

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
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AMENDED
Testimony COMMENTING on SB0446
RELATING TO WASTE MANAGEMENT.

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

February 12, 2025, 1:00 PM, Conference Room 225

1 **Fiscal Implications:** Potentially significant costs by and for counties to manage municipal solid
2 waste.

3 **Department Position:** The Department of Health (Department) offers the following comments.

4 **Department Testimony:** The Environmental Management Division Solid and Hazardous Waste
5 Branch (EMD-SHWB) provides the following testimony on behalf of the Department.

6 This measure proposes to 1) define “‘no pass zone’ as an area determined by the county
7 in which the installation of a waste disposal facility may contaminate groundwater resources
8 used or expected to be used for domestic water supply;” 2) require the counties to identify any
9 no pass zones in their integrated solid waste management plans; and 3) prohibit construction,
10 modification, or expansion of a municipal solid waste or construction demolition landfill or unit
11 of a landfill in a no pass zone; however, it exempts existing landfills from this prohibition, unless
12 expanded.

13 No Pass Zones and Underground Injection Control (UIC) Lines

14 Since the counties are responsible for providing waste management services and for
15 ensuring that the future water needs of their counties are met, we understand the Legislature’s

1 proposal for the counties to determine for themselves where no pass zones are to be identified.
2 One option to accomplish this would be to allow the counties to develop this restriction
3 through their own county ordinances. If the Legislature prefers to create the restriction at the
4 state level, then note that at this time, only the City and County of Honolulu has developed a no
5 pass zone that meets the definition proposed by this measure. If the Legislature wishes to have
6 the other counties develop a no pass zone, we recommend that a timeline be established and
7 appropriations be provided for them to do so. Alternatively, the Legislature may consider the
8 State’s UIC Line¹, mauka of which demarcates underground sources of drinking water. Figure 1
9 shows a comparison of the UIC line with the no pass zone line on Oahu. The UIC line for Oahu is
10 generally more conservative than the City’s no pass line and, in most cases, would be more
11 restrictive for landfill siting.

12 Landfill Siting

13 There are existing landfill restrictions, many of which are already promulgated in federal
14 or state laws or regulations. Examples of which include distance to airports, tsunami inundation
15 zones, conservation districts, and ½-mile buffer distances to schools, residences, and hospitals
16 (Act 73, 2020 SLH). Figure 2 shows the City and County of Honolulu’s map of Landfill Siting
17 Restrictions on Oahu as presented to the State Land Use Commission on December 5, 2024.²
18 The City further describes, “Developed and Undevelopable Lands: Lands previously zoned or
19 approved for development” and “Federal Lands: Lands under Federal control, mostly military,
20 require congressional action to allow their use by the City for a landfill”. Figure 3 shows the
21 area mauka of Oahu’s UIC line.

22 Figures 4 through 6 estimate the ½-mile buffer and conservation district restrictions
23 from Act 73, 2020 SLH, the tsunami evacuation zone, and the area mauka of the UIC line on

¹ <https://health.hawaii.gov/sdwb/underground-injection-control-program/>

² <https://luc.hawaii.gov/wp-content/uploads/2024/12/SP09-403-WGSL-2024-12-05-ENV-Landfill-Process.pdf>

1 each of the neighbor islands. If this measure passes as it is currently drafted and based on these
2 figures, new landfills or landfill expansions will be severely restricted in the State, especially on
3 Kaua'i, O'ahu, and Hawai'i Island.

4 Need for Landfills

5 Properly designed landfills are still required as part of our overall waste management
6 system to manage our waste and protect public health. Landfills are necessary because they
7 provide a designated, controlled area for solid waste that cannot be recycled, helping to
8 prevent environmental contamination and protect public health. Without them, the counties
9 will be forced to find more costly alternatives for waste management, including off-island
10 shipment. The City and County of Honolulu has already tried this, and even after constructing a
11 facility to bale and wrap the waste, a federal agency withdrew its permit due to public
12 opposition from the receiving community, and Honolulu now manages its own waste on island.
13 The inability to accommodate responsible management of solid waste in Hawai'i could lead to a
14 rise in illegal dumping which will compromise the environment and public health that this
15 measure seeks to protect. Several studies have corroborated the relationship between a
16 decrease in waste management facilities and an increase in illegal dumping. Illegal dumping
17 may also have a disproportional impact to underserved communities.

18 Landfilling waste is also necessary during natural disasters or emergency events. Prior to
19 the Lāhainā wildfires, the County of Maui had difficulty obtaining landfill space due to failed
20 negotiations with landowners and had limited landfill airspace available. Following the
21 wildfires, the emergency cleanup required disposal of approximately 400,000 tons of waste.
22 Without adequate airspace in the landfill and with an immediate need to prevent debris and
23 contaminants from threatening public health and the environment, a temporary debris storage
24 site was constructed in Olowalu. The bulk of the cleanup effort could not be initiated until this
25 temporary site was completed. Difficulties in siting the permanent landfill and obtaining the
26 necessary property delayed construction of the permanent disposal site until January 2025 and

1 initial waste transfer for final disposal is anticipated in June 2025, nearly two years after the
2 fire. This double handling of waste has cost taxpayers additional money, and any further delays
3 jeopardize federal funding for this final disposal as the deadline for that support approaches.

4 Housekeeping Issues

5 In reviewing the measure, we noted a discrepancy between the definition of “buffer
6 zone” and its application in section 342H-52(b), Hawaii Revised Statutes (HRS). Based on the
7 definition of “buffer zone,” we understand the intent of the law is to ensure a buffer zone
8 between the edge of waste or waste disposal activity and the nearest residential, school, or
9 hospital property line, rather than from the property line of the disposal facility. The counties
10 should be given the opportunity to incorporate the buffer zone within their own properties
11 rather than relying on external sources. Thus, we would like to clarify that point and offer
12 proposed amendments.

13 **Offered Amendments:** The Department offers three options for consideration. The proposed
14 new insertions are double underlined and deletions are bracketed strikeouts.

15 **Option 1 - No amendments offered. Defer this measure.**

16 Allow the counties to take the responsibility to site landfills based on current criteria
17 and pass county ordinances, as the county determines is necessary, to produce further
18 restrictions for landfill siting.

19 **Option 2 - Proposed amendments if Legislature prefers to use the no pass zone.**

20 Include proposed amendments to remove discrepancy in the definition and application
21 of “buffer zones.” We do not want to prohibit landfill facilities from obtaining more land to
22 secure buffer zone distances. Note that we created a new definition of “landfill unit” to only
23 apply to the listed subsections. Being that this part is specific to Municipal Solid Waste Landfill
24 Criteria, the subsections 342H-52(b) and (c), HRS, expands to construction and demolition
25 landfills, we want to be careful to not affect the definitions intended for the remainder of the

1 Part. The state relies on Part IV of chapter 342H, HRS, to ensure compliance with federal
2 regulations so that we may maintain our state program approval. Amendments offered for the
3 counties to produce no pass zones as defined by this measure, include no pass zones in their
4 integrated solid waste management plans and provide appropriations for the counties to do so.
5 Construction, modification, or expansion of a municipal solid waste or construction demolition
6 landfill unit or any component of these units are prohibited in no pass zones.

7 Amendments are offered to revise section 4 on page 3, line 14 to page 5, line 14 of the
8 measure.

9 "SECTION 4. Section 342H-52, Hawaii Revised Statutes, is amended to read as follows:

10 "**§342H-52 Prohibitions; buffer zones.** (a) No person, including any federal agency, the
11 State, or any county, shall construct, operate, modify, expand, or close a municipal solid waste
12 landfill unit, or any component of a municipal solid waste landfill unit, without first obtaining a
13 permit from the director. All permits for municipal solid waste landfill units shall be subject to
14 any terms and conditions that the director determines are necessary to protect human health
15 or the environment.

16 (b) Beginning July 1, 2025, no~~[No]~~ person, including the State or any county, shall
17 construct, modify, or expand a [~~waste or disposal facility including a municipal solid waste~~
18 ~~landfill unit, any component of a municipal solid waste landfill unit, a construction and~~
19 ~~demolition landfill unit, or any component of a construction and demolition~~]landfill unit or
20 component of a landfill unit without first establishing a buffer zone of no less than one-half mile
21 around the [~~waste or disposal facility~~]landfill unit. This subsection shall not apply to the
22 continued operation of an existing [~~waste or disposal facility~~]landfill unit that is properly
23 permitted; provided that continued operation does not require physical expansion, vertical or
24 horizontal, of the [~~facility~~]landfill unit or component of the landfill unit, requiring additional
25 permitting review and a permit modification.

26 For the purposes of this subsection:

1 “Buffer zone” means the distance between the edge of waste or waste disposal activity
2 and the nearest residential, school, or hospital property line.

3 “Landfill unit” means a municipal solid waste landfill unit or a construction and
4 demolition landfill unit.

5 ~~["Waste or disposal facility" excludes individual, state certified, non-industrial~~
6 ~~redemption centers.]~~

7 (c) Beginning July 1, 2025, no~~no~~ person, including the State or any county, shall
8 construct, modify, or expand a ~~[waste or disposal facility including a municipal solid waste~~
9 ~~landfill unit, any component of a municipal solid waste landfill unit, a construction and~~
10 ~~demolition landfill unit, or any component of a construction and demolition]~~ landfill unit in a no
11 pass zone, as defined in section 342G-1. This subsection shall not apply to the continued
12 operation of an existing ~~[waste or disposal facility]~~ landfill unit that is properly permitted;
13 provided that continued operation does not require physical expansion, vertical or horizontal,
14 of the ~~[facility]~~ landfill unit, requiring additional permitting review and a permit modification.

15 For the purposes of this subsection:

16 “Landfill unit” means a municipal solid waste landfill unit or a construction and
17 demolition landfill unit.”

18 **Option 3 - Proposed amendments if Legislature prefers to use the UIC line instead of the no**
19 **pass zone.**

20 Includes proposed amendments to remove discrepancy in the definition and application
21 of “buffer zones.” We do not want to prohibit landfill facilities from obtaining more land to
22 secure buffer zone distances. Note that we created a new definition of “landfill unit” to only
23 apply to the listed subsections. Being that this part is specific to Municipal Solid Waste Landfill
24 Criteria, the subsections 342H-52(b) and (c), HRS, expands to construction and demolition
25 landfills, we want to be careful to not affect the definitions intended for the remainder of the

1 Part. The state relies on Part IV of chapter 342H, HRS, to ensure compliance with federal
2 regulations so that we may maintain our state program approval.

3 Amendments are offered to delete Section 2 and Section 3 on page 3, lines 1-13 of the
4 measure; to revise Section 4 on page 3, line 14 to page 5, line 14 of the measure; and to
5 renumber subsequent sections 5 and 6 accordingly.

6 "SECTION [4]2. Section 342H-52, Hawaii Revised Statutes, is amended to read as
7 follows:

8 "**§342H-52 Prohibitions; buffer zones.** (a) No person, including any federal agency, the
9 State, or any county, shall construct, operate, modify, expand, or close a municipal solid waste
10 landfill unit, or any component of a municipal solid waste landfill unit, without first obtaining a
11 permit from the director. All permits for municipal solid waste landfill units shall be subject to
12 any terms and conditions that the director determines are necessary to protect human health
13 or the environment.

14 (b) Beginning July 1, 2025, no~~[No]~~ person, including the State or any county, shall
15 construct, modify, or expand a ~~[waste or disposal facility including a municipal solid waste~~
16 ~~landfill unit, any component of a municipal solid waste landfill unit, a construction and~~
17 ~~demolition landfill unit, or any component of a construction and demolition]~~ landfill unit or
18 component of a landfill unit without first establishing a buffer zone of no less than one-half mile
19 around the ~~[waste or disposal facility]~~ landfill unit. This subsection shall not apply to the
20 continued operation of an existing ~~[waste or disposal facility]~~ landfill unit that is properly
21 permitted; provided that continued operation does not require physical expansion, vertical or
22 horizontal, of the ~~[facility]~~ landfill unit or component of a landfill unit, requiring additional
23 permitting review and a permit modification.

24 For the purposes of this subsection:

25 "Buffer zone" means the distance between the edge of waste or waste disposal activity
26 and the nearest residential, school, or hospital property line.

1 “Landfill unit” means a municipal solid waste landfill unit or a construction and
2 demolition landfill unit.

