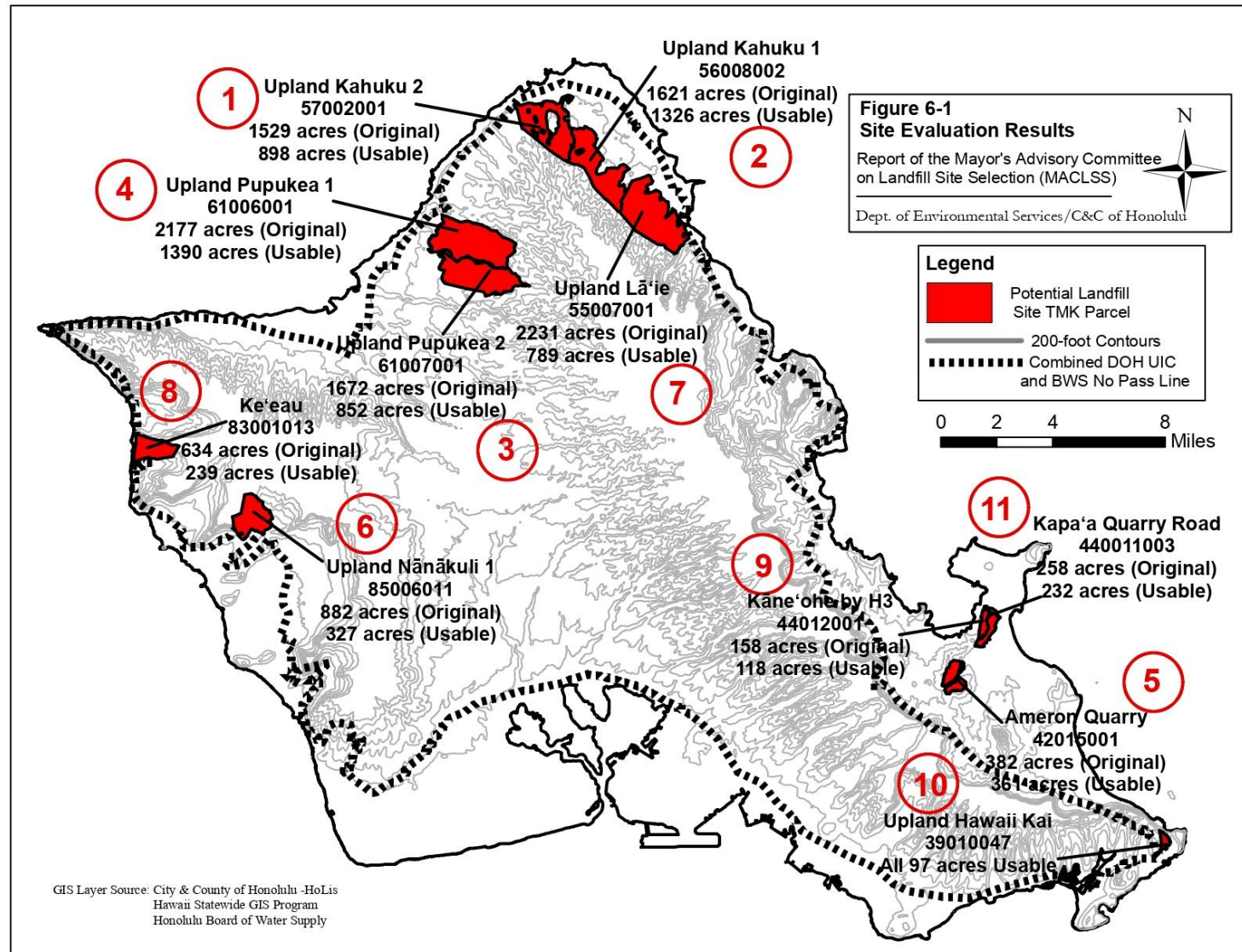
Table 1-2 – Community-Based Criteria and Weighting

