

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
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Honolulu, HI 96801-3378
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**Testimony in SUPPORT of HB0256, HD2
RELATING TO ENVIRONMENTAL PROTECTION**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

March 12, 2025; 1:00 PM; Room Number: 225

1 **Fiscal Implications:** Undetermined.

2 **Department Position:** The Department of Health (Department) supports this measure.

3 **Department Testimony:** The Environmental Management Division, Clean Air Branch
4 (EMD-CAB) provides the following testimony on behalf of the Department.

5 The Department supports this measure that proposes to prevent backsliding on existing air
6 emission limits in the event that the United States Environmental Protection Agency proposes
7 new emission limits for waste-to-energy facilities. Typically, new federal regulations increase
8 the level of stringency placed on air pollution sources based on new information, data,
9 technologies, and lengthy and comprehensive evaluations, while this bill considers the
10 opposite. Although we are unable to predict future changes to federal air regulations, the
11 Department recognizes the benefit of preventing the relaxation of emission standards in
12 maintaining and protecting air quality.

13 **Offered Amendments** None.

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

March 12, 2025

Honorable Joy A. San Buenaventura, Chair
Honorable Mike Gabbard, Chair
and Members of the Committees
Hawaii State Senate
Committee on Health and Human Services
Committee on Agriculture and Environment

Re: Testimony in **SUPPORT** of House Bill 256 H.D.2

Aloha Chair San Buenaventura, Chair Gabbard, and Members of the Committee:

Reworld supports HB 256 H.D.2, which would require waste-to-energy facilities to comply with existing U.S. Environmental Protection Agency (EPA) emissions standards as of December 24, 2024, even if those standards are made less strict in the future. Reworld, as operator of the City & County of Honolulu's waste-to-energy facility (HPOWER), has consistently operated well below the stringent EPA emissions standards and is committed to doing so in the future.

A. HPOWER Diverts Solid Waste from Landfills while Producing 10% of Oahu's Energy Needs

Reworld is the long-time operator of the HPOWER facility, which is tasked with diverting solid waste from the city's landfill while converting waste into energy. The facility processes 620,000 tons of municipal solid waste and recovers 19,000 tons of metals for recycling yearly. HPOWER creates enough renewable electricity to power 60,000 homes or approximately 10% of Oahu's energy needs.

B. The Clean Air Act and Maximum Available Control Technology (MACT) Successfully Reduced Emissions from Waste-To-Energy Facilities

The installation of air pollution control equipment at HPOWER and waste-to-energy facilities around the U.S. was driven by the Clean Air Act Amendments of 1990 and the included Maximum Achievable Control Technology (MACT) standards. Following the implementation of these requirements, emissions from the industry dropped dramatically due to the closure of

outdated facilities and the installation of updated air pollution control equipment for those remaining in operation.

Emissions from waste-to-energy facilities have continued to drop, with average 2020 concentrations 43-99.9% lower than 1990 levels, even as the industry processed more waste than ever before. Reworld is proud that our first sustainability program, established in 2007, resulted in up to a 74% reduction in emissions from our waste-to-energy facilities.

C. HPOWER Operates Well Below the Emission Standards and Supports HB 256 H.D.2 to Protect Those Standards from Any Potential Weakening in the Future

HPOWER has an excellent compliance record with the EPA's air emission limits for Municipal Waste Combustors (MWCs). The facility continuously operates below the emission limits set by the EPA, as depicted in the attached graphs showing the facility's performance over the years.¹

Under HB 256 H.D.2, waste-to-energy facilities will be required to comply with EPA emissions regulations existing as of December 24, 2024, even if those regulations are changed and made less strict in the future. Reworld strongly supports this bill to protect Hawaii and its residents from any potential weakening of federal standards applicable to HPOWER and other waste-to-energy facilities.

We note that the prior committee added an amendment to clarify that waste-to-energy facilities must comply if emission limitations are made more stringent by federal regulations or by the state air pollution control permit. Reworld supports this amendment and respectfully requests that the Committees adopt this measure in its current form.

Thank you for the opportunity to provide testimony in support of HB 256 H.D.2.