3 [~~“Waste or disposal facility” excludes individual, state certified, non-industrial~~
4 ~~redemption centers.~~]

5 (c) Beginning July 1, 2025, no~~[No]~~ person, including the State or any county, shall
6 construct, modify, or expand a ~~[waste or disposal facility including a municipal solid waste~~
7 ~~landfill unit, any component of a municipal solid waste landfill unit, a construction and~~
8 ~~demolition landfill unit, or any component of a construction and demolition]~~ landfill unit or
9 component of a landfill unit ~~[in a no pass zone, as defined in section 342G-1]~~ mauka of the
10 underground injection control line. This subsection shall not apply to the continued operation
11 of an existing ~~[waste or disposal facility]~~ landfill unit that is properly permitted; provided that
12 continued operation does not require physical expansion, vertical or horizontal, of the ~~[facility]~~
13 landfill unit or component of a landfill unit, requiring additional permitting review and a permit
14 modification.~~[“]~~

15 For the purposes of this subsection:

16 “Landfill unit” means a municipal solid waste landfill unit or a construction and
17 demolition landfill unit.

18 “Mauka” means inland.

19 “Underground injection control line” means the line determined by the department
20 under rules promulgated pursuant to section 340E-2.”

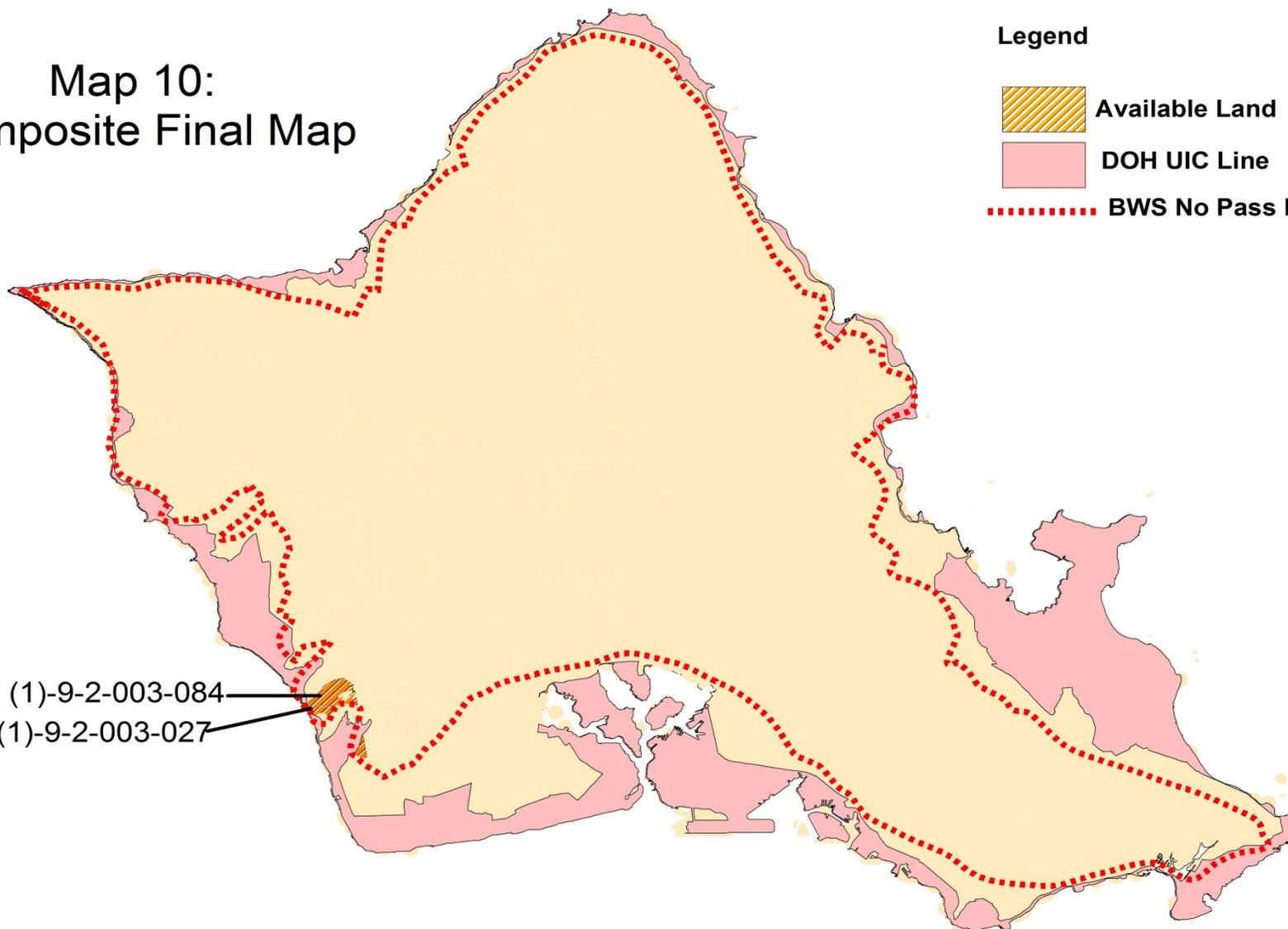
21 Thank you for the opportunity to testify on this measure.

Map 10: Composite Final Map

Legend

-  Available Land
-  DOH UIC Line
-  BWS No Pass Line

TMK: (1)-9-2-003-084
TMK: (1)-9-2-003-027



10/20/11

• Composite Final Map – All Overlays Combined

Figure 1. No Pass Line and Underground Injection Control Line Comparison - Oahu

Source: 2011, Landfill Site Selection Study GIS Assessment, Mayor's Advisory Committee on Landfill Site Selection [PowerPoint Slide]

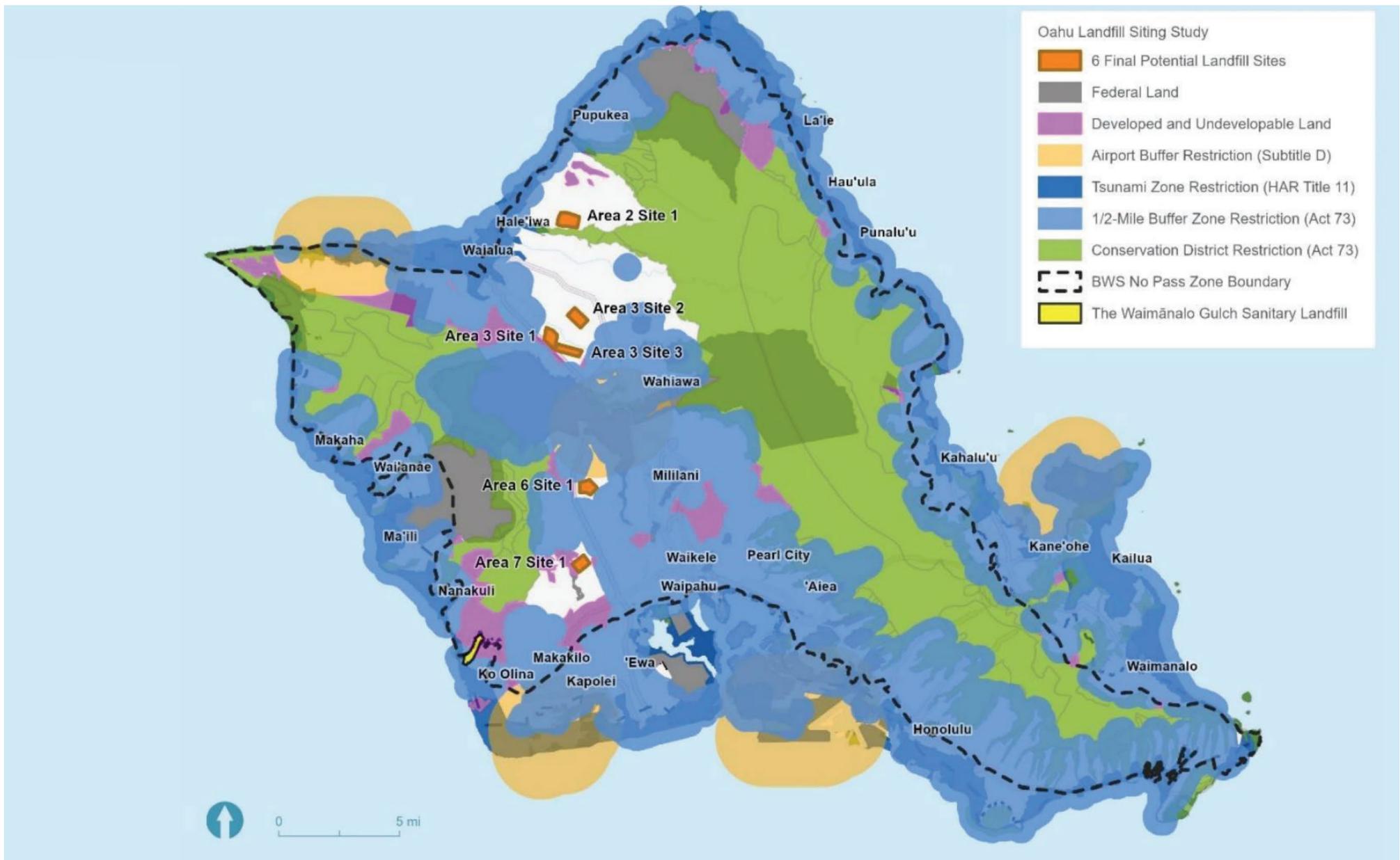


Figure 2. Oahu Landfill Area Existing Restrictions

Source: <https://hdr.maps.arcgis.com/apps/MapSeries/index.html?appid=5a00fbbc4e344aaa871613bfd8142c75>



Figure 3. Underground Injection Control Line Restrictions - Oahu

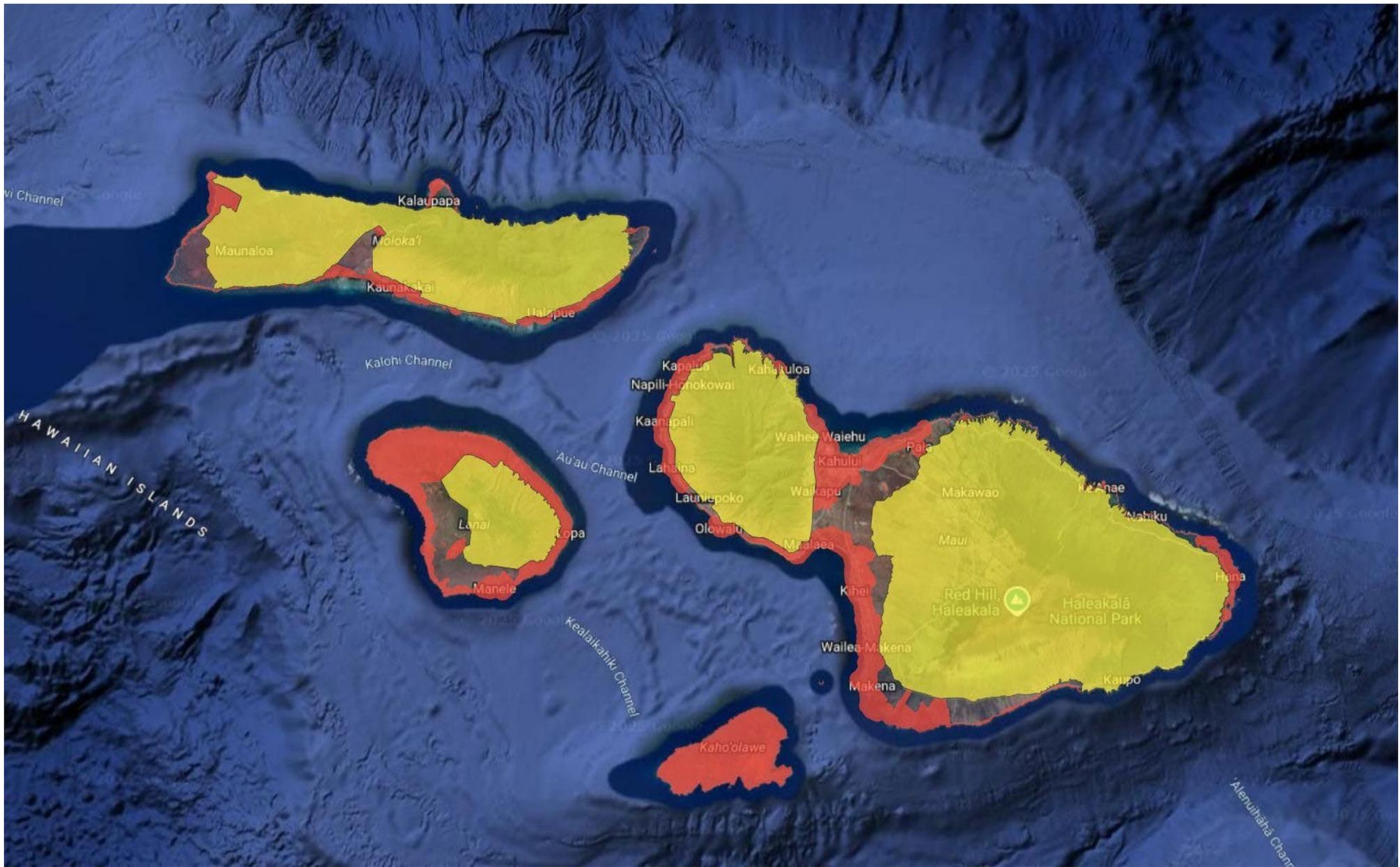


Figure 4. County of Maui Landfill Area Restrictions (red area are all existing criteria, yellow is addition of UIC line restriction).