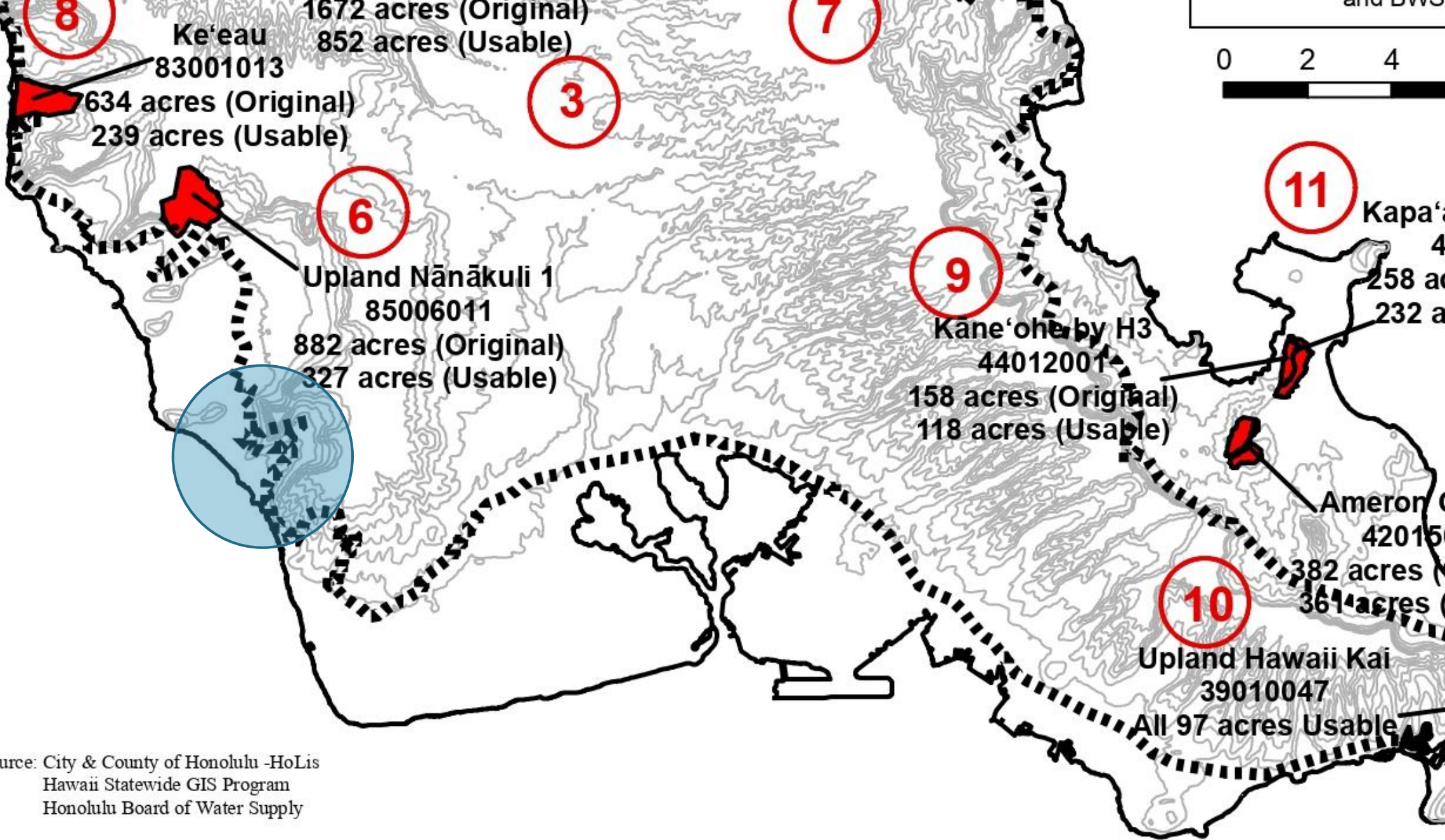
No.	Criterion Name	Weights
1	Landfill Capacity	2.50
2	Location Relative to Educational Institutions, Health Care Facilities, or Parks and Recreation Facilities	9.85
3	Location Relative to Residential Concentrations	10.00
4	Location Relative to Visitor Accommodations	4.00
5	Location Relative to Local 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

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
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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





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



Native Hawaiian Health Disparities

NĀNĀKULI & HAWAI‘I

Asthma

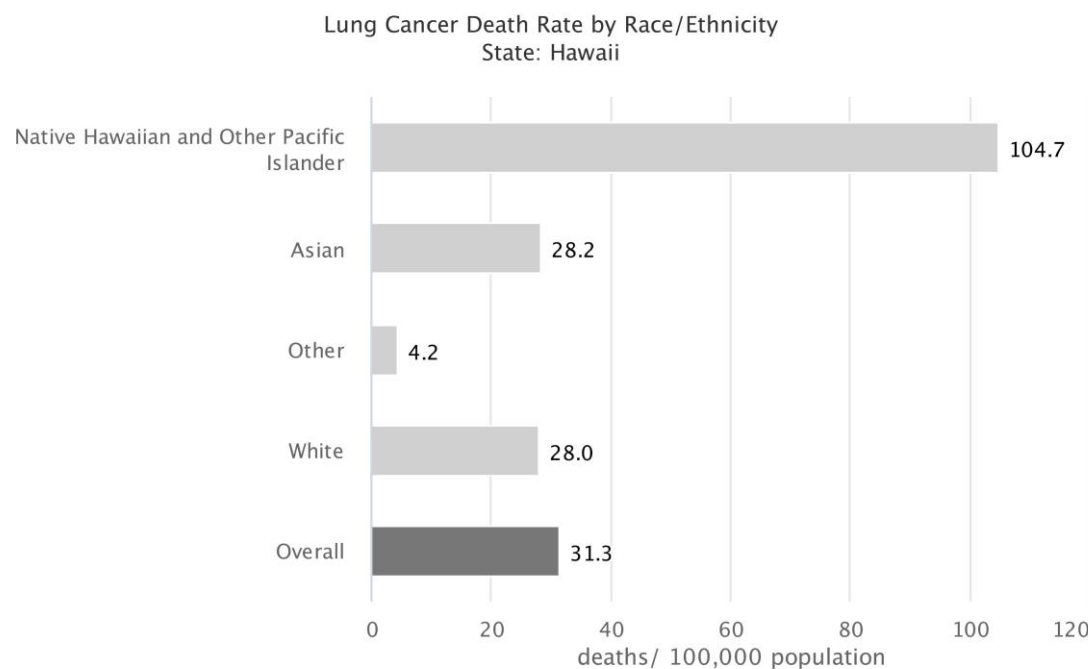
- ▶ Out of all ethnic groups State-wide, Native Hawaiians had the highest percentage of adults with asthma for years 2012, 2013, and 2014
 - ▶ *The Hawaii Health Data Warehouse; Data Source: State of Hawaii , Department of Health, Behavioral Risk Factor Surveillance System (BRFSS)*

