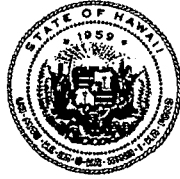


SB 454



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

S.B. 454, RELATING TO SOLID WASTE

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

**February 12, 2009
4:00 P.M.**

1 **Department's Position:** The Department supports the concept of increased waste diversion, but
2 respectfully opposes this bill.

3 **Fiscal Implications:** Unspecified amounts of funding to the counties may be required.

4 **Purpose and Justification:** This bill establishes a statewide waste diversion goal of 75% by 2015,
5 requires the counties to amend their integrated solid waste management plans to address this goal by
6 2011, and requires the DOH to establish penalties for the counties that fail to reach this goal by 2013.

7 The Department does support waste reduction and recycling; however, the Department opposes
8 this bill. Based on our discussions with some of the counties, we understand that new programs will
9 need to be implemented in order to achieve the diversion goal. No monies are appropriated for these
10 new programs. We have concerns that the establishment of penalties against counties for not reaching
11 the diversion goal may constitute a mandate requiring funding under Article VIII, Section 5 of the
12 Hawaii State Constitution.

13 Many counties have either finalized or will be finalizing their integrated solid waste management
14 plans this year. Some of these counties have not considered a waste diversion goal as high as 75%, and
15 therefore in accordance with the bill will have to revise their plan before the end of their five-year cycle.

1 Their currently revised plans already identify millions of dollars that need to be expended to reach the
2 lesser diversion goals, and an increase in diversion will likely increase program costs.

3 We note that the state's solid waste diversion rate for fiscal year 07-08 was 32.3%, which is
4 comparable to the 2007 national rate of 33.4%. Our annual report to the legislature provides more
5 details: <http://gen.doh.hawaii.gov/sites/LegRpt/2009/default.aspx>, report #33. We have still not met the
6 50% goal for 2000, and the 75% goal is even more ambitious.

7 Should the committee decide to pass this measure, we recommend that you clarify the 2013 and
8 2015 waste diversion goals, because as written it appears that the diversion goal for 2013 is greater than
9 that for 2015.

10 Thank you for the opportunity to testify.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

**TESTIMONY FROM THE
COUNTY OF KAUA'I
DEPARTMENT OF PUBLIC WORKS**

**TO THE TO THE SENATE COMMITTEE
ON ENERGY AND ENVIRONMENT**

**TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009**

February 12, 2009
4:00 p.m.

TESTIMONY ON SENATE BILL NO. 454, RELATING TO SOLID WASTE.

TO THE HONORABLE MIKE GABBARD, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Donald Fujimoto, County Engineer, Department of Public Works, County of Kaua'i (County), testifying against Senate Bill No. 454, which establishes goals of increasing the solid waste landfill diversion rate by 75% by 2013 and reducing the amount of solid waste entering Hawaii's waste stream by 75% by 2015.

The County is dedicated to diverting waste from landfill. We currently have four recycling positions on staff, and coordinate and manage dozens of waste diversion programs targeted toward both residents and businesses. Our current waste diversion rate is 27%. We continue to increase our recycling efforts and programs each year, and we are on the verge of releasing our draft Integrated Solid Waste Management Plan (ISWMP) to the public which recommends the implementation of even more aggressive waste diversion strategies, which include but are not limited to: residential curbside recycling and green waste collection, permanent facilities to accept Household Hazardous Waste and Electronic Waste, and the implementation of a "Pay as You Throw" collection program to provide residents with an economic incentive to reduce waste. Even with these aggressive strategies in place, our ISWMP update estimates that our current diversion rate will increase to a total of 35% within five years. While this may be a conservative estimate from our consultant, it makes a 75% diversion rate seem unattainable by comparison.

The neighbor islands of Hawaii face many challenges in the area of recycling. We have small populations and relatively small streams of materials to market and are unable to pool streams of commodities due to geographic isolation; we must ship all recyclables to market and face high shipping charges; we have limited competition for recycling haulers and processors; we don't have sophisticated Materials Recovery Facilities to sort mixed streams of recyclables; we have rural areas that are difficult to service. These and other barriers have driven up the cost of diverting waste, and have kept us behind compared to mainland municipalities that may be able to strive for

diversion goals as high as 75%.