Frazier Blaylock
Senior Director, Government Relations
Reworld (f/k/a Covanta)
4960 Fairmont Avenue #605
Bethesda, MD 20814

¹ An electronic version of the graphs can be viewed here: [Microsoft PowerPoint - 2023 Facility Performance Sheets \(final\)](#)

H-Power TTF

2023 Facility Performance



Landfill Diversion

620,000
tons of MSW processed

Enough to cover
447
Football Fields

Or, fill
75,100
garbage trucks,
bumper to bumper

Energy Recovery

328,000
MWh net electricity export

Enough to power
31,000
homes for 1 year

Or, charge
76,000
Electric vehicles for 1 year

Metal Recycling

17,600
tons of ferrous metals

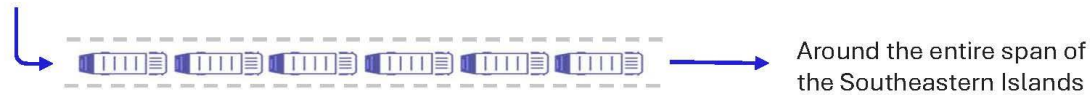
Equivalent to:
15,000
cars recovered from steel

Paperclip chain wrapped around the earth
27 times

1,400
tons of non-ferrous metals

94M
aluminum cans

Energy savings from avoided metal mining:
4.3M
gallons of gasoline



Net Greenhouse Gas (GHG) Avoidance

2.4 tons
of net CO₂e avoided* for every ton of waste diverted from landfill

1.3M
metric tons of GHGs avoided

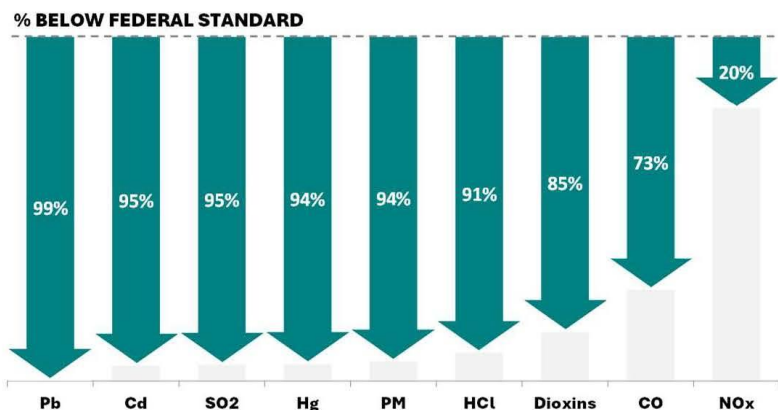
Equivalent to removing/displacing:
330,000
Vehicles from roads