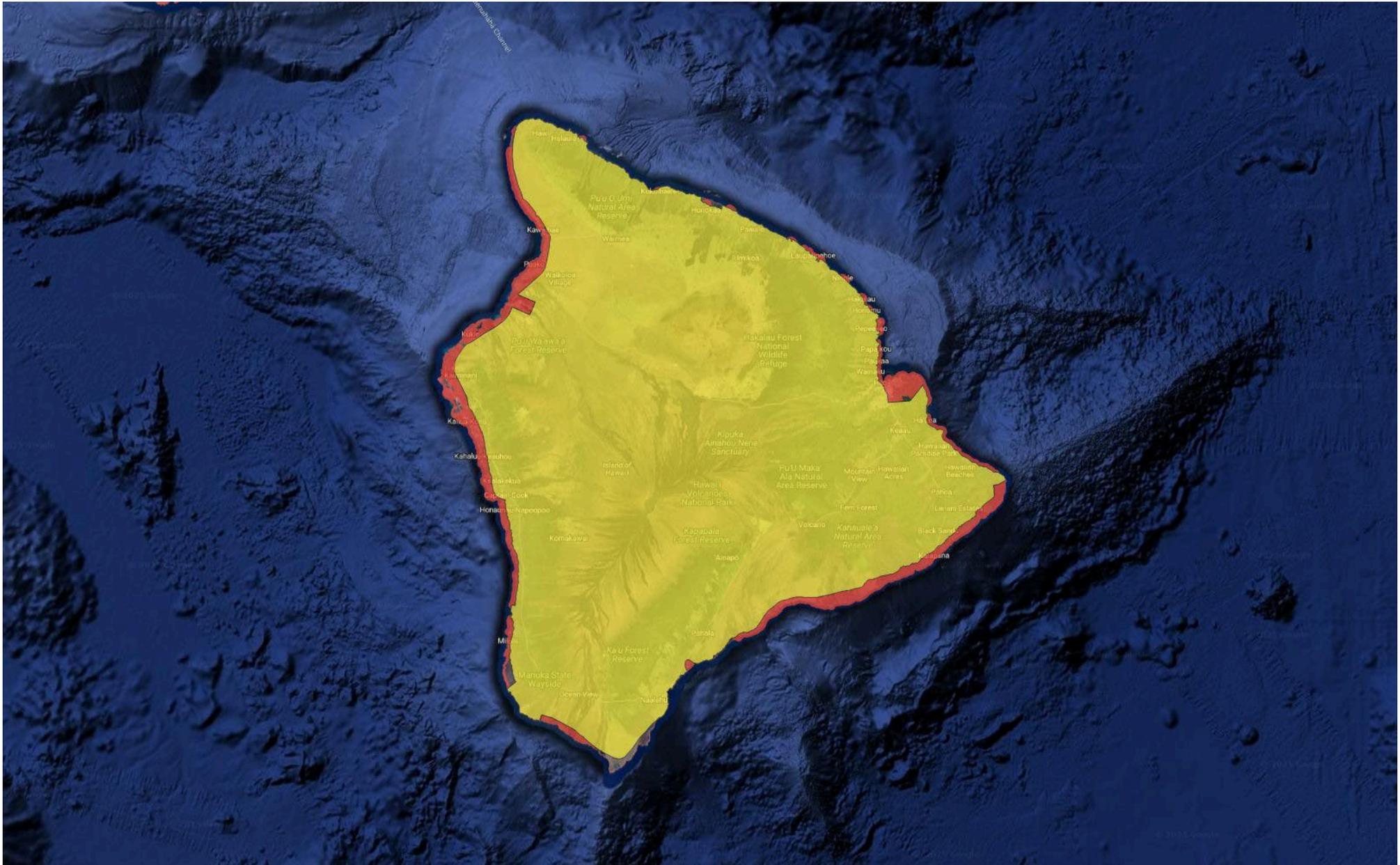


Figure 5. County of Hawaii Landfill Area Restrictions (red area are all existing criteria, yellow is addition of UIC line restriction).



Figure 6. County of Kauai Landfill Area Restrictions (red area are all existing criteria, yellow is addition of UIC line restriction).



**TESTIMONY IN SUPPORT OF SENATE BILL 446
RELATING TO WASTE MANAGEMENT**

Senate Committee on Health and Human Services

February 12, 2025

1:00 pm

Room 225

Aloha e Chair San Buenaventura, Vice Chair Aquino and Members of the Committee on Health and Human Services,

The Office of Hawaiian Affairs (OHA) **strongly supports** Senate Bill 446, which seeks to prohibit landfills in “no pass zones” to protect Hawai‘i’s critical aquifers and groundwater resources. The inclusion of no pass zones is an essential safeguard that ensures waste facilities are not placed in locations that pose a direct threat to drinking water sources. This measure aligns with Hawai‘i’s constitutional mandate to preserve water as a public trust resource, recognizing that contamination of groundwater would irreversibly harm our communities, ecosystems, and cultural practices.

As the constitutionally established entity mandated to improve the well-being of Native Hawaiians, OHA has long advocated for the protection and stewardship of Hawai‘i’s natural and cultural resources, particularly water and agricultural lands. Water, or wai, is the foundation of Native Hawaiian identity, sustenance, and sovereignty. In traditional Hawaiian society, the abundance of wai was so deeply tied to prosperity that the word for wealth itself is waiwai. The Hawaiian Kingdom codified water as a public trust in 1839, a principle that remains embedded in the Hawai‘i State Constitution today. Protecting water sources is not just a legal responsibility but a cultural imperative—one that Native Hawaiians have long understood and upheld through systems of stewardship such as the ‘auwai, which distributed water for lo‘i kalo (taro farms) while maintaining stream health.

The presence of waste disposal facilities in designated no pass zones would expose the aquifer to potential leachate contamination, endangering the integrity of the Honolulu Board of Water Supply’s “no pass zone” protections established in 1982.¹ The Wahiawā Aquifer, which lies beneath the proposed landfill site, is a vital drinking water source that must be protected from contamination. The Red Hill fuel spill of 2021 demonstrated the devastating consequences of groundwater contamination, affecting the health and

¹ Board of Water Supply, City and County of Honolulu, Rules and Regulations, Chapter III: Protection, Development and Conservation of Water Resources, Section 3-301: Waste Disposal Facilities, Paragraph 2 (1982). (last accessed 020825) <https://www.boardofwatersupply.com/about-us/rules-and-regulations/chapter-iii>

livelihoods of hundreds of families. Given that 99% of Hawai‘i’s domestic water comes from underground aquifers², allowing landfill development over such a sensitive resource is reckless and shortsighted.

The no pass zone provision of SB 446 is critical to ensuring that counties integrate aquifer protection into their solid waste management planning. By requiring that these zones be identified and recognized in waste management strategies, this measure will prevent future conflicts between landfill sites and water security.

OHA strongly urges the Committee to **pass SB 446** to uphold Hawai‘i’s commitment to protecting its most precious resource—wai—for the well-being of present and future generations.

Mahalo for the opportunity to testify.

² U.S. Geological Survey. (2000). *Ground-Water Resources of Hawaii* (Fact Sheet 126-00). U.S. Department of the Interior. Last reviewed on 021025 <https://pubs.usgs.gov/fs/2000/126/pdf/fs126-00.pdf>

DEPARTMENT OF ENVIRONMENTAL SERVICES
KA 'OIHANA LAWELawe KAIĀPUNI
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR
MEIA



ROGER BABCOCK, JR., Ph.D., P.E.
DIRECTOR
PO'O

MICHAEL O'KEEFE
DEPUTY DIRECTOR
HOPE PO'O

IN REPLY REFER TO:
WAS 25-25

February 10, 2025

The Honorable Joy A. San Buenaventura, Chair
The Honorable Henry J.C. Aquino, Vice Chair
and Members of the Committee on Health and Human Services
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair San Buenaventura and Vice Chair Aquino:

SUBJECT: Senate Bill 446 - Relating to Waste Management

The City and County of Honolulu's (City) Department of Environmental Services (ENV) submits the following comments on SB 446, Relating to Waste Management.

In accordance with ENV's Special Use Permit for the Waimānalo Gulch Sanitary Landfill (WGSL), which provides that the WGSL shall close no later than March 2, 2028, and shall not accept any form of waste after March 2, 2028, on December 10, 2024, ENV identified an area northwest of Wahiawā as the site of the City's next landfill. The identified site is within the Honolulu Board of Water Supply's No Pass Zone. ENV named this site because, after extensive evaluation of all possible alternative sites, it was determined to be one of the only legally available and feasible options. The only legally available and feasible options are within the No Pass Zone. Mayor Blangiardi has also stated that the City's next landfill will not be on the Leeward Coast.

By way of background, in 2020, the Hawai'i State Legislature passed SB 2386, SD 2, HD 2, known as Act 73, which placed several restrictions on where a landfill could be located. Act 73 prohibits landfills from being located within one-half mile of residential, school or hospital property lines, or within a conservation district. In addition to Act 73, state law restricts landfills in tsunami evacuation zones and federal law prohibits landfills from being located within 10,000 feet of an airport. Combined, these restrictions drastically reduce the number of feasible sites for a landfill to a few small areas within the No Pass Zone. Additionally, following extensive discussions between 2023 and 2024, the Navy informed the City it was unable to offer federal land for a City landfill, including land on the Waipi'o Peninsula that the City had previously identified as a viable landfill site.

The Honorable Joy A. San Buenaventura, Chair
The Honorable Henry J.C. Aquino, Vice Chair
and Members of the Committee on Health and Human Services
February 10, 2025
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It is important to note that if SB 446 were to become law and locating a landfill within the No Pass Zone were legally prohibited, given the restrictions imposed by Act 73, other state and federal laws, decisions and orders and permits, the City and ENV would be left with no legally permissible and feasible options to site a landfill on O'ahu without further action to change existing legal limitations on siting an alternative landfill to WGSL outside the No Pass Zone.

If SB 446 were to become law, the state could amend Act 73 to reduce or eliminate several of its restrictions in order to make potential landfill sites available. Alternatively, if SB 446 were to become law and Act 73 was not amended, the City would have no choice but to pursue a legally prohibited expansion at WGSL.

Should you have further questions, please contact me at (808) 768-3486.

Sincerely,

Roger Babcock, Jr., Ph.D., P.E.
Director Designate

**BOARD OF WATER SUPPLY
KA 'OIHANA WAI
CITY AND COUNTY OF HONOLULU**

630 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96843
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HOPE MANAKIA



NĀ'ĀLEHU ANTHONY, Chair
JONATHAN KANESHIRO, Vice Chair
BRYAN P. ANDAYA
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KĒHAULANI PU'U
EDWIN H. SNIFFEN, Ex-Officio
GENE C. ALBANO, P.E., Ex-Officio

February 12, 2025

The Honorable Joy A. San Buenaventura, Chair
and Members
Senate Committee on Health and Human Services
Hawaii State Capitol 225
Honolulu, Hawaii 96813

Dear Chair San Buenaventura and Members:

Subject: Senate Bill 446: Relating to Waste Management

The Honolulu Board of Water Supply (BWS) offers comments to Senate Bill (SB) 446, which requires counties to include no pass zones in their integrated solid waste management plans and to prevent landfills in areas critical to Hawaii's fresh water resources and to show the location of any no pass zones. Further, this bill proposes to prohibit the construction, modification, or expansion of a waste or disposal facility, including a municipal solid waste landfill unit, a construction and demolition landfill unit or any component thereof, in a no pass zone.