Asthma - Nānākuli

- ▶ Out of a total of 24 communities State-wide, the Nānākuli 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 Nānākuli 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

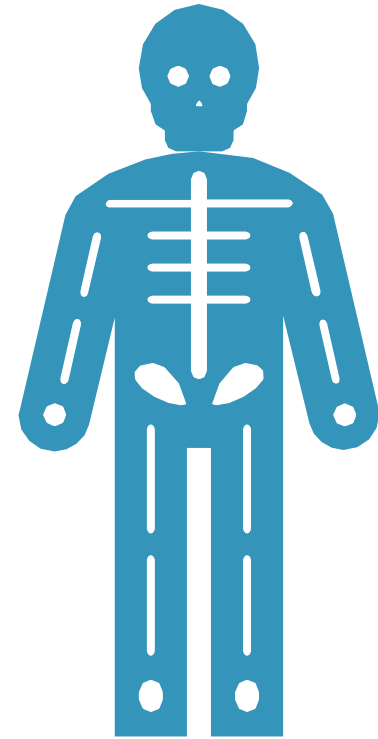
Lung Cancer

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 | president@pkhcc.org



Young Progressives Demanding Action
P.O. Box 11105
Honolulu, HI 96828

Friday, March 13, 2020
10:30 AM

TO: House Committee on Water, Land & Hawaiian Affairs (WLH)
House Committee on Energy & Environmental Protection (EEP)
RE: Testimony in Support of SB2386 SD2

Aloha Chair(s) Ryan Yamane and Nicole Lowen, Vice Chair(s) Chris Todd and Tina Wildberger, Members of the House Committee on Water, Land & Hawaiian Affairs and House Committee on Energy & Environmental Protection,

Young Progressives Demanding Action (YPDA) advocates for public policies that reflect the values of young people throughout the State of Hawai‘i. YPDA is in **Support of SB2386 SD2**, Relating to Waste Management. This measure would 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. It would also require no less than a one-half mile buffer zone for the construction, modification, or expansion of a waste or disposal facility.

Conservation districts are an important part of the State of Hawai‘i’s land use laws, conserving, protecting, and preserving our precious natural and cultural resources for the public good. Ensuring that our natural ecosystems are preserved and water resources are protected in the process. We need to do all that we possibly can to make sure that these important lands are well-taken care of for future generations. YPDA supports efforts to restrict as best as we can, waste and disposal facilities on or near conservation districts. This should not be allowed to happen.

Alongside processing tons of waste already, toxic coal ash is also being sent to the PVT Landfill in Nānākuli. Joining a stockpile of other materials burned by the AES Hawaii Power Plant, the sole coal power plant in Hawai‘i. We are concerned about efforts to expand the PVT Landfill by another 135 acres, which would only leave 750 feet between the landfill, and residential areas and schools where people raise families and keiki go to learn, creating a public health crisis for both the plant workers and residents. We support the creation of one half mile buffer zones (7,920 ft) from landfill sites to ensure that life can go on without residents having to continue to

worry about the impacts a waste facility has on their families health. All communities have the right to live in a clean and healthy environment.

Young Progressives Demanding Action is in **Support** of **SB2386 SD2**. We respectfully ask for you to pass it through your respective committees. Please protect our resources and our communities.

Mahalo for the opportunity to testify,

Jun Shin,
Environmental Justice Action Committee Chair
Young Progressives Demanding Action (YPDA)
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com
CC: action@ypdahawaii.org



House of Representatives
Committee on Water, Land, and Hawaiian Affairs
Committee on Energy & Environmental Protection

Pō‘alima, Malaki 13, 2020
Lumi ‘Aha Kūkā 325
Ke Kapikala Moku ‘āina
415 South Beretānia Street

Re: SB2386 SD2 - Relating to Waste Management

Aloha Luna Ho‘omalū Ryan Yamane, Luna Ho‘omalū Nicole Lowen, Hope Luna Ho‘omalū Chris Todd, Hope Luna Ho‘omalū Tina Wildberger, and members of the House Committees on Water, Land, & Hawaiian Affairs and Energy & Environmental Protection:

The Association of Hawaiian Civic Clubs **SUPPORTS SB2386, SD2**. 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, 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.

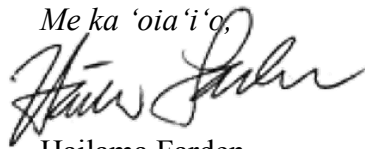
No community should suffer the negative health impacts and decrease in quality of life from a waste or disposal facility, including a landfill. This bill for an act would ensure a minimum safe distance of one-half mile from such facilities and the public. Let’s make sure that such sites, including landfills,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

Thus, the Association respectfully urges the Committee to **PASS SB2386, SD2.**

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 16th 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.