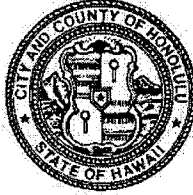
Instead of mandating goals that would be very difficult if not impossible to achieve, we ask that the legislature provide support to the counties in meeting higher diversion rates. Assistance could be provided by funding more staff positions in the State's Solid and Hazardous Waste Management Branch to implement and oversee solid waste legislation that assists our counties, such as the HI5 Deposit Beverage Container Law, or SB 2843, the Electronic Recycling legislation that passed in the last session, or any new legislation that may be implemented. We are concerned that this bill presents us with an unfunded mandate that once again puts us at a deficit when it comes to waste diversion. We ask that you consider other more helpful ways to assist the counties in their work in this challenging area.

We thank the Committee for the opportunity to testify on this matter.

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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

MUFI HANNEMANN
MAYOR



February 11, 2009

TIMOTHY E. STEINBERGER, P.E.
ACTING DIRECTOR

MANUEL S. LANUEVO, P.E., LEED AP
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 09-49

The Honorable Mike Gabbard, Chair
and Members of the Committee on Energy and Environment
State Senate
State Capital
Honolulu, Hawaii 96813

Dear Chair Gabbard and Members:

Subject: Senate Bill 454, Relating to Solid Waste

The City and County of Honolulu's Department of Environmental Services (ENV) opposes Senate Bill 454 which proposes to establish an unrealistic goal of reducing 75% of the solid waste stream prior to disposal by the year 2015 and to increase the solid waste landfill diversion rate to 75% by 2013, and would require the State Department of Health to adopt rules to provide penalties for counties that do not reach those goals.

This effort, although well-intentioned, constitutes an unfunded mandate, placing the full burden of developing source reduction, bioconversion and recycling infrastructure and programs on the counties. A difficult task in the economic conditions we all face.

Currently Oahu has achieved a landfill diversion rate over 55% through a combination of material recycling and waste-to-energy. Future solid waste master plans call for increasing our waste-to-energy capacity by an additional 300,000 tons and material recycling rates by more than 150,000 tons over the next five years. The City's goal is to reach a landfill diversion rate over 75%. However, this cannot be reasonably accomplished by 2013.

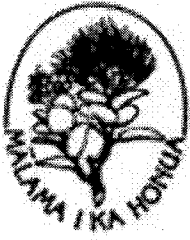
We appreciate that this measure has been modified from last years SB 3144 to provide for a landfill diversion rate of 75%. However, the ultimate goal to reduce the solid waste stream prior to disposal by 25% remains unrealistic.

We respectfully request that this bill not be passed.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy E. Steinberger", is written over a faint, larger version of the same signature.

Timothy E. Steinberger, P.E.
Acting Director



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.537.8019 hawaii.chapter@sierraclub.org

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

February 12, 2009, 4:00 P.M.

(Testimony is 2 pages long)

TESTIMONY IN SUPPORT OF SB 454

Chair Gabbard and members of the Committee:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, strongly supports SB 454, establishing goals of increasing the solid waste landfill diversion rate by 75% by 2013 and reducing the amount of solid waste entering Hawai'i's waste stream by 75% by 2015. Hawai'i is currently in a solid waste crisis. This bill provides clear direction towards resolving this problem, while giving the counties the discretion on how they comply with the general goal of waste reduction.

Hawai'i is faced with a solid waste crisis on most islands. A study completed for the City and County of Honolulu by consulting group R.W. Beck, the "2006 Waste Characterization Study" (available online at www.opala.org), reveals some shocking facts about Oahu's solid waste situation. Since the last waste characterization study in 1999, the trash from Oahu households increased by 30.2% from 316,491 tons annually in 1999 to 412,016 tons in 2006 (R.W. Beck, "2006 Waste Characterization Study," April 2007, at 3-11). The population increased by roughly 3% over the same period (878,906 to 906,000)—*meaning waste generation from households increased 10 times faster than population growth.*

Hawai'i residents generate a whopping average of 6.2 pounds of opala each daily. That's 41% greater than the national average (4.4 pounds per person) and 210% greater than the average German resident (less than 2 pounds daily). This wastefulness is compounded by our lack of recycling, with more than two-thirds of our waste being landfilled or incinerated.

At 510 above sea level, the Waimanalo Gulch sanitary landfill has become one of Oahu's tallest manmade structures, exceeding the island's building height limitation by over 100 feet. It is also likely the dirtiest, receiving \$2.8 million in fines in the past few years for 18 environmental violations. No obvious new landfill locations are available, and the last selection process produced such unattractive options as Koko Head crater, or building a landfill over our sole source of drinking water.

We know we can do better to reduce our waste stream. Unfortunately, common sense solutions like the currently mandated curbside recycling on Oahu have been slow to be

implemented. Residents want to do the right thing but they need it to be easy and convenient. Curbside is just that – recycling convenience for bottles, cans, food jars, cardboard, newsprint, and other recyclables at your own curb. By establishing this common sense waste reduction program, Honolulu will be joining the 10,000 cities across the mainland that have curbside collection of recyclables.