The BWS is opposed to any proposed waste or disposal facility to be placed over O'ahu's sole source aquifer, where the island's drinking water is not protected. Historically, the BWS had to treat the drinking water for pesticides and herbicides used in the pineapple plantations. Forty years later, the BWS is still treating for some of these contaminants.

In Article VII of the Revised Charter of the City and County of Honolulu ("City") 1973 (Revised 2017 Edition), as amended, Section 7-105(j)(2) states the BWS shall "prescribe and enforce rules and regulations having the force and effect of law to carry out the provisions of this article of the charter, including the prevention of waste and pollution of water." Thus, in 1982, the BWS Board adopted Resolution No. 502, amending its Rules and Regulations by defining and establishing a "No Pass Zone" and outlined an appeals procedure from decisions of the BWS Manager. The No Pass Zone was established to protect O'ahu's drinking water from underground sources of contamination and there is a compelling basis upon which to expect that a landfill

The Honorable Joy A. San Buenaventura, Chair
and Members
February 12, 2025
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situated over the aquifer may impact the quality and/or quantity of the water resources used or expected to be used as drinking water.

The No Pass Zone was derived from the review of geologic maps and borings that define the areas of thick caprock around O'ahu. The caprock serves as a barrier to prevent surface contamination from reaching the underlying geology. Since O'ahu's groundwater is hydrogeologically connected and groundwater is always moving, contamination in one part of the aquifer can spread to and impact other parts of the aquifer. The groundwater flow can be unpredictable and can move relatively quickly (greater than ten feet per day in some instances). Contamination from landfill leachate poses a considerable risk to both O'ahu's groundwater aquifer and drinking water resources. If such contamination were to occur, it could – as was the case for Red Hill – eventually cause the BWS to shut down its water supply wells in the vicinity of the source of contamination at the landfill.

Safeguarding O'ahu's water supply from source of potential contamination is not a matter of discretion; it is constitutionally mandated. The Hawai'i Constitution guarantees that "[a]ll public natural resources are held in trust for the benefit of the people" and directs the State, and by extension the BWS, "to protect, control and regulate the use of Hawai'i's water resources for the benefit of its people." Haw. Const. art, XI, §§ 1, 7. As the largest municipal drinking water utility in Hawai'i, the BWS has a constitutional public trust responsibility to protect the water resources it manages and to preserve the rights of present and future generations of Hawai'i.

Thank you for the opportunity to provide testimony and provide comments to SB 446.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ernest Y. W. Lau', is positioned above the printed name.

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

TO: Senator Joy Buenaventura, Chair
Senator Henry Aquino, Vice Chair
Senate Committee on Health and Human Services

FROM: Richard T. Bissen, Jr., Mayor
Shayne Agawa, Director of Environmental Management

DATE: February 10, 2025

SUBJECT: **OPPOSITION OF SB446, RELATING TO WASTE MANAGEMENT**

Thank you for the opportunity to testify in **OPPOSITION** of this measure. The Act prohibits landfills in no pass zones, which are areas determined by the county where the installation of a waste disposal facility may contaminate groundwater. Requires counties to identify no pass zones in county integrated solid waste management plans.

We **OPPOPSE** this measure for the following reasons:

1. We understand the importance of clean and safe drinking water for Hawai'i residents. We are not opposed to restricting the construction of waste disposal facilities that could impact the availability of clean drinking water for our residents, but regulated waste disposal facilities, such as landfills, are necessary and SB446 will restrict the ability for development of a landfill.
2. Federal and State Regulations governing the siting of solid waste facilities are specifically developed to protect drinking water sources, making this bill redundant, and implementing additional administrative hurdles to the landfill siting process.

Mahalo for your consideration.



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

February 12, 2025

1:00 PM

Conference Room 225

In **SUPPORT** of **SB446**: RELATING TO WASTE MANAGEMENT

Aloha Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club **STRONGLY SUPPORTS** SB446, which will help to keep us from failing our kuleana to safeguard our precious and limited drinking water sources from irreparable contamination.

Deciding where to place a landfill, particularly in an island setting such as ours, will always be a difficult choice. No matter what site is selected, a landfill will inevitably create a range of painful burdens associated with the location selected. **However, as this measure recognizes, siting a landfill over one of our islands' precious, pure, and finite drinking water aquifers is by far the worst choice that can be made.**

As a salient example, the new landfill for O'ahu - proposed to be constructed in Wahiawā, within the Honolulu Board of Water Supply's "No Pass Zone" and above a drinking water aquifer - will store extremely toxic ash containing heavy metals, cancer-causing PFAS "forever chemicals," and other compounds not easily broken down through incineration, such as PCBs, asbestos, and others. This ash, when combined with rainwater, will create millions of gallons of toxic "leachate" per year. While the City and County of Honolulu administration has assured the public that this leachate will be continually pumped out, transported, and treated at a wastewater facility, it is next to impossible to prevent leachate releases in the years and decades ahead; the EPA itself has concluded that all landfills inevitably leak.

The leachate inevitably released from this proposed landfill, whether through chronic small leaks and/or sudden mass discharges due to fire, flooding, human error, deferred maintenance, or other causes, will slowly but surely percolate into the underlying groundwater table, eventually foreclosing another source of water that our children and grandchildren will need more than ever before, as they navigate an inevitably worsening climate crisis.

Accordingly, by siting a landfill over one of O'ahu's remaining drinking water aquifers, the City would all but guarantee another "Red Hill" situation that compromises the water security of the island's residents, if not in the near future, then at some point in the decades to come. Clearly, this must not be allowed to happen.



SIERRA CLUB OF HAWAI‘I

Therefore, the Sierra Club strongly supports this measure, as a means to ensure that landfills now and in the future will never be placed in a location that threatens the water security of any of our islands.

As a final note, with respect to the situation on O‘ahu, the Sierra Club emphasizes that there are other potential siting options, with and without legislative action, for a new landfill that would not burden West O‘ahu with the intergenerational harms associated with Waimānalo Gulch and the PVT Integrated Solid Waste Management Facility. These options could include petitioning the Land Use Commission to redistrict potential sites, such as golf courses, that were not considered by the Landfill Advisory Committee due to their location in the conservation district. Alternatively, prevailing upon the U.S. Navy to reconsider its decision to deny the City the use of its lands – especially given the Navy’s culpability in creating the ongoing Red Hill water crisis – could also provide another option. These and other potential remedies merit further exploration, given the existential impacts that would arise from the City’s currently proposed landfill site.

With the ongoing Red Hill water crisis still unfolding, we must remember the importance of protecting our remaining clean water sources throughout the islands, if we wish to do right by our children, grandchildren, and all future generations. As our climate continues to destabilize and water and other natural resources become ever more scarce, we have a heightened kuleana to safeguard what resources we still have, so that we can give our islands’ future residents and communities the best chance at a hopeful existence. SB446 is one step to ensuring that we do not fail in this existential duty.

Accordingly, the Sierra Club urges the Committee to **PASS** SB446. Mahalo nui for the opportunity to testify.

Comments before
February 12, 2025
Senate Committee on Health and Human Services

**COMMENTS ON
Senate Bill 446**

Relating to Landfill Siting

Mike Ewall, Esq.
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Energy Justice Network
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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 you to **amend SB 446** by inserting the following language on Page 5, Line 15, under §342H-52 Prohibitions; buffer zones.

(d) No person shall utilize in road building, other construction, or as alternative daily cover material on a landfill, fly ash, bottom ash, or combined fly and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products. Such material shall be disposed of only in a double lined and duly licensed municipal solid waste or hazardous waste landfill.

The need for this language is spelled out starting on page 4. First, on this bill generally:

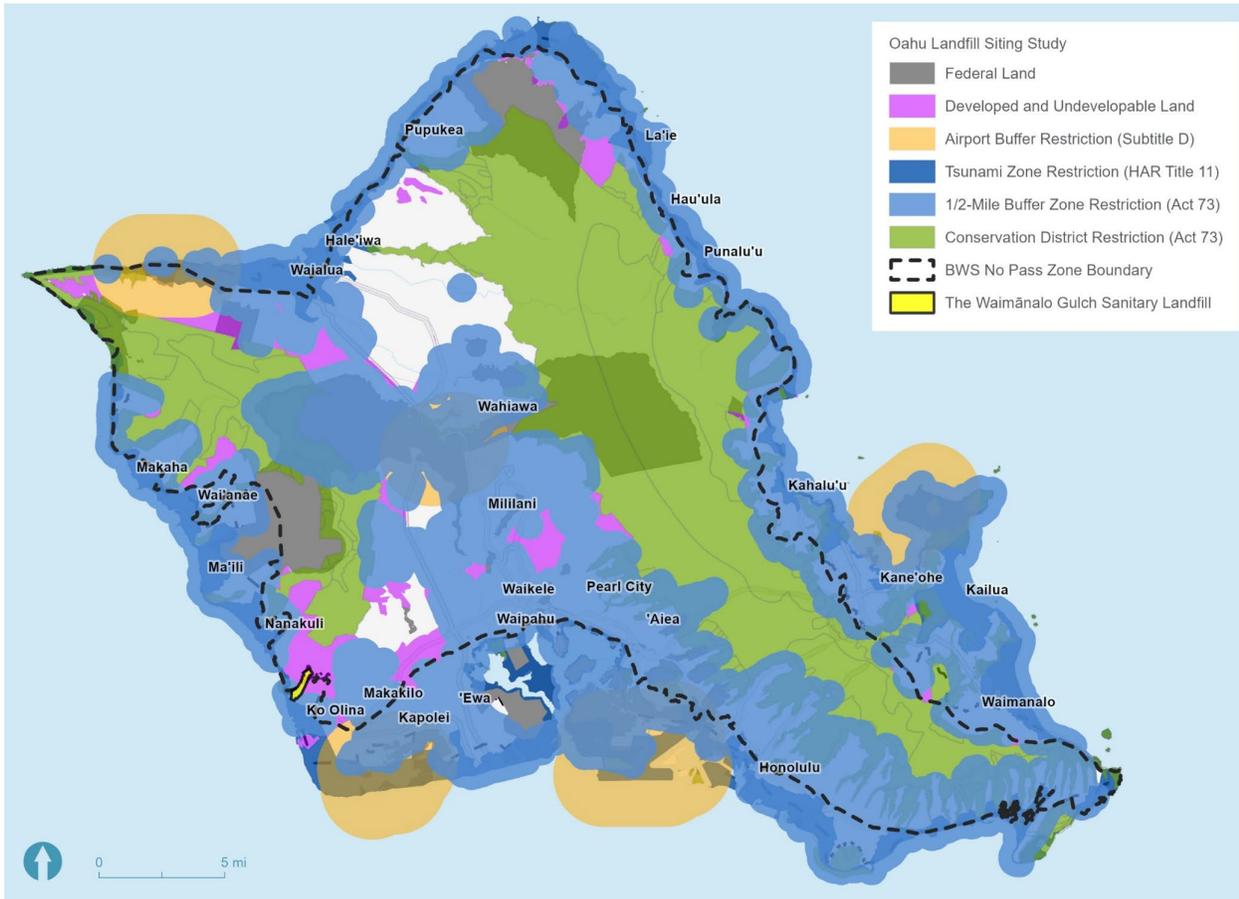
This, and other bills aiming to reopen Act 73 of 2020, aim to impact the effort to site a new landfill on O'ahu. Waimanalo Gulch Landfill is supposed to close by 3/2/2028, although EPA data shows that it has many more years of capacity remaining... enough for it to last until somewhere between 2032 and 2060 depending on waste generation and composition.

The siting effort for a new landfill was supposed to be completed by the end of 2022, but was delayed for two years after not being able to find suitable land other than over the aquifer. After a failed effort to secure federal land, the City and County of Honolulu returned to one of their original proposed locations – over the aquifer – and now claims that modern double-lined landfills never leak, which is not supported by the track record of landfills across the country.

The Honolulu Board of Water Supply has testified in opposition to siting a new landfill over the aquifer out of concern for the fact that all landfills eventually leak, as has been affirmed multiple times over the years by the U.S. Environmental Protection Agency. They recommend that any new landfill be on the outside of the “no pass zone” boundary, over the caprock, which protects the aquifer from contamination.