Hailama V. K. K. Farden, President

IRON WORKERS STABILIZATION FUND

March 13, 2020
10:30 am

Committee on Water, Land, & Hawaiian Affairs
Committee on Energy & Environmental Protection
House of Representatives
Conference Room 325
State Capitol
415 South Beretania Street

Re: SB2386, SD2 - RELATING TO WASTE MANAGEMENT.

Aloha Chair Ryan Yamane, Chair Nicole Lowen, Vice-Chair Chris Todd, Vice-Chair Tina Wildberger, and members of the House Committees on Water, Land, & Hawaiian Affairs and Energy & Environmental Protection:

We **SUPPORT** SB2386, SD2. 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 2nd and 3rd 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*

IRON WORKERS STABILIZATION FUND

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).

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.

Sincerely,



T. George Paris
Managing Director

TGP: MP



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

Corey Rosenlee
President

Osa Tui Jr.
Vice President

Logan Okita
Secretary-Treasurer

Wilbert Holck
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON WATER, LAND, &
HAWAIIAN AFFAIRS and THE COMMITTEE ON ENERGY & ENVIRONMENT

RE: SB 2386, SD2 – RELATING TO TEACHER COMPENSATION

FRIDAY, MARCH 13, 2020

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Yamane, Chair Lowen, and Members of the Committees:

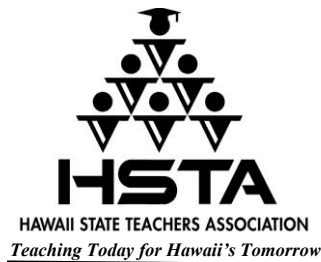
The Hawaii State Teachers Association **supports SB 2386, SD2**, relating waste management

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 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**



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Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Corey Rosenlee
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Vice President

Logan Okita
Secretary-Treasurer

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.



HAWAI'I LABOR COALITION

MORE THAN 65,000 AND GROWING

March 13, 2020

Hon. Rep. Ryan Yamane, Chair
Committee on Water, Land & Hawaiian Affairs
Hon. Rep. Nicole Lowen, Chair
Committee on Energy & Environmental Protection
House of Representatives
State of Hawaii

Aloha:

The Hawaii Labor Coalition (HLC) supports SB 2386 SD2. The bill would 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. It further requires no less than a one-half mile buffer zone for the construction, modification, or expansion of a waste or disposal facility.

The HLC stands with our members and their families whose quality of life and health are put at risk because of waste or disposal facilities like landfills. Our family in Nānākuli and Mā'ili are suffering from a public health crisis and they live next to an operating landfill that is mere feet away from homes and public spaces.

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



HAWAI'I LABOR COALITION

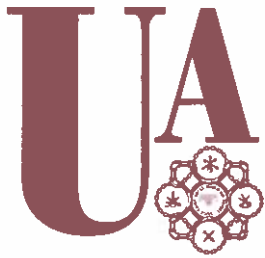
MORE THAN 65,000 AND GROWING

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).

We acknowledge the current need for waste or disposal facilities including landfills. We believe that new landfills should be in isolated areas that are appropriately zoned, including places like Kalaeloa and Campbell Industrial Park for O'ahu. We need a place to put our construction and demolition debris so that we can reach our affordable and workforce housing goals, repair our infrastructure, and build a better tomorrow for all Hawai'i.

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.

Mahalo.



Founded 1889

PLUMBERS AND FITTERS LOCAL 675 UNITED ASSOCIATION



March 13, 2020

The Honorable Representative(s) Ryan Yamane and Nicole Lowen, Committee Chair(s)
The Honorable Representative(s) Chris Todd and Tina Wildberger, Committee Vice Chair(s)
The Joint Committee on Water and Land and Energy and Environmental Protection
State Capitol Conference Room 325
415 South Beretania St.
Honolulu, Hawai`i 96813

Re: Senate Bill 2386, SD2- Relating To Waste Management
Friday, March 13, 2020 at 10:30 am

Aloha Chair(s), Vice-Chair(s), Committee Members;

Chartered in 1919, the Plumbers and Fitters UA, Local 675 is one of the oldest organized labor unions in Hawai'i and one of three 'licensed' skilled-construction trades, steeped in a rich history as one of Hawai'i's construction-industry pioneers.

On behalf of Local 675, Business Manager Val Ceria and its hard-working members and their families, we would like to thank the Committee Chair, Vice Chair and its members for allowing us to provide comments in SUPPORT of Senate Bill 2386 SD2.

Senate Bill 2386 SD2 essentially safeguards public health by providing that waste or disposal facility are not located in a conservation district except in emergency circumstances, and further provides for a minimum distance buffer zone for the construction, operation, modification, or expansion of a waste or disposal facility.

Although we acknowledge and recognize Hawai'i's unique challenges regarding waste management, we humbly ask that you consider the minimum standards proposed in Senate Bill 2386 SD2, as they are intended to protect public health, safety and welfare when siting new and/or expanding current waste or disposal facilities.

It is our observation that although environmental impact statements and health risk assessments typically measure potential impacts from airborne dust particles, they are not exhaustive and do not appear to consider or measure other by-products that are generated from the decomposing waste stream, known to pose significant health risks.¹ In addition, published guidelines support the use of buffer zones when siting a waste disposal site.²

For these reasons we ask for your favorable consideration of Senate Bill 2386 SD2. Mahalo for the opportunity to provide comments.