1.65B
Pounds of coal

Environmental Compliance

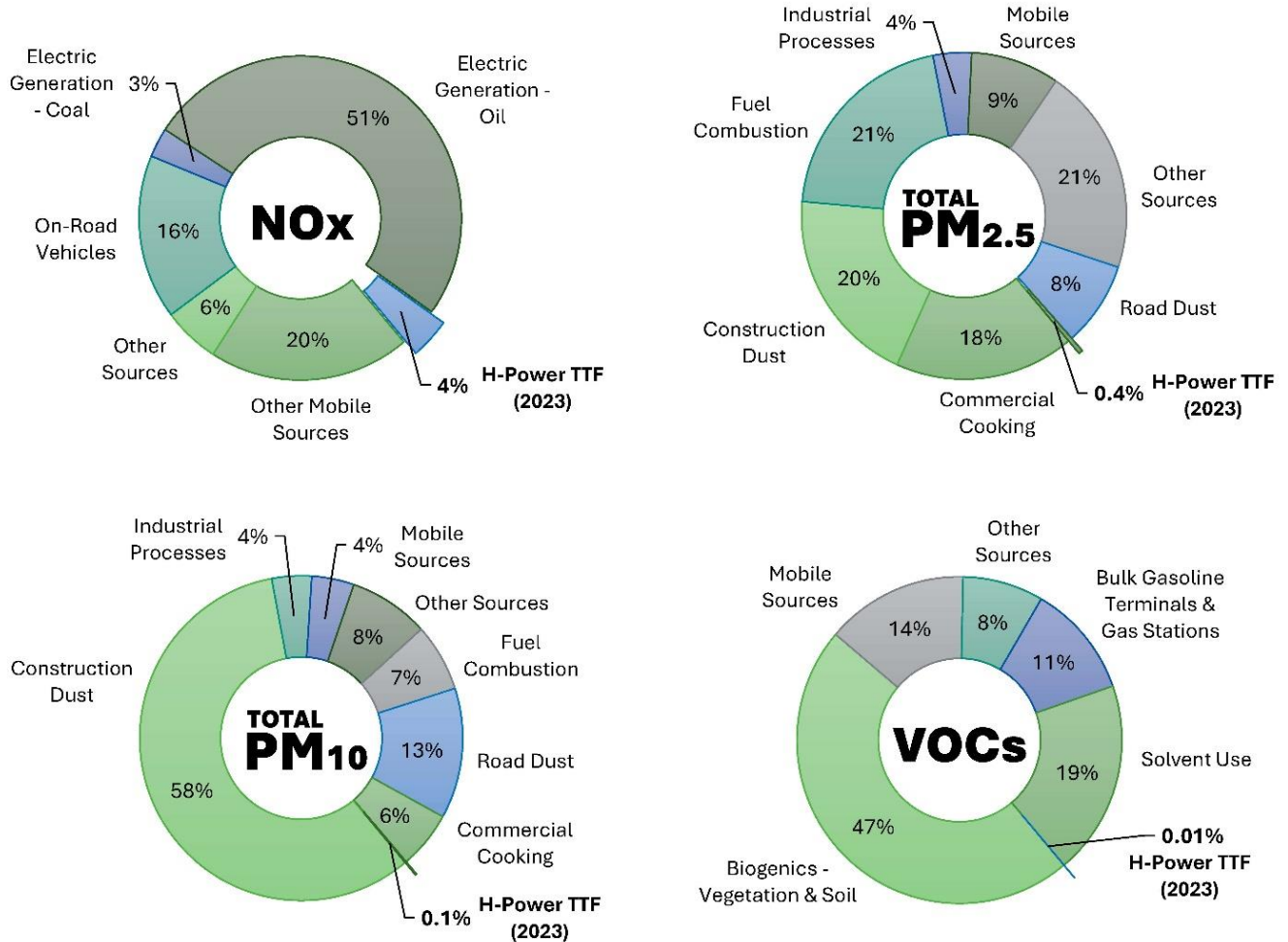
up to
99% below
Federal emissions standards, based on annual averages**

99.98% compliant
with Continuous Emissions Monitoring (CEMS) standards



How Do Our Emissions Compare to Other Sources in the County?

Local air emissions*** in Honolulu County, HI



* GHGs are represented in CO₂ equivalents (CO₂e) using global warming potentials (GWPs) to compare the warming power of different gases. This analysis uses the 20-yr GWP for methane of 81 from the IPCC's 6th assessment report. TTFs in the U.S. reduce lifecycle emissions by an average of 2.4 tons of CO₂e per ton of MSW diverted from landfills. The data presented here reflects facility-specific operating data and the local electrical grid, which can differ from the national average.

** 2021-2023 Average Annual Emissions compared to federal guidelines for existing facilities (40 CFR 60 Subpart Cb). Facility may be subject to more stringent requirements by permit or in accordance with other federal guidelines.

*** Based on the 2020 US EPA National Emissions Inventory; the most recently released complete inventory. Where available, the facility's 2020 emissions were replaced with the most recently reported 2023 emissions.