As is evident on the map on the next page, there is no area outside of this “no pass zone” where there is land to build a landfill because the half-mile buffer zone in Act 73 already eliminates that

entire area. To enable Waimanalo Gulch Landfill to be replaced with a landfill that is not sited over the aquifer, the half-mile buffer zone would have to be reduced.



Furthermore, there are some important considerations for a landfill no matter where is it sited, in order to have the safest possible landfill:

1. Reduce toxicity by ending incineration

There are two things that make landfills particularly harmful: toxicity (from leachate and landfill gas releases) and climate impacts from gas generation. The toxicity is made far worse when burning waste and landfilling ash. The proposed landfill on O’ahu is primarily for the toxic ash from the H-POWER trash incinerator.¹ The landfill will be far less dangerous if trash is placed there without burning it first, which makes it more possible for toxic chemicals in waste to get out and to

¹ As multiple life cycle assessments have demonstrated, burning trash and landfilling ash is 2-3 times more harmful than directly landfilling trash without burning first. See <https://www.energyjustice.net/files/incineration/LCA.pdf> for summary slides from two studies of this sort on incinerators run by the same company operating H-POWER. A study conducted for Hawai’i County in 2023 demonstrated the same when looking at the health and environmental costs of landfilling paper and plastics on Hawai’i Island vs. burning them at H-POWER on O’ahu vs. shipping them to Asia or North America for recycling. It turned out that incineration was the worst impact by far, while landfilling was less harmful, and recycling was a major benefit. See: <https://drive.google.com/file/d/1tdhufZvfYXM64OnU7Z9Bdfts-xoptaq/view>

blow off of trucks and off of the top of the landfill (especially when ash is used as daily cover material). The City and County of Honolulu is pursuing an even more dangerous plan – to take this toxic ash and build roads with it, which would essentially be linear unlined landfills all over the island, exposing people (and the aquifer) much more than placing the ash in one place in a double-lined landfill. The H-POWER trash incinerator will not last forever, and the older two burners (that are missing two of the four air pollution control systems that most incinerators have) are now 35 years old and should be retired in the next five years. No community has chosen to bear the incredible cost of building a new incinerator in over a decade, and many communities have abandoned such pursuits after finding it politically and financially impossible. The City and County of Honolulu must plan for a future without trash incineration, and invest in Zero Waste solutions that rely on landfilling residuals in the most responsible way possible, which means not burning waste first.

2. Reduce gasses, odors and leakage by source separating clean organic materials (food scraps and yard waste) to compost it and build soils

The other main impact of landfills is from organic materials breaking down and forming leachate and landfill gas (and odors that go with it). Much of this can be avoided with a robust composting system that accepts food scraps as well as yard waste for curbside collection with economic incentives and proper education and enforcement.

3. Stabilize the organic fraction of trash with digestion before landfilling, so you'll have a small, safer landfill

For the dirty organic materials like sewage sludge and the organic fraction of municipal solid waste (including the food scraps that should have been source separated for composting), these materials should be digested to stabilize them before landfilling so that the methane generating potential is removed, and the gases are produced in an enclosed system where they're easier to capture than in an open air landfill system. This is discussed in the report by EcoCycle on what to do with the "leftovers" on the path to Zero Waste: <https://ecocycle.org/resources/report-zero-waste-system-leftovers/>

4. Do not use landfill gas for energy (minimize gas formation, maximize collection)

Contrary to popular understanding, it's actually not beneficial to use landfills as energy facilities by burning captured gas for energy. This is because such projects generally involve deliberately generating more gas and manipulating the landfill in ways that are designed to increase the proportion of methane in the gas, though these manipulations tend to cause more gas to escape, which makes climate and community health impacts worse. There are strategies to best manage landfills by minimizing gas formation and maximizing collection which are discussed in the back end of the Zero Waste Hierarchy described on these pages: <https://www.energyjustice.net/zerowaste/hierarchy> and <https://www.zwia.org/zwh>.

Why incinerator ash that is unsafe in a double-lined landfill over an aquifer is even more dangerous used in construction or road-building over the aquifer with no liner system

The City and County of Honolulu (“city”) is pursuing permits to build a facility near the H-POWER trash incinerator in Campbell Industrial Park in Kapolei. This facility would be owned by the city and operated by Reworld (formerly Covanta) – the same owner/operator relationship that they have for the H-POWER incinerator.

This facility would pull metals out of the incinerator’s ash for recycling, then use the remaining ash to build roads or for other construction purposes. This is unproven and unsafe, and would be a greater threat to human health, the aquifer and the environment in general than simply placing this ash in a double-lined landfill.

The landfill currently proposed for Wahiawa is primarily for the toxic ash from H-POWER’s trash incinerator. The concern driving this and other bills is that a new double-lined landfill will eventually leak and poison the aquifer. The U.S. Environmental Protection Agency has stated multiple times over the years that all landfills eventually leak. Concern over the aquifer is well-warranted.

The plan to use ash to build roads all over the island is even more concerning. Doing so will turn roads into linear unlined landfills with no groundwater protection that can pollute the aquifer from many directions. It will also expose road workers, everyone who drives over the roads, and all who lives near roads where the road surface will erode over time, releasing tiny particles with toxic metals, dioxins, and other harmful chemicals.

Due to these concerns, the Democratic Party of Hawai’i adopted resolution 2024-11 (attached) opposing the use of ash in roads unless it can be “remediated” so that toxic chemicals are removed to the point where they are not detectable. Such remediation technology does not exist, and were it possible, it would not be affordable, and is not what is being proposed by the city.

The facility that the city is using as a model is located in Bucks County, Pennsylvania. That plant, owned and operated by Reworld (Covanta) removes metals from trash incinerator ash, and used provide the remaining ash to a nearby asphalt company to use in roads. They stopped doing this in September 2022 and were going to restart in 2023, but never did. That project apparently failed, and ash is now going back to landfills, anyway. Similar projects failed in Tennessee, Maine, and York County, Pennsylvania. Making roads out of incinerator ash is dangerous and unproven.

In December 2024, the U.S. Environmental Protection Agency admitted on their [website](#) that incinerator ash, even if it tests legally “non-hazardous” based on tests that only look at what leaches out of ash, can still be harmful if people are exposed in other ways, including inhalation, ingestion, or touching it. Ash can blow off of trucks, blow off of the top of landfills when used as alternative daily cover at a landfill, and would be handled by road workers. Roads will also erode over time with tiny toxic particles exposing people.

EPA's statement says:

6. What risks are associated with management, disposal or reuse of MSW incinerator ash?

If MSW combustor ash exceeds the toxicity characteristic regulatory limit at Title 40 of the Code of Federal Regulations Section 261.24 using the Toxicity Characteristic Leaching Procedure (TCLP), it is identified as a hazardous waste due to the risks it poses to groundwater contamination under a worst-case mismanagement scenario. Non-hazardous MSW combustor ash may still present potential risks via other pathways, such as through inhalation, ingestion, or dermal (skin) contact. These risks should also be considered during transport, disposal and/or beneficial reuse of the ash as a non-hazardous secondary material.

Communities are being told that municipal solid waste incinerator ash is “non-toxic” and “[inert](#)” as a means to dismiss concerns about toxicity of ash. This is a misinterpretation of the results of the Toxicity Characteristic Leaching Procedure (TCLP) test that is used to determine whether ash is legally hazardous. EPA's statement now makes that clear. Incinerator ash was never “non-toxic” or biologically inert.

In a 2/23/2022 meeting we had with key staff at the U.S. Environmental Protection Agency's Office of Land and Emergency Management (the office that handles solid waste), EPA staff confirmed that the TCLP test is based solely on what leaches out of ash, not on exposure pathways involving inhalation or ingestion. This is a concern because there are exposure pathways not being considered. Incinerator workers are the first to be exposed. I've toured incinerators where you can write your name in the layer of ash dust that has settled and built up on the floor, yet workers are not wearing respiratory protection. There are anecdotes from communities where ash has blown off of trucks. When ash is dumped from trucks on the surface of landfills, there can be clouds of ash dust blowing away during that activity, which has been video documented by workers in one case I've seen. Incinerator ash is typically used as alternative daily cover material at landfills, which risks ash blowing into communities.² There are several examples of this that we're aware of. One – at the City of Baltimore's Quarantine Road Landfill – was noticed by the Maryland Department of the Environment and the city was ordered in 2010 to stop the practice since ash was blowing off-site (we believe that they have continued the practice). See the bottom of page 2 in this [memo](#). Off-site wind-blown ash has also been documented at an ash monofill in New England. Some landfills, like Old Dominion Landfill in Monroe (Henrico County), VA, use ash to build internal roads in landfills where trucks drive over the ash and can kick it up and track it off-site. The potentials for inhalation and ingestion are significant.

² Historically, landfills are required to use soil as daily cover at the end of each day to prevent waste blowing into communities at night. However, the industry has learned that they can save money by not paying to fill their air space with clean soil, and *make* money taking waste in place of soil. The practice of using waste as “alternative daily cover material” (ADCM) has become commonplace, even though it can involve exposing the community to wind-blown incinerator ash or other wastes permitted to be used as ADCM. There are numerous cases of incinerator ash blowing off of landfills when ash is used as cover material for itself.

Incinerator ash used to be considered to be categorically non-hazardous by EPA until a May 1994 Supreme Court decision that required that, if ash tests hazardous, it must be regulated as hazardous waste. Testing with the EP Tox test used to find fly ash hazardous 91% percent of the time based on lead and 97% of the time based on cadmium; bottom ash 36% of the time based on lead and 2% of the time based on cadmium; and combined ash 40% of the time based on lead and 14% of the time based on cadmium. Find more on the legal history [here](#), as well as additional history of the Supreme Court ruling, testing changes, the above results, and how EPA's TCLP test was chemically designed to prevent a hazardous waste designation [here](#).

In the wake of the Supreme Court ruling, EPA changed the test method to TCLP, where the testing now takes place at a higher pH where ash doesn't test hazardous. The mixing of fly and bottom ash prior to testing also enables the industry to dilute the toxicity of the fly ash while the lime in fly ash where lime scrubbers are used helps protect the bottom ash by increasing the pH. Lead and cadmium have U-shaped solubility curves where they'll leach at a high or low pH, but not in the range where the test is done. In long-term landfill conditions, changing pH can cause ash to leach lead, cadmium, arsenic, and probably other toxic chemicals. A [2004 study](#) found that TCLP fails to simulate landfill conditions and underestimates arsenic leaching from ash, stating "[u]p to tenfold greater arsenic concentration is extracted by an actual landfill leachate than by the TCLP."

Municipal waste combustor ash passing a TCLP test does not mean that ash is non-toxic or biologically inert. The test is based solely on the content of liquids that leach out of ash at a certain pH during an 18-hour laboratory test. A TCLP determination of whether ash must be handled as hazardous waste does not account for exposures via inhalation, ingestion, or dermal (skin) contact. These exposures are possible if ash blows off of trucks during transportation, blows into the air when dumped at a landfill, blows off of the surface of a landfill (which is more possible where ash is used as daily cover material), is kicked up by trucks where ash is used to make internal roads in a landfill, or where workers handle ash to recycle it into roads or other reuse applications where it can erode or leach over time outside of a lined landfill.