¹ Methane and Hydrogen Sulfide Gases at C&DD Landfills, State of Ohio Environmental Protection Agency Fact Sheet No. 0669, September 2001.

² Guidelines for Design and Operation of Municipal Solid Waste Landfills in Tropical Climates, International Solid Waste Association (ISWA), February 2013, p. 9-10.

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

SB 2386, SD 2, Relating to Waste Management

SUBMITTED VIA CAPITOL WEBSITE

Chair Ryan I. Yamane
Vice Chair Chris Todd
Members of the House Committee on Water, Land and Hawaiian Affairs

Chair Nicole E. Lowen
Vice Chair Tina Wildberger
Members of the House Committee on Energy and Environmental Protection

Re: SB 2386, SD 2, Relating to Waste Management

Dear Chair Yamane, Vice Chair Todd, Chair Lowen, Vice Chair Wildberger and Members of your Committees,

Thank you for the opportunity to submit testimony concerning SB 2386, SD 2, Relating to Waste Management. PVT strongly opposes SB 2386, SD 2 as passage of this special legislation would be devastating to the health and safety of the people of Hawaii and to the environment.

SB 2386, SD 2 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.”

No landfill in the State of Hawaii meets this requirement. Rather than close every landfill in the State, SB 2386, SD 2 further provides that “[t]his subsection shall not apply to the continued operation of an existing waste or disposal facility that is properly permitted; provided that continued operation does not require physical expansion, vertical or horizontal, of the facility requiring additional permitting review and a permit modification.”

This addition is not a solution as it is readily apparent that SB 2386, SD 2 is special legislation. The immediate and intended impact of this measure is to stop PVT from relocating its Integrated Solid Waste Management Facility from its current location to a site across the street on Lualualei Naval Road. The history of the bill before you shows that when SB 2386 applied only to municipal solid waste facilities, it was not heard. SB 2386 SD1 added construction and demolition landfills to the bill and promptly received a hearing. When SB 2386 SD 1 was heard, the testimony submitted to the Senate demonstrated that the purpose of this bill

is to shut down PVT's facility and prevent it from relocating across the street. Naturally, every landfill in the State opposed the bill because none of them could meet its requirements. The solution, rather than close all landfills, was to limit the application of the bill to landfills proposing an addition – and the only landfill in that category is PVT.

Courts are not fooled by the language in a bill. Courts look to the substance and practical operation, rather than the title, form or phraseology of a law. Where, as here, the legislation creates a class that is logically and factually limited to a class of one, it is special legislation. The Legislature should not close a business that is operating in accordance with its permits and merely seeks to continue to do so.

The bill is not necessary. Both state and local government currently regulate the buffer zones for landfills. For example, on Oahu, both the Waimanalo Gulch Sanitary Landfill and PVT must comply with the Revised Ordinances of Honolulu ("ROH") "Specific Development Standard for Waste Disposal and Processing Facilities." ROH Section 21-5.680 provides that "[n]o waste disposal and processing facility shall be located within 1,500 feet of any zoning lot in a country, residential, apartment, apartment mixed use or resort district. When it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology or similar considerations, this distance may be reduced, provided that at no time shall the distance be less than 500 feet." (Emphasis added.) Using site specific criteria, the Waimanalo Gulch buffer zone is approximately 500 feet and PVT's buffer zone is 750 feet (which we believe to be the largest landfill buffer zone in the State).

Closing PVT would have devastating results. PVT is the only publicly available facility that is permitted to accept construction and demolition debris on Oahu. PVT's current facility is nearing closure, and PVT's planned move will assure continued support to residents, businesses and government agencies on Oahu. Without PVT:

- Developers, contractors and truckers in the construction industry would have no legal place on Oahu to take their construction and demolition debris. Construction projects – as small as a kitchen remodel or as large a shopping center - would come to a halt. Examples include:
 - Plumbers need PVT to handle broken toilets – PVT crushes and recycles them.
 - Roofers need PVT to dispose of their old roofs when new ones are needed.
 - Car washes need PVT to solidify their recycled muddy water.
- Federal, State and local government would have no legal place on Oahu to take their construction and demolition debris. Again vital renovations and new construction – as small as replacing broken pipes and as large as the stadium - would be halted. Examples of agencies that take their demolition debris to PVT include:
 - Board of Water Supply
 - City's Department of Environmental Services

- City's Department of Facilities Maintenance
 - City's Department of Parks and Recreation
 - Hawaii Air National Guard
 - State Department of Education
 - State Department of Land and Natural Resources
 - State Department of Transportation
 - University of Hawaii
 - United States Army Garrison Hawaii
 - United States Pearl Harbor Shipyard
- If there is no legal disposal option on Oahu, illegal dumping would be rampant, both on private and government land.
 - 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 where it could be recycled.
 - 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. This bill 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's 2019 Integrated Solid Waste Management Plan Update (November 2019) documents that 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

PVT has been up-front and transparent about its recycling, landfill and renewable energy project. PVT prepared a three-volume Final Environmental Impact Statement ("EIS") that was

published in the February 8, 2020 Environmental Notice. The City and County of Honolulu recently made a formal determination of “acceptance” for the Final EIS, meaning that the City determined that the Final EIS (1) fulfilled the content requirement for an EIS, (2) adequately described the impacts of the project and (3) adequately responded to public comments on the project.