Comments before
March 12, 2025
Senate Committees on Health and Human
Services and Agriculture and Environment

COMMENTS WITH AMENDMENTS
House Bill 256
Relating to Trash Incinerator Regulations

Mike Ewall, Esq.
Founder & Director
Energy Justice Network
215-436-9511
mike@energyjustice.net
www.EnergyJustice.net

Aloha Honorable Committee members. Energy Justice Network is a national organization supporting grassroots groups working to transition their communities from polluting and harmful energy and waste management practices to clean energy and zero waste solutions. In Hawai'i, we've been working with residents who first sought our support in 2015. Since mid-2022, we have supported residents in forming the Hawai'i Clean Power Task Force and Kōkua nā 'Āina to address numerous energy and waste issues in the state.

We urge that you adopt the following amendment to HB 256.

AMENDMENT to be inserted before page 3, line 6:

SECTION 3. An owner or operator of a large municipal waste combustor may not operate after December 31, 2027 without having all four pollution control systems commonly used by such facilities, including activated carbon injection for control of dioxins/furans and mercury, and advanced selective non-catalytic reduction for control of nitrogen oxides.

This is important because the **two of the three burners at H-POWER are 35 years old and are totally missing two of the four pollution control systems that most incinerators have.** They are missing the pollution controls that capture the most toxic chemicals such as dioxins and mercury; these are called activated carbon injection (ACI). They are also missing the pollution controls which reduce the nitrogen oxides (NOx) that trigger asthma attacks. These controls are called selective non-catalytic reduction (SNCR). Modern incinerators permitted in the past 15 years have been required to use selective catalytic reduction (SCR), which can achieve emissions levels 70-80% lower than SNCR, but this is rather expensive to install at an old incinerator, so the older incinerators like H-POWER are gradually installing what EPA calls "advanced selective non-catalytic reduction" or ASNCR, which can still reduce nitrogen oxides more than SNCR, but not nearly as effective as SCR.

The newer (third) burner at H-POWER has ACI and SNCR, but the two old units totally lack them. **Any bill purporting to be about incinerator air pollution should require that these missing controls be installed, which EPA's [regulations for Large Municipal Waste Combustors](#) proposed in January 2024 are poised to require.**

BACKGROUND

The Clean Air Act regulations that HB 256 aims to protect are from 2006. The U.S. Environmental Protection Agency is required to update these regulations every five years, but had to be sued (under the Biden administration) to update them. A federal court required that they be updated by December 2024, but before Trump took office, it was agreed to delay this by a year. At best, new regulations would be in effect by 2029 if not further delayed by the Trump administration.

The regulations proposed by the Biden administration were the weakest of three proposed options for 8 of 9 pollutants, and they picked the middle-option for the nitrogen oxides that trigger asthma attacks.