Democratic Party of Hawai'i Resolution Adopted May 18, 2024

2024-11: Supporting Safe Management of Incinerator Ash

Whereas, Waste incineration facilities reduce every 100 tons of trash to about 30 tons of ash; and

Whereas, H-POWER—Hawai'i's only trash incinerator—operates in O'ahu's Campbell Industrial Park and burns up to 2,600 tons of waste per day, making it one of the nation's largest waste incinerators, with its ash currently dumped in the Waimanalo Gulch Landfill in Honokai Hale; and

Whereas, While fly ash from trash incinerators is regulated as hazardous waste in several other nations, the U.S. Environmental Protection Agency (EPA) used to categorically define incinerator ash as non-hazardous, even though tests showed that fly ash qualified as hazardous over 90% of the time and even though bottom ash would test hazardous 36% of the time due to leaching of toxic lead or cadmium; and

Whereas, Since a 1994 U.S. Supreme Court ruling that incinerator ash must be handled as hazardous waste if it tests hazardous, the EPA changed the test, allowed mixing of fly and bottom ashes, and changed the test methods to enable incinerator ash to pass the test; and

Whereas, EPA staff admit that the ash testing regulations (which require testing only for what leaches out of incinerator ash at a certain pH in short-term lab tests) are based solely on whether people will be exposed by consuming water that has passed through ash and leached into groundwater and, ultimately, to drinking water supplies—and that ash testing regulations are not based on exposures from touching incinerator ash, or inhaling or ingesting ash particles; and

Whereas, Testing “non-hazardous” does not mean that ash is safe, “non-toxic” or biologically “inert”; and

Whereas, Incinerator ash is typically handled by workers with no respiratory protection, trucked to a landfill in trucks where some ash can blow or spill during transit, dumped from trucks where ash dust usually rises in a cloud that wind can carry, and is finally used as daily cover material for itself, instead of a tarp or clean soil to prevent wind from blowing ash into the community; and

Whereas, The City & County of Honolulu (the city) is currently working with Covanta to develop an ash “recycling” facility at Campbell Industrial Park, where incinerator ash would be exempted from being handled as waste, and would be used to build roads or for other purposes that can put workers, the public, and the environment in more contact with incinerator ash than would occur if it were properly contained and responsibly landfilled; and

Whereas, Roads and other construction materials do not last forever, and will erode and eventually be broken up, releasing more ash particles with no cautionary warnings about toxicity or special handling appropriate for material containing fine particles of highly toxic dioxins and furans, and toxic metals like arsenic, cadmium, chromium, lead and mercury; therefore be it

Resolved, That the Democratic Party of Hawai'i urges the Hawai'i State Department of Health and the city to: 1) Appropriately handle the incinerator ash (a type of “solid waste” as per HRS Section 342H-30) only through proper containment in a landfill, unless the ash is remediated to such a level that it does not pose a risk to public health and safety by first treating the ash to remove dioxins/furans, PFAS, mercury and other toxic contaminants to the point where the remaining ash has no detectable levels of the toxic chemicals, for which there is no known safe dose; 2) Ensure that trucking and landfilling uses secure tarps to prevent ash from being blown by wind into the community; and 3) Cease all activities in pursuit of any effort to “recycle” or “reuse” H-POWER incinerator ash unless it is properly remediated as described above; and be it

Ordered, That copies of this resolution shall be transmitted to the offices of the Governor and Lieutenant Governor of the State of Hawai'i, the Director of the Hawai'i State Department of Health, all members of the Hawai'i State Legislature and Honolulu City Council who are Democrats, the Mayor of the City & County of Honolulu, and the Director of the Honolulu Department of Environmental Services.



Date: February 9th, 2025

To: Chair San Buenaventura, Vice Chair Aquino, and Members of the Senate Health and Human Services Committee

From: Hawai'i Environmental Change Agents (HECA) - Solid Waste Reduction Task Force

Re: SB 446 - Relating to Waste Management

Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee,

Hawai'i Environmental Change Agents (HECA) - Solid Waste Reduction Task Force

respectfully submits comments on SB 446 and requests that the bill be amended to include the language from SB 538, which would prohibit the use of toxic incinerator ash in roadbuilding, construction, or as alternative daily cover at landfills.

Proposed Amendment

We respectfully request that the following language be added under **§342H-52**

Prohibitions; buffer zones:

(d) No person shall utilize in roadbuilding, other construction, or as alternative daily cover material on a landfill, fly ash, bottom ash, or combined fly and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products. Such material shall be disposed of only in a lined municipal solid waste or hazardous waste landfill.

Rationale for the Amendment

- **Aligning with SB 538:** To ensure consistency in Hawai'i's waste management policies, HB 969 should include the same critical protections outlined in SB 538.
- **EPA Warnings on Incinerator Ash:** In December 2024, the U.S. Environmental Protection Agency (EPA) acknowledged that incinerator ash, even when testing "non-hazardous," can pose health risks through inhalation, ingestion, or direct contact.
- **Failed Attempts Elsewhere:** Similar projects using incinerator ash in roads have failed in Pennsylvania, Tennessee, and Maine due to health and safety concerns.
- **Public and Worker Safety:** Ash used in roads or as landfill cover can become airborne, exposing road workers and the public to toxic contaminants over time.

We appreciate the committee's consideration and strongly encourage the inclusion of this amendment to better protect public health and the environment.

Thank you for the opportunity to testify.

A handwritten signature in black ink, appearing to read "J. Navarra". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

~HECA Solid Waste Reduction Task Force
Jennifer Navarra



Environmental Caucus of The Democratic Party of Hawai'i

February 10, 2025

Testimony in Support of SB446: Relating to Waste Management

To: Chair Joy A. San Buenaventura, Vice Chair Henry J.C. Aquino, and Members of the Committee on Health and Human Services

From: The Environmental Caucus of the Democratic Party of Hawai'i

Date: Wednesday, February 12, 2025, 1:00 p.m.

Place: Conference Room 225 & Videoconference

Subject: Support for SB446 - Prohibition of Waste Disposal Facilities on Significant Aquifers and Agricultural Land

Aloha Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee on Health and Human Services,

The Environmental Caucus of the Democratic Party of Hawai'i strongly supports SB446, which aims to prohibit the construction, modification, or expansion of waste disposal facilities on land near or above significant aquifers and Class A and B agricultural land. This bill is crucial for protecting our precious water resources, preserving our agricultural lands, and ensuring the health and safety of our communities.

Key Points:

1. **Protection of Aquifers:** SB446 mandates that waste disposal facilities cannot be constructed, modified, or expanded near or above significant aquifers. This is essential to safeguard our drinking water sources from contamination.
2. **Environmental Impact:** Waste disposal facilities can have significant adverse effects on the environment, including soil and water contamination. SB446 aims to minimize these impacts by restricting their placement.

Arguments in Support:

1. **Protecting Public Health:** Contaminants from waste disposal facilities can leach into groundwater and surface water, posing serious health risks to the community. SB446 helps to prevent such contamination, ensuring safe and clean drinking water for all residents.

2. **Environmental Preservation:** By prohibiting waste disposal facilities near aquifers and agricultural land, SB446 promotes the conservation of natural resources and the protection of ecosystems.
3. **Sustainable Land Use:** The bill supports sustainable land use practices by prioritizing the protection of water resources and agricultural land over the placement of waste disposal facilities. This aligns with Hawaii's long-term goals of sustainability and environmental stewardship.
4. **Community Well-being:** Ensuring that waste disposal facilities are located away from critical water resources and agricultural areas contributes to the overall well-being and quality of life for Hawaii's residents.

Additionally, we support the incorporation of language from SB538, which requires municipal solid waste combustor ash to be disposed of only in a lined landfill and prohibits the reuse of municipal solid waste incinerator ash for uses such as roadbuilding, fill, or construction. This ensures safe disposal practices and prevents potential environmental contamination.

The Democratic Party of Hawai'i's 2024 Resolution highlights the need for safe management of incinerator ash. The resolution calls for the proper containment and remediation of incinerator ash to prevent harm from hazardous substances such as dioxins, furans, and heavy metals. It urges the Hawai'i State Department of Health and the City & County of Honolulu to adopt measures for safe management of incinerator ash, including proper containment, secure transportation, and ceasing efforts to recycle or reuse ash unless fully remediated. **[Please see the attached Resolution 2024-11 for full details.]**

The Environmental Caucus believes that SB446 aligns with our commitment to preserving and restoring the environment for current and future generations. We urge the Committee to support this important legislation and take a stand for the protection of our water resources and agricultural land.

Mahalo nui loa,

Melodie Aduja and Alan Burdick
Co-chairs Environmental Caucus of the Democratic Party of Hawai'i

Attachment: Democratic Party of Hawai'i Resolution 2024-11

Resolution 2024-11: Supporting Safe Management of Incinerator Ash

Whereas, Waste incineration facilities reduce every 100 tons of trash to about 30 tons of ash; and

Whereas, H-POWER—Hawai'i's only trash incinerator—operates in O'ahu's Campbell Industrial Park and burns up to 2,600 tons of waste per day, making it one of the nation's largest waste incinerators, with its ash currently dumped in the Waimanalo Gulch Landfill in Honokai Hale; and

Whereas, While fly ash from trash incinerators is regulated as hazardous waste in several other nations, the U.S. Environmental Protection Agency (EPA) used to categorically define incinerator ash as nonhazardous, even though tests showed that fly ash qualified as hazardous over 90% of the time and even though bottom ash would test hazardous 36% of the time due to leaching of toxic lead or cadmium; and

Whereas, Since a 1994 U.S. Supreme Court ruling that incinerator ash must be handled as hazardous waste if it tests hazardous, the EPA changed the test, allowed mixing of fly and bottom ashes, and changed the test methods to enable incinerator ash to pass the test; and

Whereas, EPA staff admit that the ash testing regulations (which require testing only for what leaches out of incinerator ash at a certain pH in short-term lab tests) are based solely on whether people will be exposed by consuming water that has passed through ash and leached into groundwater and, ultimately, to drinking water supplies—and that ash testing regulations are not based on exposures from touching incinerator ash, or inhaling or ingesting ash particles; and

Whereas, Testing “non-hazardous” does not mean that ash is safe, “non-toxic” or biologically “inert”; and

Whereas, Incinerator ash is typically handled by workers with no respiratory protection, trucked to a landfill in trucks where some ash can blow or spill during transit, dumped from trucks where ash dust usually rises in a cloud that wind can carry, and is finally used as daily cover material for itself, instead of a tarp or clean soil to prevent wind from blowing ash into the community; and

Whereas, The City & County of Honolulu (the city) is currently working with Covanta to develop an ash “recycling” facility at Campbell Industrial Park, where incinerator ash would be exempted from being handled as waste, and would be used to build roads or for other purposes that can put workers, the public, and the environment in more contact with incinerator ash than would occur if it were properly contained and responsibly landfilled; and

Whereas, Roads and other construction materials do not last forever, and will erode and eventually be broken up, releasing more ash particles with no cautionary warnings about

toxicity or special handling appropriate for material containing fine particles of highly toxic dioxins and furans, and toxic metals like arsenic, cadmium, chromium, lead and mercury; therefore be it

Resolved, That the Democratic Party of Hawai'i urges the Hawai'i State Department of Health and the city to:

1. Appropriately handle the incinerator ash (a type of "solid waste" as per HRS Section 342H-30) only through proper containment in a landfill, unless the ash is remediated to such a level that it does not pose a risk to public health and safety by first treating the ash to remove dioxins/furans, PFAS, mercury and other toxic contaminants to the point where the remaining ash has no detectable levels of the toxic chemicals, for which there is no known safe dose;
2. Ensure that trucking and landfilling uses secure tarps to prevent ash from being blown by wind into the community; and
3. Cease all activities in pursuit of any effort to "recycle" or "reuse" H-POWER incinerator ash unless it is properly remediated as described above; and be it

Ordered, That copies of this resolution shall be transmitted to the offices of the Governor and Lieutenant Governor of the State of Hawai'i, the Director of the Hawai'i State Department of Health, all members of the Hawai'i State Legislature and Honolulu City Council who are Democrats, the Mayor of the City & County of Honolulu, and the Director of the Honolulu Department of Environmental Services.

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Winston Welch
Executive Director

Jacqueline Wah
Operations Director

Myles Ritchie
Programs Director

Keeping Hawai'i clean,
green and beautiful
since 1912



February 10, 2025

RE: The Outdoor Circle **STRONG SUPPORT** for SB446 related to aquifers

Aloha Chair San Buenaventura, Vice Chair Aquino, and members of the Committee on Health and Human Services,

The Outdoor Circle **strongly supports SB446**, to prohibit landfills where they may threaten the water security of our islands and our future generations.

This is a common-sense bill crucial for protecting our vital groundwater resources. Once contaminated, these water sources put public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai'i home.

We urge you to **PASS SB446**

Mahalo,

Winston Welch
Executive Director

SB-446

Submitted on: 2/10/2025 8:53:38 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Testifying for Free Access Coalition	Support	Written Testimony Only

Comments:

Aloha!

The Free Access Coalition supports SB446 which will prohibit landfills from being built above our aquifer. Water safety is the most important thing we can protect.

Mahalo for your time.