As the EIS demonstrates, PVT consulted with the community and responded to comments and requests for information. PVT took its obligations seriously and retained independent experts to study the impacts of the project. The independent studies filled Volume 2 of the EIS and included:

- Air quality impacts, including dust studies
- Water quality, including surface and groundwater quality
- Noise
- Biological study of flora and fauna
- Traffic impact analysis
- Archaeological report and preservation plan
- Cultural impact assessment
- Landscaping

All of these studies are site-specific, so the actual conditions onsite, including topography, prevailing winds, groundwater gradients, operating practices and other local conditions were considered. The site-specific information in the Final EIS will be considered by the permitting agencies when they make their determination of the appropriate buffer zone.

In contrast, the measure before you simply imposes an arbitrary condition that project opponents know that no landfill in the State meets now, so they know PVT cannot meet it in the future.

PVT respectfully requests that your Committee holds SB 2386, SD 2. Thank you again for the opportunity to submit comments.



Testimony of Georgette Silva
Administrative Director, West Oahu Aggregate
West Oahu Aggregate Co, Inc
855 Umi St
Honolulu, Hawaii 96819

SB 2386, SD 2, Relating to Waste Management

SUBMITTED VIA CAPITOL WEBSITE

Chair Ryan Yamane
Vice Chair Chris Todd
Members of the House Committee on Water, Land and Hawaiian Affairs

Re: SB 2386 SD2, Relating to Waste Management

Aloha Chair Yamane, Vice Chair Todd and Members of your Committee,

My name is Georgette Silva. I am the administrative director at West Oahu Aggregate. For more than a quarter of a century, we have been providing several types of services to the construction industry and other customers, including producing and delivering concrete for all types of residential and commercial construction projects, transportation of cargo containers, as well as fuel supply services. One of the biggest parts of our business is picking up and delivering bins for debris and soil coming from construction and demolition operations.

We oppose this bill because it would hurt our business and hurt the community in which many of us live and work. One of our most important business partners is PVT Land Company. We are one of the largest haulers of construction and demolition debris on the island, and we take all of the construction debris from our customers to PVT.

If PVT was not available as a resource, we would have an extremely difficult time operating. The cost of taking debris to other locations is problematic because they will not take all the debris we need to deliver, and the cost is much greater. It would increase our costs as much as 100 percent.

PVT is our neighbor, so we are very familiar with their operations and their work in the community. They are a highly ethical and environmentally conscious company and a leader in recycling and LEED certification.

We have seen first-hand the many good deeds they perform for the schools and youth athletic programs in the community. If they were forced to stop operating, it would have a significant negative impact, not only on our company, but also the West Oahu Community at large.

Because of the unintended consequences, I ask you to please table this bill.

Thank you for the opportunity to testify on this dangerous piece of legislation,



To
COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS
Rep. Ryan I. Yamane, Chair
Rep. Chris Todd, Vice Chair

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Rep. Nicole E. Lowen, Chair
Rep. Tina Wildberger, Vice Chair

March 13, 2020; 10:30 am
Conference Room 325

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

Testimony in Opposition to SB2386 SD2 Relating to Waste Management

Reynolds Recycling, as Hawaii's largest bottle and can recycler, **opposes SB 2386 SD2.**

While we appreciate the original intent of this bill, the bill vastly overreaches that original intent. Every State Certified Redemption Center also requires a permit from the DOH, and even while on commercial property, would be bound to the half mile buffer in the current wording, and would immediately be eliminated as unable to meet the requirements to operate with a one-half mile buffer zone. Even if all current locations are "grandfathered" in, it would preclude the possibility of expanding to meet customer needs for more convenient locations.

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 SD2.**

Thank you for the opportunity to submit this testimony.

SB-2386-SD-2

Submitted on: 3/9/2020 10:35:46 PM

Testimony for WLH on 3/13/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	No

Comments:

SB-2386-SD-2

Submitted on: 3/9/2020 8:08:17 PM

Testimony for WLH on 3/13/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Individual	Support	No

Comments:

SB-2386-SD-2

Submitted on: 3/9/2020 10:37:59 PM

Testimony for WLH on 3/13/2020 10:30:00 AM

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

Comments:

every human being, in every community, should never suffer from places like PVT.

Find another more suited and unoccupied area to open a new PVT.

SB-2386-SD-2

Submitted on: 3/10/2020 4:39:41 AM

Testimony for WLH on 3/13/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jolyn Ballenti	Individual	Support	No

Comments:

I am in support of SB2386. Please help protect the health and wellness of all of our communities by ensuring that there is a buffer zone of ½ -mile from landfills and people. Enough-is-enough, no more landfills in our communities, no more landfills in NÄ• nÄ• kuli and MÄ• 'ili!