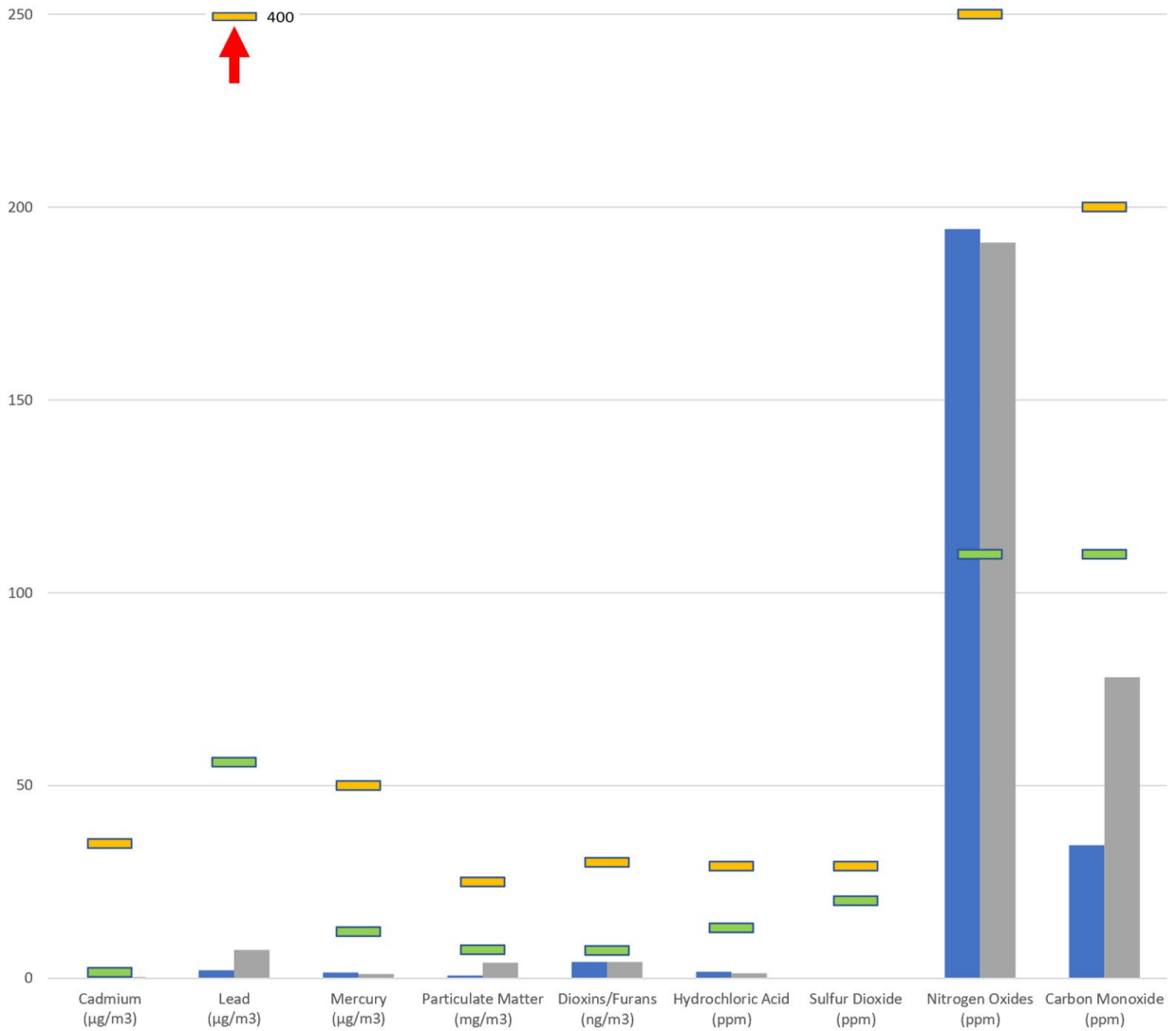
It is not enough to simply reinforce the existing regulations which are so weak that H-POWER manages to be one of the largest air polluters on O'ahu, and is allowed to operate with two of four pollution control devices missing on two of their three burners.

To weaken the existing regulations, the Trump administration would have to go through a lengthy regulatory process in violation of a court order to revisit and strengthen these regulations. The new regulations that almost came out under the Biden administration would have allowed states about four years to implement after EPA's final regulations are finalized. States issue the air pollution permits, not the federal government. By the time a new rule could be completed, survive litigation, and then be implemented by states, we'd be in a new presidential administration that would likely reverse it, anyway. Also, states are allowed to have stricter air regulations than the federal minimums, so Hawai'i would not have to weaken its permit for H-POWER in any case unless HB 256 stays as is and is interpreted to mean that the more protective limits on Unit 3 must be rolled back to the current (old) federal standards.

Units 1 and 2 (which came online in November 1989) burn refuse-derived fuel (processed trash) and are held to weaker standards because of the age of the facility as well as the fact that they burn this form of trash. Unit 3 (which came online in February 2013) is a "mass burn" facility, meaning that they burn unprocessed trash directly.

