

STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

**Testimony COMMENTING on HB1406
RELATING TO ENVIRONMENTAL PROTECTION.**

REPRESENTATIVE CHRIS TODD, CHAIR
HOUSE COMMITTEE ON TRANSPORTATION
REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Hearing Date: 2/14/2023 Room Number: 325

1 **Fiscal Implications:** Unknown

2 **Department Testimony:** The Department of Health (Department) provides comments on this
3 measure.

4 This measure proposes that the Department require projects greater than a specified size,
5 which include asphalt removal as an activity, recycle a certain percentage of the planed asphalt
6 generated by the project, except where asphalt recycling is not feasible that it be taken to a
7 landfill and used as landfill cover. It also proposes that the Department of Transporation (DOT)
8 in consultation with the Department adopt rules that establish paving project best practices,
9 prohibit asphalt distribution into the environment, and establish asphalt disposal standards.
10 Finally, it proposes that the Department designate either a site on each island or one central site
11 for processing and storage of excess planed asphalt.

12 The Department encourages the use of clean, cured asphalt for reuse in reclaimed asphalt
13 pavement (RAP) paving projects or as clean fill material. Section 342H-1, Hawaii Revised
14 Statutes includes cured asphalt in its definition of inert fill. The Department has traditionally
15 allowed cured asphalt, free of any contaminants, to be used as clean fill material except at
16 chemical removal or remediation project sites overseen by the Department.

17 Additionally, the Department has permitted facilities on Oahu, Maui, and Kauai to accept
18 cured asphalt for recycling purposes. Although Hawaii island does not have a permitted facility
19 to accept cured asphalt, the only landfill on the island reports that they do not receive significant

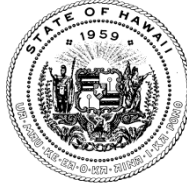
1 amounts of asphalt for disposal. Similarly, on Oahu it has been reported that approximately
2 45,000 tons of cured asphalt is taken to these permitted facilities versus approximately 2,500 tons
3 going for landfill disposal.

4 Following discussion with DOT, it is the Department's understanding that the majority of
5 cured asphalt from its paving projects are either reused in the same project to make new
6 pavement or retained by the paving contractor for later reuse or recycling.

7 The Department concludes that much of clean, cured asphalt is being reused or recycled
8 and is not being landfilled under existing practices and that the proposed goals of the bill will not
9 significantly increase quantities of recycled asphalt.

10 Thank you for the opportunity to testify.

11 **Offered Amendments:** None



LATE

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 14, 2023
10:30 A.M.
State Capitol, RM 325

H.B. 1406
RELATING TO ENVIRONMENTAL PROTECTION

House Committee on Transportation and
Committee on Energy and Environmental Protection

The Department of Transportation (DOT) offers **comments** on H.B. 1406 which requires that asphalt removed from roads and driveways be recycled, requires that the DOT adopt rules regarding best practices for paving projects, asphalt processing, and asphalt disposal. It also requires that the Department of Health (DOH) designates asphalt storage sites or develops a centralized asphalt state processing and storage facility.

The DOT has already published a Construction Best Management Practices (BMPs) Field Manual, last updated in 2021. The manual includes guidance on BMPs for stockpile management to prevent release of old asphalt into the environment. BMPs include:

- Locating stockpiles a minimum of 50 feet, or as far as practicable, from concentrated runoff, waterbodies, and inlets. If impacted, additional precautions should be taken to protect storm drain inlets, open drainage facilities, and waterbodies.
- Providing physical diversions to protect stockpiles from concentrated runoff.
- Covering stockpiles with 10 mil plastic sheeting or comparable impermeable materials.
- Protecting stockpiles with a temporary perimeter sediment barrier.
- Requiring stockpiles of paving materials to be placed on 10 mil plastic sheeting, or similar impermeable material, or to be disposed of properly off-site at the end of the day. Stockpiles are not allowed to be placed directly on bare ground.
- Ensuring stockpile heights can be managed and that they are not taller than surrounding structures.