SB-446

Submitted on: 2/11/2025 9:17:46 AM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan B Roberts Emery	Testifying for Green Party of Hawai'i	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and members of the Committee on Health and Human Services,

My name is Susan RobertsEmery and I am Co-chair of the Green Party of Hawai'i. Keeping our water safe is of utmost importance to the Green Party of Hawai'i. We strongly **support SB446**, to prohibit landfills in county "no pass zones" where they may threaten the water security of our islands and our future generations. Let us remember Red Hill and the ramifications from putting fuel storage tanks above an aquifer.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai'i home.

We urge you to **PASS SB446**.

Mahalo,

Susan RobertsEmery

**Co-chair GPH
Green Party of Hawai'i
Paauilo**



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

February 12, 2025

HEARING BEFORE THE
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

TESTIMONY ON SB 446
RELATING TO WASTE MANAGEMENT

Conference Room 225 & Videoconference
1:00 PM

Aloha Chair San Buenaventura, Vice-Chair Aquino, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports SB 446, which prohibits landfills in no pass zones, which are areas determined by the county where the installation of a waste disposal facility may contaminate groundwater and requires counties to identify no pass zones in county integrated solid waste management plans.

HFB recognizes the need for future landfill locations; however, we have serious concerns about future waste or disposal facilities being sited on lands that provide groundwater for agriculture, drinking water, irrigation, and domestic, commercial, and industrial needs.

While waste and disposal facilities are necessary, their location must be carefully considered to avoid unintended environmental and public health consequences. Waste sites near significant aquifers pose a serious risk of leachate infiltration, which could introduce harmful pollutants into our drinking water and agricultural irrigation systems. HB 969 ensures that critical water resources remain protected from these potential threats.

Water is the lifeblood of Hawai'i's agricultural industry and essential to the health and well-being of our communities. Our farmers and ranchers depend on clean and reliable water sources to sustain their operations and ensure food security for our state. Hawai'i's aquifers provide a primary source of drinking water and agricultural irrigation, making their protection a top priority. Once an aquifer is compromised, the damage is often irreversible, threatening not only agriculture but also public health, ecosystems, and Hawai'i's long-term sustainability.

Thank you for the opportunity to provide our comments and for your continued support of Hawai'i's agricultural community.

SB-446

Submitted on: 2/10/2025 11:30:01 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Testifying for Hawai'i Reef and Ocean Coalition	Support	Written Testimony Only

Comments:

Hawai'i Reef and Ocean Coalition **SUPPORTS** this bill!



February 12, 2025

TESTIMONY OF THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS
To the Senate Committee on Health and Human Services
In Support of

SB 446 – RELATING TO WASTE MANAGEMENT

Aloha Chair San Buenaventura, Vice Chair Acquino, and members of the committee on Health and Human Services.

The Association of Hawaiian Civic Clubs **supports** SB446 Relating to Waste Management, which would prohibit the construction of landfills in a no pass zone. Our wai is critical to life and it is critical to protect our freshwater aquifers.

The mission of the Association of Hawaiian Civic Clubs is to effectively advocate for the educational, civic, health, cultural, economic, and social well-being of our lāhui.

The Association of Hawaiian Civic Clubs supported the prohibition of constructing landfills in conservation districts and establishment of the landfill buffer zones enacted in Act 73, Session Laws of Hawaii, 2020. SB446 ensures that our critical freshwater sources are protected from any pollution runoff or percolation from landfills. At the January 2025 board meeting, the Association reaffirmed its longstanding commitment to protecting wai by formally adopting the position that landfills should not be situated over aquifers and may only be placed within conservation districts in exceptional circumstances.

Founded by Prince Kūhiō in 1918, the Hawaiian Civic Club movement is the oldest Native Hawaiian community-based advocacy movement. The Association of Hawaiian Civic Clubs is a not-for-profit organization that is a confederation of 61 individual and autonomous Hawaiian Civic Clubs and 3,000 members located across Hawai‘i and across the continental United States.

We appreciate your favorable consideration of this bill.

SB-446

Submitted on: 2/9/2025 7:59:25 AM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Hunt	Individual	Oppose	Written Testimony Only

Comments:

SN 446 is unacceptable as written.

Please amend the bill to include the following language under §342H-52 Prohibitions; buffer zones.

(d) No person shall utilize in roadbuilding, other construction, or as alternative daily cover material on a landfill, fly ash, bottom ash, or combined fly and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products. Such material shall be disposed of only in a lined municipal solid waste or hazardous waste landfill.

If incinerator ash is too dangerous to be above the aquifer in a double-lined landfill, it's too dangerous to spread all over the islands to build roads with it that have no liners to protect the land and aquifer.

Please amend this to include the language from SB 538 to protect against unsafe uses of ash.

The model plant that Honolulu is looking at is one in Bucks County, Pennsylvania where the plant was taking incinerator ash and (after pulling out metals to recycle) providing it to an asphalt company to use in roads. They stopped doing this in September 2022 and were going to restart in 2023, but never did. That project apparently FAILED, and ash is now going back to landfills, anyway. Similar projects failed in Tennessee, Maine, and York County, Pennsylvania. Making roads out of incinerator ash is dangerous and unproven.

Do not risk our health and our precious drinking water - especially based upon FAILED policy and past bad decisions that also failed.

SB-446

Submitted on: 2/9/2025 7:49:05 AM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keoni Shizuma	Individual	Support	Written Testimony Only

Comments:

Aloha committee members of the Senate Committees on Agriculture and Environment and Government Operations,

I am testifying in support of SB446.

As the Red Hill spill really emphasized, water is one of our most important resources we need to protect. Our aquifers need to be protected at all costs. If more contamination occurs, it will very likely spread underground and could impact a much larger population, including most of Oahu.

Landfills last forever and it is highly unlikely that the precautions taken to prevent leaking will as well. We can't keep thinking about this as sustainable. There's been great progress with H-Power and burning our waste, which reduces the amount of size needed for the landfill, but those toxic chemical remains can't just be stored forever. More research and planning needs to be done to clean the ash, remove toxic chemicals from the ash, and/or reduce the amount of ash. If the ash was cleaner, say consisting of organic materials only, then the storing them in a landfill would be more acceptable. In fact, research should be done to separate the organic materials out of the ash, then converting those organic materials into something useful.

For the time being until that technology is implemented, more efforts should also be made to reduce the amount of waste we create, considering shipping waste out, preventing the importation of certain products, or creating innovative technologies that increase what is recycled.

Mahalo for your consideration,

Keoni Shizuma, Kaneohe, Oahu

SB-446

Submitted on: 2/9/2025 12:58:22 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michele Mitsumori	Individual	Comments	Written Testimony Only

Comments:

Aloha,

In December 2024, the U.S. Environmental Protection Agency admitted on their [website](#) that incinerator ash, even if it tests "non-hazardous" based on tests that only look at what leaches out of ash, can still be harmful if people are exposed in other ways, including inhalation, ingestion, or touching it. Ash can blow off of trucks, blow off of the top of landfills when used as daily cover at a landfill, and would be handled by road workers. Roads will also erode over time with tiny toxic particles exposing people.

If incinerator ash is too dangerous to be above the aquifer in a double-lined landfill, it's too dangerous to spread all over the island to build roads with it that have no liners to protect the land and aquifer. Please amend this to include the language from SB 538 to protect against unsafe uses of ash.

Thank you for the opportunity to COMMENT on SB446.

Mahalo,

Michele Mitsumori, Hilo

SB-446

Submitted on: 2/9/2025 4:23:03 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

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

Comments:

I Fred Hofer, support this bill,

yet I ask you to amend it as follows :

This bill say not to build a new landfill on agricultural land, over an aquifer, or in the aquifer "no pass zone" on O‘ahu, respectively -- all generally good ideas, though by ruling out most of the island, it pushes the possible sites back to the coastal areas, likely on the Waianae Coast which has already suffered the most from landfills, the incinerator, and power plant pollution.

If incinerator ash is too dangerous to be above the aquifer in a double-lined landfill, it's too dangerous to spread all over the island to build roads with it that have no liners to protect the land and aquifer. Please amend this to include the language from SB 538 to protect against unsafe uses of ash."

AMENDMENT

Please amend the bill to include the following language under §342H-52 Prohibitions; buffer zones

(d) No person shall utilize in roadbuilding, other construction, or as alternative daily cover material on a landfill, fly ash, bottom ash, or combined fly and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products. Such material shall be disposed of only in a lined municipal solid waste or hazardous waste landfills

In May 2024, the Democratic Party of Hawai'i adopted a 1-page resolution opposing the use of toxic incinerator ash in roads.

The model plant that Honolulu is looking at is one in Bucks County, Pennsylvania where the plant was taking incinerator ash and (after pulling out metals to recycle) providing it to an asphalt company to use in roads. They stopped doing this in September 2022 and were going to restart in 2023, but never did. That project apparently failed, and ash is now going back to landfills, anyway. Similar projects failed in Tennessee, Maine, and York County, Pennsylvania. Making roads out of incinerator ash is dangerous and unproven.

In December 2024, the U.S. Environmental Protection Agency admitted on their website that incinerator ash, even if it tests "non-hazardous" based on tests that only look at what leaches out of ash, can still be harmful if people are exposed in other ways, including inhalation, ingestion, or touching it. Ash can blow off of trucks, blow off of the top of landfills when used as daily cover at a landfill, and would be handled by road workers. Roads will also erode over time with tiny toxic particles exposing people.

Mahalo for listening & for

acting in the interest of our health & well-being

Fred Hofer

Hilo

SB-446

Submitted on: 2/9/2025 4:38:06 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

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

Comments:

Dear Chair and Committee Members,

My name is Diane Ware and I urge you to not allow toxic ash anywhere in our environment. If incinerator ash is too dangerous to be above the aquifer in a double-lined landfill, it's too dangerous to spread all over the island to build roads with it that have no liners to protect the land and aquifer. Please amend this to include the language from SB 538 to protect against unsafe uses of ash.

Malama pono, it's the right thing to do for us residents.

Volcano HI POB 698 96785

SB-446

Submitted on: 2/9/2025 6:26:27 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

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

Comments:

Aloha,

Toxic ash shohldn't be recycled in our roadways, near our aquifers or any other sensitive area which, afterall, our entire state is.

please include the language from [SB 538](#) which would prohibit toxic ash "recycling." this bill sets a bad precedent for the rest of our counties.

mahalo and sincerely,

janice palma-glennie

kailua-kona

SB-446

Submitted on: 2/10/2025 7:10:58 AM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ellen Okuma	Individual	Comments	Written Testimony Only

Comments:

If incinerator waste is so toxic to put in a landfill with liners why would anyone consider spreading the toxic waste on any of our islands by using it on roadways? It makes no sense! All of the rain would create runoff that would distribute the toxic waste into areas adjacent to roads--backyards, water ways (marine and fresh), aquifers for drinking water, and farmland. Please amend this bill to include the language from SB 538 to protect against unsafe uses of ash.

SB-446

Submitted on: 2/10/2025 8:41:06 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patricia Blair	Individual	Support	Written Testimony Only

Comments:

Protect ground water resources in Hawaii.

SB-446

Submitted on: 2/10/2025 9:14:57 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Dadds, PA-C	Individual	Oppose	Written Testimony Only

Comments:

The concern is that a new double-lined landfill will eventually leak (they all eventually do) and poison the aquifer. WHY, then would the county use the same toxic ash and put it into roads all over the island -- and neighbor islands when they find they have too much? This would turn roads into linear unlined landfills with no groundwater protection that can pollute aquifers all over, not to mention exposing road workers and everyone who drives over or lives near roads where toxic metals and dioxins will erode over time.

SB-446

Submitted on: 2/10/2025 9:20:47 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Bernstein	Individual	Support	Written Testimony Only

Comments:

Aloha Senator San Beunaventura and members of the HHS committee:

I'm writing in **support** of SB446 as I see this bill as needed to protect our water supply. Given Red Hill, I think all of us realize how critical it is to protect our life blood. Please pass this bill out of your committee.

Mahalo,

Paul Bernstein

SB-446

Submitted on: 2/10/2025 9:39:23 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kiana Otsuka	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and members of the Committee on Health and Human Services,

My name is Kiana Otsuka, and I am an O‘ahu resident writing in **strong support of SB446**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

Mahalo,

Kiana Otsuka

SB-446

Submitted on: 2/10/2025 9:55:27 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
ANDREW ISODA	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and members of the Committee on Health and Human Services,

My name is Andrew Isoda and I **strongly support SB446**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to **PASS SB446**.