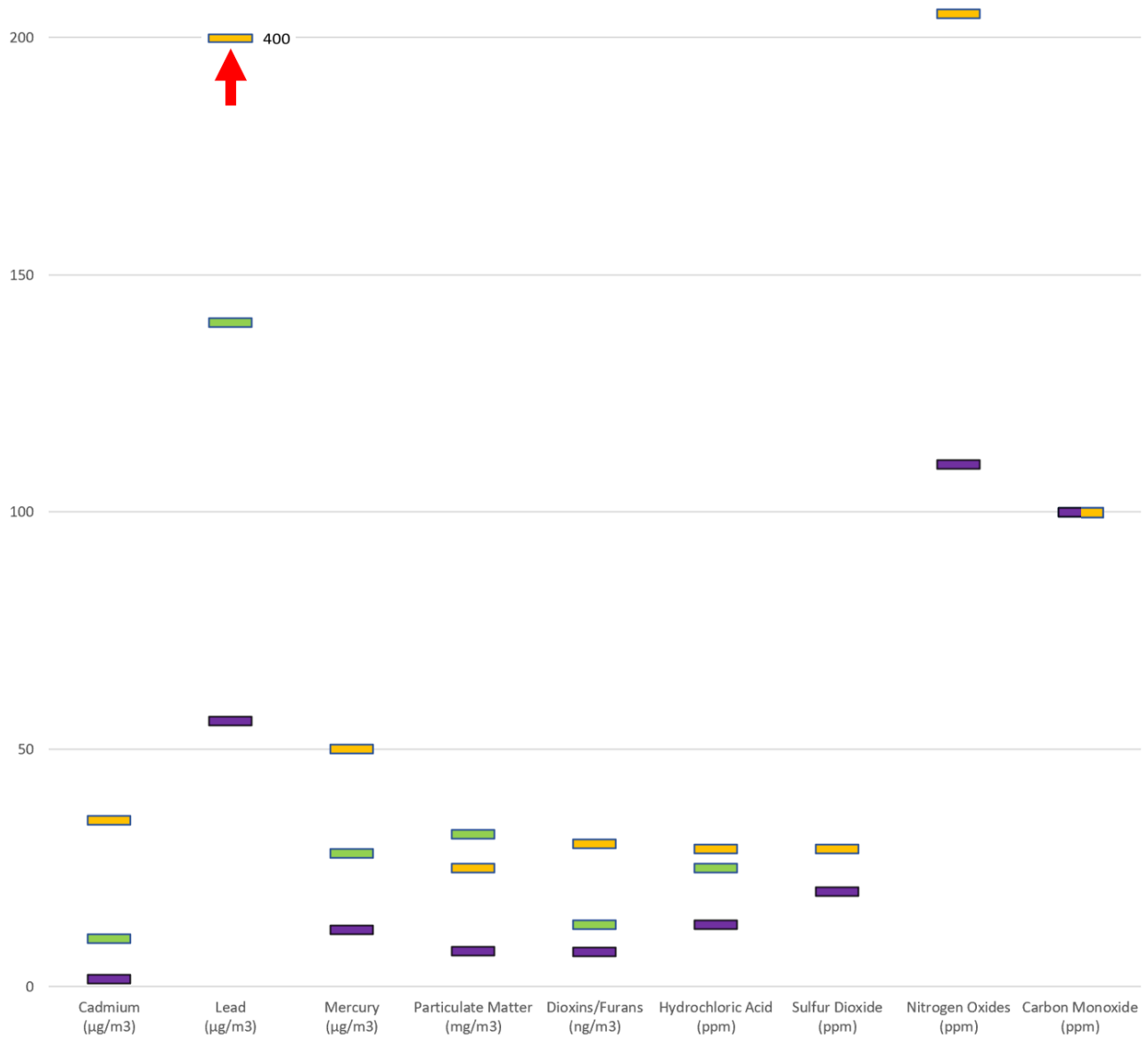
The following two charts illustrate the major differences between the current (2006) federal regulations and the new ones proposed in January 2024. The bill as it stands would maintain the yellow bars as limits. The amendment we propose would adopt the proposed new federal limits expressed in the green bars, which would require that H-POWER install the missing controls needed to reduce emissions of nitrogen oxides that trigger asthma attacks.

H-POWER actual 2022 emissions at Units 1-2 (blue/grey) vs. their current federal permit limits (yellow) and proposed federal limits (green)



H-POWER's Unit 3 already has permit limits stronger than the current (2006) federal regulations (in purple). HB 256 risks repealing these and rolling them back to the yellow limits. The amendment we propose would adopt the proposed new federal limits expressed in the green bars.