SB-2386-SD-2

Submitted on: 3/10/2020 12:35:06 PM

Testimony for WLH on 3/13/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melvin Paris	Individual	Support	No

Comments:

Aloha Representatives:

Kala mai, I don't mean to offend anyone. You know, I never graduate from high school, but I have worked with animals most of my life. So, if dogs don't sleep where they shit, neither should we. Please pass the bill.

Mahalo,

Melvin Paris

Kapolei, O'ahu, HI

SB-2386-SD-2

Submitted on: 3/10/2020 12:36:28 PM

Testimony for WLH on 3/13/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Henrietta Paris	Individual	Support	No

Comments:

Aloha Representatives,

My name is Henrietta Paris, and I have been a homemaker and a janitorial service worker over my life. I know that when you live in and around trash, you get sick, that's why we cleanup the trash and throw it away. Please pass this bill and make sure that trash doesn't end up in anyone's backyard. Thank you and have a blessed day.

Sincerely,

Henreitta Paris

Kapolei, Oahu

SB-2386-SD-2

Submitted on: 3/10/2020 1:54:55 PM

Testimony for WLH on 3/13/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Comments	No

Comments:

There is SO much I want to comment about on this but realize that IF the legislators and others have not yet understood what a conservation district is supposed to do and that specifically on Mauna Kea there are 8 criteria for doing anything in a conservation district, then whether I oppose or support it will make no difference. The Hawai'i Supreme Court recently ruled that it was ok to continue the desecration of a place because it had already been once desecrated. SO that means pretty much all of our islands are doomed to the greed of capitalism. We can stand in line and testify for hours about the harm of waste on our Mauna or other places and it falls on deaf ears. THE question would be why is that, except we know... \$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$ or the belief that \$\$\$\$ will come. There is already trash on the Mauna, for example, buried so people might not know it. Want to see it, ask people there to take you. I am speaking specifically of the Mauna because that is what I have learned. Where do the telescopes currently take their waste? Have all the rules and laws been followed for the site down the Mauna? Does the fact that the federal govt. has cut funding to the DOH and other programs, make permits and oversight greater? I think not? Does the DOH have the resources to enforce whatever laws you make? I think not? So here we are basically where we always are on our islands... My last comment, when in doubt, don't... and common sense is still a good thing.

SB-2386-SD-2

Submitted on: 3/11/2020 6:01:40 PM

Testimony for WLH on 3/13/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support SB2386. With habitat loss and degradation, climate change and invasive species, native species have enough assaults inflicted upon them without waste management facilities being located next to conservation areas. We need all the help we can get in protecting Hawaii's natural resources.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei, Maui

SB-2386-SD-2

Submitted on: 3/12/2020 10:17:19 AM

Testimony for WLH on 3/13/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Makana Paris	Individual	Support	No

Comments:



SIERRA CLUB OF HAWAI'I

LATE

**HOUSE COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS
COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION**

March 13, 2020 10:30 AM Room 325

In SUPPORT of SB2386 SD2: Relating to Waste Management

Aloha Chair Yamane, Chair Lowen, and members of the committees,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i is in **support of SB2386 SD2** 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 new or expanded 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-2

Submitted on: 3/12/2020 8:05:27 PM

Testimony for WLH on 3/13/2020 10:30:00 AM

LATE

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

Comments:

SB-2386-SD-2

Submitted on: 3/12/2020 9:59:25 PM

Testimony for WLH on 3/13/2020 10:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Watts	Individual	Support	No

Comments:

Aloha Kakou. I support SB2386, because citizens do not deserve to have a landfill located near them that potentially shaves off 10 years of life. It is inhumane and probably one of the main reasons why these places are not located on the East Coast of Oahu.

Kim Watts

Graduate Student/Veteran

House of Representatives

Committee on Water, Land, & Hawaiian Affairs Committee on Energy & Environmental Protection

Rep. Ryan I. Yamane, Chair

Rep. Chris Todd, Vice Chair

Rep. Nicole E. Lowen, Chair

Rep. Tina Wilberger, Vice Chair

Friday, March 13, 2020

10:30 am, Conference Room 325

State Capitol

415 South Beretania Street

LATE

SB2386 SD2 - RELATING TO WASTE MANAGEMENT

Aloha Chairs Yamane and Lowen, Vice-Chairs Todd and Wilberger, and members of the House Committee on Water, Land, & Hawaiian Affairs and Committee on Energy & Environmental Protection:

I am in **SUPPORT** of SB2386 SD2.

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.

From Mā‘ili, my name is Kamuela Werner. I graduated from Nānākuli High School, hold a Bachelors of Science in Natural Resource and Environmental Management as well as a Masters in Public Health from the University of Hawai‘i. I have worked at the Department of Native Hawaiian Health at the John A. Burns School of Medicine as a Native Hawaiian and Pacific Islander health disparities researcher, as a Native Hawaiian Congressional fellow for Senator Mazie Hirono in D.C., and now I am back at the University of Hawai‘i pursuing additional graduate education in applied cultural anthropology.