Sincerely,
Andrew Isoda
Lahaina, Mau‘i

SB-446

Submitted on: 2/11/2025 10:10:23 AM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Madison Owens	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and members of the Committee on Health and Human Services,

My name is Madison Owens and I **strongly support SB446**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to PASS SB446.

Sincerely,
Madison Owens

SB-446

Submitted on: 2/11/2025 8:46:20 AM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello

Chair San Buenaventura, Vice Chair Aquino, and members of the Committee on Health and Human Services,

My name is Nanea Lo and I **strongly support SB446**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to PASS SB446.

me ke aloha ‘āina,
Nanea Lo
Mō‘ili‘ili, HI 96826
Sierra Club of Hawai‘i Executive Commission Member
Board Member, Hawai‘i Workers Center
Kanaka Maoli/Lineal Descendant of the Hawaiian Kingdom

SB-446

Submitted on: 2/11/2025 8:27:16 AM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laura Leonberger	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and members of the Committee on Health and Human Services,

My name is Laura Leonberger and I **strongly support SB446**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to **PASS SB446**.

Sincerely,
Laura Leonberger

SB-446

Submitted on: 2/11/2025 7:33:25 AM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deja	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and members of the Committee on Health and Human Services,

My name is Deja Ostrowski and I **strongly support SB446**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

Mahalo for your commitment to protecting the health and safety of our community.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to **PASS** SB446.

SB-446

Submitted on: 2/11/2025 7:03:16 AM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Breanne Fong	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and members of the Committee on Health and Human Services,

My name is Breanne Fong, and I **strongly support SB446**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to PASS SB446.

Sincerely,
Breanne Fong

SB-446

Submitted on: 2/11/2025 5:22:43 AM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jodi Rodar	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and members of the Committee on Health and Human Services,

My name is Jodi Rodar and I **strongly support SB446**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to **PASS SB446**.

Sincerely,

Dr. Jodi Rodar

SB-446

Submitted on: 2/11/2025 5:18:29 AM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

I STRONGLY SUPPORT this bill. Anyone who says putting a landfill over an aquifer will never cause future problems has their fingers crossed behind their backs.

SB-446

Submitted on: 2/11/2025 5:01:04 AM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Denise Boisvert	Individual	Support	Written Testimony Only

Comments:

I STRONGLY SUPPORT this bill; please PASS it!

SB-446

Submitted on: 2/11/2025 12:54:28 AM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I strongly support SB446 that would prohibit landfills in no pass zones, which are areas determined by the county where the installation of a waste disposal facility may contaminate groundwater. This measure further requires counties to identify no pass zones in county integrated solid waste management plans. It is crucial we protect our precious and limited drinking water resources from the threat of landfills. Water is life, and the protection of our precious drinking water should always be the highest priority. Once contaminated, these water sources can be permanently damaged, posing a significant threat to public health and the environment.

I urge you to **PASS** SB446.

SB-446

Submitted on: 2/10/2025 11:00:32 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Aiko Yamashiro	Individual	Support	Written Testimony Only

Comments:

Wow, the House version got a lot of testimony in support of this bill in first hearing. That is amazing to see our diverse communities in strong support of protecting our fresh water. The will of the people has made itself heard. I also support HB969 SB446 because of its commitment not just to the needs of today but to the health and safety of our future. There are a few who testified in opposition or voiced concerns. The work of our lawmakers seems to be to find creative solutions to address those concerns, while upholding the will of the people. I live on O‘ahu where I also grew up. We have way more environmental problems on this island than other islands do. As the canary in the coal mine, or the cautionary tale for our neighbor islands, it is our responsibility to lead by example and take a strong stand to prioritize the health of our environment.

SB-446

Submitted on: 2/10/2025 10:36:31 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cullen Hayashida	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Hashem, Vice Chair Lamosao, and members of the Committee on Water and Land,

My name is Cullen T. Hayashida, Phd of the Moanalua Gardens Community and I **strongly support HB969 HD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above significant aquifers.

This bill is crucial for protecting our vital groundwater resources. Our aquifers are irreplaceable sources of freshwater that sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to **PASS** HB969 HD1.

Sincerely,

Cullen T. Hayashida, Ph.d.

SB-446

Submitted on: 2/10/2025 10:32:17 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Micah Kazarian	Individual	Support	Written Testimony Only

Comments:

Hearing Date & Time: February 12, 2025, 1:00 PM

Committee: Senate Health and Human Services Committee

Position: Support

Submitted by: Micah Kazarian

Affiliation: Kaiser High School Student / Concerned Citizen

Email: micahkaz@gmail.com

Aloha chair and distinguished members of the committee,

My name is Micah Kazarian, and I am a student of Kaiser High School who is deeply concerned about the ramifications that excessive waste will have on the environment and economy of Oahu. I strongly support SB446 due to its stances on taking essential steps towards preventing the establishment of landfills that have the potential to contaminate local aquifers and destroy local ecosystems.

Hawaii's current waste management policies have led to overflowing landfills, consuming our limited land and endangering the fragile environment. This bill's requirement for the designations of "no pass zones" will ensure that such waste facilities are planned and operated with long term sustainability in mind. Overall, implementing such safeguards is essential to the protection of Hawaii's future.

I urge this distinguished committee to pass SB446 and consider additional measures to support recycling programs and alternative waste management solutions so our island doesn't become overrun with trash. Mahalo for your time and consideration.

Sincerely,

Micah Kazarian

Honolulu, HI

SB-446

Submitted on: 2/11/2025 11:49:04 AM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Glenn Choy	Individual	Support	Written Testimony Only

Comments:

i strongly support this bill. Thank you.

SB-446

Submitted on: 2/11/2025 12:49:20 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lory Ono	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and members of the Committee on Health and Human Services,

My name is Lory Ono, and I **strongly support SB446**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to **PASS SB446**.

Sincerely,

LATE

SB-446

Submitted on: 2/11/2025 1:12:09 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Best	Individual	Support	Written Testimony Only

Comments:

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

Please PASS SB446 for the water security of our islands.

Mahalo, Bobbie Best, Wailuku

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante Jr.
Managing Director



Wesley R. Segawa
Director

Craig Kawaguchi
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūānāo'a Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiicounty.gov

Ph: (808) 961-8083 · Fax: (808) 961-8086

February 11, 2025

LATE

COMMITTEE ON WAYS AND MEANS

Sen. Donovan M. Dela Cruz, Chair
Sen. Sharon Y. Moriwaki, Vice Chair

COMMITTEE ON HEALTH and HUMAN SERVICES

Sen. Joy A, San Buenaventura, Chair
Sen. Henry J.C. Aquino, Vice Chair
Hawai'i State Capitol
Honolulu, HI 96813

Re: Testimony in Opposition of Senate Bill (SB) 446 Relating to Waste Management, which prohibits landfills in no pass zones, which are areas determined by the county where the installation of a waste disposal facility may contaminate groundwater. Requires counties to identify no pass zones in county integrated solid waste management plans.

Dear Chair Dela Cruz, Chair San Buenaventura and Committee Members,

The County of Hawai'i Department of Environmental Management (DEM) respectfully submits this testimony in opposition to Senate Bill 446 regarding "no pass zones" for landfills. This bill will create significant obstacles to responsible waste management in Hawaii.

Justification and Arguments:

- Vague Definition:** The bill defines "no pass zone" as areas where waste disposal *may* contaminate groundwater. This broad definition allows counties to designate virtually any area, precluding new landfill sites.
- Planning Contradiction:** The bill requires counties to include "no pass zones" in waste management plans while prohibiting landfills within them. This creates a planning conflict, hindering the ability to secure future landfill capacity.
- Capacity Crisis:** Oahu faces a landfill capacity shortage. This bill will worsen the problem, potentially increasing disposal costs, and illegal dumping.
- Focus on Alternatives:** Instead of prohibitions, the legislature should prioritize sustainable waste management solutions like emerging technologies and waste reduction programs.

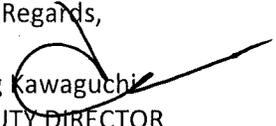
Conclusion:

This bill will negatively impact waste management in Hawaii. I urge the committee to reject it and pursue comprehensive, sustainable solutions.

Hawai'i County is an Equal Opportunity Provider and Employer

Thank you for your consideration.

Best Regards,


Craig Kawaguchi
DEPUTY DIRECTOR

cc: Mayor Kimo Alameda
Gene Quiamas, Acting Hawai'i County Solid Waste Division Chief

LATE

SB-446

Submitted on: 2/11/2025 11:07:23 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patrice Choy	Individual	Support	Written Testimony Only

Comments:

I strongly support SB446. Please pass SB446. Thank you.

LATE

SB-446

Submitted on: 2/11/2025 7:58:35 PM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lu Ann Mahiki Lankford-Faborito	Individual	Support	Written Testimony Only

Comments:

Support to Malama I Ka Wai

LATE

SB-446

Submitted on: 2/12/2025 11:17:07 AM

Testimony for HHS on 2/12/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kimmer Horsen	Individual	Support	In Person

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and members of the Committee on Health and Human Services,

My name is Kimmer Horsen and I **strongly support SB446**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to PASS SB446.

Sincerely,

Kimmer Horsen

February 12, 2025

Honorable Joy A. San Buenaventura, Chair
Honorable Henry J. C. Aquino, Vice Chair
and Members on the Committee on Health and Human Services

Re: SB446, Relating to Waste Management
SUBMITTING COMMENTS

Dear Chair San Buenaventura and Vice Chair Aquino:

Reworld is the operator of the HPOWER waste-to-energy facility owned by the City and County of Honolulu. The city and Reworld are working in partnership on a project to move up the waste hierarchy and reduce the amount of waste sent to landfill. We oppose the amendment offered to SB 446 that would prohibit the reuse of ash from waste-to-energy facilities.

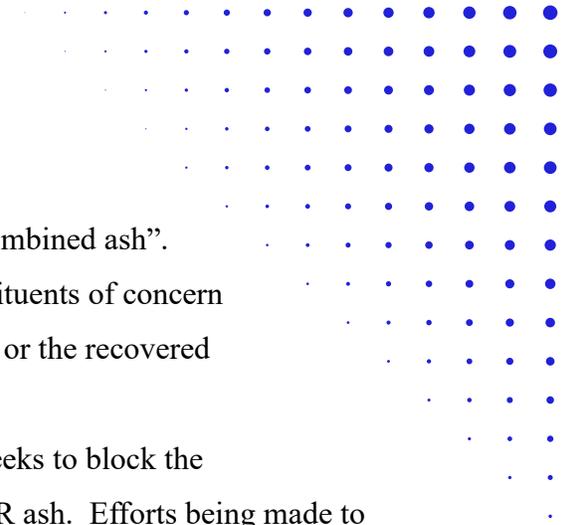
As an important point of clarification, the permit application that has been submitted to DOH is not for the use of ash. It is for use of commercial aggregate that has been recovered from bottom ash through a series of screening and metal recovery steps. This process is analogous to the recovery of metal from ash in that it separates a usable commodity from the non-usable fraction.

HPOWER ash results from a carefully controlled combustion process in an engineered and monitored facility using municipal solid waste (MSW) sources that are specifically allowed by permit. It is routinely tested and has been shown to be non-hazardous in accordance with USEPA's toxicity characteristic leaching procedure (TCLP). Currently, this material is sent to the Waimanalo Gulch landfill for disposal. The project would reduce the amount of ash sent to the landfill by up to 60%. This would reduce disposal costs for the City, save precious landfill capacity, reduce truck traffic and offset the need for importation of aggregate.

The recovered aggregate will be used in asphalt as a substitute for natural aggregate only if it meets the technical requirements of asphalt customers and it meets the environmental requirements established by the HDOH. The aggregate will be used only as a partial substitute for natural aggregates in asphalt. The exact amount will be established by the HDOH and the asphalt/concrete manufacturer. It will probably comprise about 25% of the total asphalt mix.



445 South Street
Morristown, NJ 07960
862.345.5000



The aggregate will be recovered from bottom ash, not “combined ash”. Therefore, fly ash, which contains higher concentrations of constituents of concern (CoC), is not present in the ash feedstock involved in this project or the recovered aggregate product.

We ask that the committee reject the amendment which seeks to block the City’s sustainable waste management project involving HPOWER ash. Efforts being made to make the City and County of Honolulu less dependent on dwindling Oahu landfill capacity should be supported, not prevented.

Thank you for the opportunity to testify.

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