The manual also provides information about stockpile inspection and maintenance of BMPs.

There are already controls on facilities that manage/ process Reclaimed Asphalt Pavement (RAP). In our discussion with DOH, there are already permitted facilities on Oahu, Maui and Kauai that accept RAP for recycling. They are both state owned and privately owned (by contractors). The contractor's facilities are also required to obtain a National Pollutant Discharge Elimination System permit which regulates their stormwater discharge quality.

Thank you for the opportunity to provide testimony.



To: The Honorable Chairs Chris Todd and Nicole Lowen, the Honorable Vice Chairs Darius Kila and Elle Cochran, and Members of the Committees on Transportation and Energy and Environmental Protection

From: Climate Protectors Hawai'i (by Ted Bohlen)

Re: **Hearing HB1406 RELATING TO ENVIRONMENTAL PROTECTION.**

Hearing: Tuesday February 14, 2023, 10:30 a.m., room 325

Aloha Chairs Todd and Lowen, Vice Chairs Kila and Cochran, and Members of the Committees on Transportation and Energy and Environmental Protection:

The Climate Protectors Hawai'i STRONGLY SUPPORTS HB1406!

Asphalt is used in most road and highway surfaces in the State. Asphalt is the single most recycled material in the world. Recycling of asphalt pavement is great way to rehabilitate pavement while saving costs, using less virgin materials, and reducing greenhouse gas emissions. According to the National Asphalt Paving Association, in 2021, approximately 2,600,000 metric tons of carbon dioxide equivalent was spared from the atmosphere through using reclaimed asphalt

pavement in new mixture. In Hawai'i, there are additional cost and carbon savings associated with the reduced need to import raw and virgin materials.

The State could do more to incorporate a circular asphalt model into its practices by requiring a maximized rate of recycling asphalt pavement and by requiring proper storage, stockpiling, and disposal of old asphalt that is not immediately recycled or that is deemed non-recyclable.

This bill would help Hawai'i save costs and avoid greenhouse gas emissions and other harm to the environment by recycling more asphalt.

Please pass this excellent bill!

Mahalo!

Climate Protectors Hawaii (by Ted Bohlen)

HB-1406

Submitted on: 2/10/2023 12:24:02 PM

Testimony for TRN on 2/14/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support

HB-1406

Submitted on: 2/10/2023 3:59:12 PM

Testimony for TRN on 2/14/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

Support. Thank you.

HB-1406

Submitted on: 2/10/2023 4:51:19 PM

Testimony for TRN on 2/14/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Comments	Written Testimony Only

Comments:

Ostensibly this is a good bill. However, knowing the toxicity of asphalt, it shouldn't be used at all! If we are to become a more sustainable state we need to recognize the toxicity of petrochemical products and eliminate them altogether.

HB-1406

Submitted on: 2/10/2023 5:14:26 PM

Testimony for TRN on 2/14/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Support	Written Testimony Only

Comments:

I support HB1406. We are fast running out of landfill space and need to re-use and recycle everything we can.

HB-1406

Submitted on: 2/12/2023 7:40:07 PM

Testimony for TRN on 2/14/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please support HB1406.

LATE

HB-1406

Submitted on: 2/14/2023 12:29:21 AM

Testimony for TRN on 2/14/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Clair Mason	Individual	Support	Written Testimony Only

Comments:

Aloha chair, vice chair, and members of the committee,

My name is Clair Mason, I am from Kailua-Kona, and I stand in **strong support of HB1406**. We are failing to catch up to our climate deadlines. We must all do our part to battle climate change so that the aftermath doesn't fall in the shoulders of our keiki. Please pass HB1406 so that we can recycle as much as possible with our valued infrastructure in Hawai'i. Mahalo for your work and for considering my testimony.

Clair Mason