Before moving to Mā‘ili, I grew up in a multi-generational Native Hawaiian household on Mōhihi street in Nānākuli. The Lualualei plain was my backyard where, at the time, you could see straight through to the base of Pu‘u Heleakalā, the sacred and storied place of our ancestor Māui. But no more, now we see “mauna ‘ōpala” as the keiki call it, created by the PVT Land Company. The same company who is proposing to relocate across the street from its current operations on Lualualei Naval Road in Nānākuli for another 30 years—yards away from our community and land recently aquired by Ma‘o Organic Farms. We now tell stories about trash and sickness rather than the accomplishments of our ancestors. Today, I speak on behalf of my ‘ohana that live, work, or go to school in Nānākuli and Mā‘ili.

We respectfully ask you to **SUPPORT** SB2386 SD2

Why? Because there is a public health crisis in Nānākuli and Mā'ili.

According to Center for Disease Control/National Center for Health Statistics in the U.S. Small-Area Life Expectancy Estimates Project based in part on U.S. census data, the census tracts that include Nānākuli Homestead and the neighborhoods of Auyoung Homestead Road and Mōhihi Street have the 2nd and 3rd lowest life expectancies in the State. Our communities' life expectancy is 8 to 10 years less than the State average of 82 years. Immediately surrounding these communities, the life expectancy increases between 4 and 6 years from backside Lualualei Valley behind the Wai'anae Coast Comprehensive Center, to Ko'olina, Honokai Hale, and Makakilo. Something is not pono.

From a public health perspective, the operation of a landfill in the current and proposed areas should be avoided for the following reasons: First, for landfills in general, the current and available public health literature associates living in close proximity of 1 to 4 miles away with adverse pregnancy outcomes, increases in infant low birth weights, increases in the risk of birth defects, self-reported headaches, sleepiness, respiratory and central nervous system problems, psychological conditions, and gastrointestinal issues. (See *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). As a Construction and Demolition landfill in specific, the current PVT landfill contains tons of gypsum drywall which breaks down to produce hydrogen sulfide (H₂S) gas (See *Hydrogen sulfide generation in simulated construction and demolition debris landfills: impact of waste composition*, The Journal of the Air & Waste Management Association, 2006). Residential exposure to H₂S within 3.1 miles of a landfill is associated with lung cancer deaths as well as with death, disease and hospitalizations from respiratory illnesses (*Morbidity and mortality of people who live close to municipal waste landfills: a multisite cohort study*, International Journal of Epidemiology, 2016). Using the US Census 2017 ACS 5-Year Population Estimates for Nānākuli and Mā'ili, it is estimated that over 18,000 residents live within 3.1 miles of the PVT landfill and are potentially exposed daily to H₂S in specific, and other landfill gasses and debris. In emergency situations, the State and City and County of Honolulu governments can place, and have placed, materials from disaster cleanups into PVT landfill.

Secondly, the Hawai'i Department of Health (HDOH) has never clarified that there is no risk to the public for living in proximity to landfills in general, or the current or proposed PVT landfill in specific, especially within 3.1 miles. Further, HDOH has never reviewed the findings of independent studies which say that there is no risk to public health from landfills in general or from the current or proposed PVT landfills in specific, especially to the thousands of people that live, work, and play within a 3.1-mile radius of landfill operations. In fact, according to the PVT 2019 Draft Environmental Impact Statement, the only HDOH air monitoring station that measures H₂S is located in Puna on Hawai'i Island. HDOH given the current regulations for landfills, has been unable to adequately protect the public health, despite kama'āina testimony presented since the 1980s, voicing concerns over the adverse health impacts of living and working in close proximity to landfills both in general and with regard to the operations and

plans of PVT in specific. Lastly, it is not clear if the permit requirements issued by HDOH or the Department of Planning and Permitting of the City and County of Honolulu are being enforced

HDOH and the City and County of Honolulu, given the current regulations for landfills, has been unable to adequately protect the public health, despite the scientific studies that suggest adverse health effects for living within proximity of a landfill up to 4 miles away.

As a Native Hawaiian Congressional fellow who worked in the Office of Sen. Mazie Hirono, I gained a greater understanding of the purpose and value of governmental policies, which are in part, to protect the health and safety of the public. The policies that regulate our landfills today are incomplete, because communities are still at risk, our communities of Nānākuli and Mā'ili communities are at risk.

According to the EPA, environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. I argue, the current regulations and policies that allow PVT to operate and relocate a landfill in the heart of Nānākuli and Mā'ili communities, are environmentally racist towards Native Hawaiians and prejudiced towards working families with low to medium incomes. Today, we can take a step towards environmental justice for all communities.

While this bill will not directly address the public health crisis currently occurring in Nānākuli and Mā'ili, it does make sure that we protect our communities against such events happening again in the future. Please ensure that waste or disposal facilities, including construction and demolition landfills, are not in anyone's backyard.

Therefore, I urge the committees to **PASS** SB2386 SD2.

Mahalo.

Ke aloha 'āina,

Kamuela Werner, MPH
Mā'ili Resident

SB-2386-SD-2

Submitted on: 3/12/2020 10:43:41 PM

Testimony for WLH on 3/13/2020 10:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Pride at Work - Hawaii	Pride @ Work - Hawaii	Support	No

Comments:



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

TO: HOUSE COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Hearing on Friday, March 13, at 10:30a.m., in Room 325

RE: TESTIMONY IN SUPPORT OF SB2386 SD2

LATE

Honorable Chair Ryan Yamane, Chair Nicole Lowen, and Members of the Committees:

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 SD2. 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