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# SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF HEALTH TO ENSURE THE SAFE MANAGEMENT OF  
ASH FROM WASTE INCINERATION FACILITIES.

1           WHEREAS, waste incineration facilities reduce every one  
2 hundred tons of trash to approximately thirty tons of ash; and  
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4           WHEREAS, H-Power is the only trash incinerator in Hawaii,  
5 operating in Campbell Industrial Park on Oahu, burning up to two  
6 thousand six hundred tons of waste per day, making it one of the  
7 largest waste incinerators in the nation; and  
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9           WHEREAS, the ash produced from H-Power is currently dumped  
10 in the Waimanalo Gulch Landfill in Honokai Hale; and  
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12           WHEREAS, fly ash from trash incinerators is regulated as  
13 hazardous waste in several other nations, but in the United  
14 States, the Environmental Protection Agency (EPA) categorically  
15 defines incinerator ash as non-hazardous, even when tests show  
16 fly ash is qualified as hazardous over ninety percent of the  
17 time due to the leaching of lead and cadmium, and bottom ash  
18 would test hazardous thirty-six percent of the time due to  
19 leaching of toxic lead; and  
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21           WHEREAS, since 1994, the United States Supreme Court ruled  
22 incinerator ash must be handled as hazardous waste if it tests  
23 hazardous; so the EPA changed the test and allowed the mixing of  
24 fly and bottom ash and other methods that enable incinerator ash  
25 to pass the test; and  
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27           WHEREAS, EPA staff admit that the ash testing regulations  
28 (which require testing incinerator ash only for what leaches out  
29 of the incinerator at a certain pH in short-term lab tests) are  
30 based solely on whether people will be exposed by consuming  
31 water that has passed through ash and leached groundwater and  
32 ultimately to drinking water supplies; and  
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1           WHEREAS, EPA staff admit that ash testing regulations are  
2 not based on skin exposure to incinerator ash or inhaling and  
3 ingesting it; and  
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5           WHEREAS, workers typically handle incinerator ash with no  
6 respiratory protection, truck ash to a landfill in trucks where  
7 some ash can blow or spill during transit, dump ash from trucks  
8 where ash dust usually rises in a cloud that wind can carry, and  
9 use toxic ash as daily cover material for itself, instead of a  
10 tarp or clean soil to prevent wind from blowing ash into the  
11 community; and  
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13           WHEREAS, the City and County of Honolulu are currently  
14 working with Covanta to develop an ash "recycling" facility at  
15 Campbell Industrial Park where incinerator ash would be exempted  
16 from being handled as waste and would be used to build roads or  
17 for other purposes that can put workers, the public, and the  
18 environment in more contact with incinerator ash than would  
19 occur if it were properly contained and landfilled responsibly;  
20 and  
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22           WHEREAS, roads and other construction materials are not  
23 forever and will erode and eventually break up, releasing more  
24 ash particles, without cautionary warnings, including  
25 particples of highly toxic dioxins and furans, and toxic metals  
26 like arsenic, cadmium, chromium, lead, and mercury; now,  
27 therefore,  
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29           BE IT RESOLVED by the Senate of the Thirty-second  
30 Legislature of the State of Hawaii, Regular Session of 2024, the  
31 House of Representatives concurring, that the Department of  
32 Health is urged to enforce section 342H-30, Hawaii Revised  
33 Statutes, so that incinerator ash (a type of "solid waste") may  
34 not be managed in a manner other than properly contained in a  
35 landfill and that trucking and landfilling must at least use  
36 secure tarps to ensure that ash cannot be blown by wind into the  
37 community; and  
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39           BE IT FURTHER RESOLVED that the City and County of Honolulu  
40 is hereby notified that "recycling" or "reuse" of incinerator  
41 ash violates state law, is not protective of public health, and  
42 should not be pursued; and



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BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, Director of Health, Chief Energy Officer, and Mayors of each county.

OFFERED BY:

Mike Hubbard