H-POWER Unit 3 permit emissions limits



Yellow bar: Current (2006) Federal standards for existing large trash incinerators

Green bar: H-POWER permit limit for Unit 3

Purple bar: Proposed (2024) Federal standards for existing large trash incinerators

HB-256-HD-2

Submitted on: 3/10/2025 2:22:34 PM

Testimony for HHS on 3/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Testifying for Climate Protectors Hawaii	Support	Written Testimony Only

Comments:

Climate Protectors Hawaii **SUPPORTS** this bill and more stringent standards at incinerators to protect residents from toxic air pollutants.



Environmental Caucus of The Democratic Party of Hawai'i

March 8, 2025

Testimony in Support of HB256, HD2-Relating to Environmental Protection

To: Chairs Joy A. San Buenaventura and Mike Gabbard; Vice Chairs Henry J.C. Aquino and Herbert M. "Tim" Richards, III; and Members of the Committees on Health and Human Services and Agriculture and Environment

From: The Environmental Caucus of the Democratic Party of Hawaii

Date: March 12, 2025, 1:00 p.m.

Location: Conference Room 225 & Videoconference

Re: HB256, HD2 – Relating to Environmental Protection

Dear Chairs San Buenaventura and Gabbard, Vice Chairs Aquino and Richards, and Members of the Committees,

The Environmental Caucus of the Democratic Party of Hawaii strongly supports HB256, HD2, which requires owners and operators of waste-to-energy facilities to comply with United States Environmental Protection Agency (EPA) emission limitations as they existed on December 31, 2024, unless more stringent limitations are imposed by federal regulations or the state air pollution control permit issued by the Department of Health. This measure is critical to safeguard Hawaii's air quality and public health.

Key Points in Support:

1. **Preserving Stringent Emission Standards:** By mandating adherence to EPA regulations as of December 31, 2024, HB256, HD2 ensures that Hawaii maintains robust environmental protections, even in the event of federal rollbacks. This proactive approach prevents any weakening of emission standards that could jeopardize air quality.
2. **Protecting Public Health:** Waste-to-energy facilities emit pollutants that can have significant health impacts, including respiratory and cardiovascular issues. This bill prioritizes the health and well-being of Hawaii's residents by enforcing strict emission controls.
3. **State Leadership in Environmental Protection:** Hawaii has long been a leader in environmental stewardship. HB256, HD2 reinforces this commitment by holding waste-to-energy facilities to high standards, aligning with the state's broader goals of sustainability and climate resilience.

4. **Sunset Provision:** The inclusion of a sunset date (June 30, 2027) allows for a reassessment of the policy's effectiveness and alignment with evolving environmental and technological advancements.

Arguments in Support:

1. **Protecting Public Health and the Environment:** Strengthening regulations for waste-to-energy facilities is crucial for safeguarding public health. The harmful emissions from H-POWER pose serious health risks, particularly for vulnerable populations such as children, the elderly, and those with respiratory conditions.
2. **Compliance with Updated EPA Regulations:** We propose an **amendment to HB256 HD1 to require that the state adopt the EPA's draft regulations for Large Municipal Waste Combustors as proposed on January 23, 2024.** While HB256 HD1 references the EPA regulations as they existed on December 31, 2024, adopting the draft regulations proposed on January 23, 2024, would ensure that facilities like H-POWER adhere to the latest standards for controlling emissions and protecting air quality.
3. **Addressing Long-Standing Environmental Concerns:** The Clean Air Act regulations that HB256 HD1 aims to protect are from 2006. The U.S. Environmental Protection Agency is required to update these regulations every five years but had to be sued (under the Biden administration) to update them. A federal court required that they be updated by December 2024, but before President Trump took office, it was agreed to delay this by a year. At best, new regulations would be in effect by 2029 if not further delayed by the Trump administration.
4. We believe that adopting the EPA's draft regulations and strengthening the existing standards for waste-to-energy facilities like H-POWER is essential for protecting the health and well-being of our community. We urge the Committee to favorably consider HB256 HD2 and support its passage with the proposed amendments.

We commend the Legislature for its foresight in addressing potential gaps in federal environmental regulations and urge the Committees to pass HB256, HD2. This measure represents a vital step in protecting Hawaii's environment and public health for current and future generations.

Thank you for the opportunity to testify in support of this important legislation.

Sincerely, Melodie Aduja and Alan Burdick
Co-Chairs, Environmental Caucus of the Democratic Party of Hawaii

HB-256-HD-2

Submitted on: 3/10/2025 9:11:18 AM

Testimony for HHS on 3/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Becker	Individual	Support	Written Testimony Only

Comments:

I fully support this bill.

HB-256-HD-2

Submitted on: 3/11/2025 6:51:05 AM

Testimony for HHS on 3/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Culbertson	Individual	Support	Written Testimony Only

Comments:

Aloha Senators!

Please pass HB 256 HD2!

R A Culbertson

Honokaa

HB-256-HD-2

Submitted on: 3/11/2025 10:48:03 AM

Testimony for HHS on 3/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary True	Individual	Support	Written Testimony Only

Comments:

HB 256, as it stands, would maintain the dirty status quo on incinerator air pollution, which is why the H-POWER incinerator operator, Reworld (Covanta) also supports this bill. Please support the bill, but amend it to strengthen our standards so that the H-POWER trash incinerator has to install the air pollution controls they've been missing for 35 years. The older two burners at the plant have NO controls for the nitrogen oxides that trigger asthma attacks, and NO controls for the most toxic chemicals they release: dioxins and mercury. 90% of the nation's large incinerators have these controls. We deserve them, too!

Mahalo and aloha for your attention, Mary True, 96783

HB-256-HD-2

Submitted on: 3/11/2025 11:36:57 AM

Testimony for HHS on 3/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Support	Written Testimony Only

Comments:

Dear Chair and Committee Members,

Please support the bill, but amend it to strengthen our standards so that the H-POWER trash incinerator has to install the air pollution controls they've been missing for 35 years. The older two burners at the plant have NO controls for the nitrogen oxides that trigger asthma attacks, and NO controls for the most toxic chemicals they release: dioxins and mercury. 90% of the nation's large incinerators have these controls. We deserve them, too!

Diane Ware, 96785 Ka'u Moku

HB-256-HD-2

Submitted on: 3/11/2025 11:55:33 AM

Testimony for HHS on 3/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
fred hofer	Individual	Support	Written Testimony Only

Comments:

HB 256:

HB 256, as it stands, would maintain the dirty status quo on incinerator air pollution, which is why the H-POWER incinerator operator, Reworld (Covanta) also supports this bill. Please support the bill, but amend it to strengthen our standards so that the H-POWER trash incinerator has to install the air pollution controls they've been missing for 35 years. The older two burners at the plant have NO controls for the nitrogen oxides that trigger asthma attacks, and NO controls for the most toxic chemicals they release: dioxins and mercury. 90% of the nation's large incinerators have these controls. We deserve them, too!

Fred Hofer

Hilo

LATE

HB-256-HD-2

Submitted on: 3/11/2025 2:00:22 PM

Testimony for HHS on 3/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Janice Palma-Glennie	Individual	Support	Written Testimony Only

Comments:

Aloha,

Our state must protect itself in any ways we can to prevent the Trump administration from undermining protection of our State's precious and necessary Public Trust Resources. HB266 HD2 would help do that by closing loopholes for the H-POWER trash incinerator to name one very important example.

there's not logical, pono reason to vote against this bill. Mahalo in advance for passing this important legislation NOW.

sincerely,

janice palma-glennie

kailua-kona

LATE

HB-256-HD-2

Submitted on: 3/12/2025 7:49:00 AM

Testimony for HHS on 3/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Katherine Fryer	Individual	Support	Written Testimony Only

Comments:

I support HB256, but I urge you to amend it to strengthen our air quality standards so that the H-POWER trash incinerator must install the air pollution controls they've been missing for 35 years. The older two burners at the plant have NO controls for the nitrogen oxide emissions that trigger asthma attacks, and NO controls for the most toxic chemicals they release: dioxins and mercury. 90% of the nation's large incinerators have these controls. We deserve them, too!