Our environment and future generations are paying the real costs for not recycling. Simply put, Hawai'i residents can't wait any longer for a real solid waste solution. We can bury our problems for only so long. We need to start behaving as though we live on an island.

Thank you for this opportunity to provide testimony.

Testimony of George White re: SB454 – Senate ENE Committee – Feb. 12, 2009

SENATE COMMITTEE ON ENERGY & ENVIRONMENT

Thursday, February 12, 2009 - 4:15 P.M. – State Capitol Room 225

Re: Testimony in Support of SB 454

Aloha Chair Gabbard, Vice Chair Hooser and Members of the Committee:

I apologize for being unavailable to testify before you in-person, this afternoon. I write in strong support of SB454 (Relating to Solid Waste), which attempts to address the solid waste crisis presently perplexing the State by establishing goals to increase the solid waste landfill diversion rate to 75% by 2013 and ultimately to reduce the amount of solid waste entering Hawaii's waste stream prior to disposal by 75% by 2015.

The problems posed by Hawaii's growing waste stream and our inability to adequately address it, have left Hawaii with severely limited and unsustainable waste disposal options.¹ Landfills across the State have already reached, or will soon reach capacity,² yet our State as well as local governments continue to support and allocate funds for short term solutions (such as shipping the trash out-of-State at a significant cost), rather than allocating funds for long term strategies.

These problems are nothing new. An informal joint legislative task force (Informal Task Force), convened in 2003, discussed numerous problems with the State's solid waste management system and acknowledged that the statewide solid waste disposal system was out-dated and in need of modernization. This Informal Task Force recommended that the Legislature reaffirm the previous goals (of 50% diversion by 2000) established by Section HRS § 342G-3, but these recommendations were ignored, and ultimately, the Informal Task Force failed to rally the necessary political support to change the status quo in any way

SB454 seeks not only to reaffirm the State's waste diversion goals but also to raise them, from 50% to 75%. It is precisely this type of vision and leadership that will be critical in promoting a more sustainable Hawaii. Simply given the fact that Hawaii produces almost double the amount of solid waste per person per day compared to the rest of the United States,³ and the fact that between 1990 and 2006, municipal solid waste generation grew twenty-two percent (22%) across the U.S., but expanded an astounding one hundred-five percent (105%) in Hawaii,⁴ we can no longer afford to ignore this worsening situation. Especially when established waste diversion methods such as commercial composting could divert in upward of 40% of Hawaii's solid waste stream away from the landfill.

¹ Joint Legislative Task Force on Waste Management and Recycling, Report on Waste Management and Recycling Issues in the State of Hawaii (November, 2004), p. 37.

² 2004 Informal Task Force Report, *supra* note 1, at 35.

³ 2004 Informal Task Force Report, *supra* note 2. (Solid and household wastes are produced in excessive quantities).

⁴ 2004 Informal Task Force Report, *supra* note 1, at 57; See also State of Hawaii, Dept. of Health, Office of Solid Waste Management. Report to the Twenty-Fourth Legislature: Solid Waste Management (December 2007), at 1, available at <http://gen.doh.hawaii.gov/sites/LegRpt/20081/Solid%20Waste%20Management.pdf> (noting that Hawaii produces a per capita average of 9.3 pounds of solid waste per person per day as compared to 4.6 pounds per person per day, for the rest of the Nation).

Testimony of George White re: SB454 – Senate ENE Committee – Feb. 12, 2009

I urge this Committee, however, before pushing for higher waste diversion standards to ensure that a system is in place that can realistically implement the Legislature's will. In its 2006, 2007, and 2008 annual reports to the Legislature, the State's Office of Solid Waste Management (OSWM) indicated that Hawaii had achieved approximately a thirty percent (30%) reduction in its solid waste stream prior to disposal. Juxtaposed against the progress made in waste reduction between 1990-1999, the State's diversion performance has almost flat-lined during 2000-2009. The present diversion rate is a mere fraction of the statutory goal of fifty percent (50%) by 2000. Perhaps one of the most important questions before this Committee is, if we've been unable to reach a 50% diversion rate over the last twenty years, how are we going to reach 75% in five?

In January, 2004, the State Auditor conducted an audit, evaluating the administration of the OSWM by the Department of Health (DOH). The audit was in response to the Legislature's belief that the State must reassess its solid waste management and landfill policies. The Auditor's report concluded that "DOH is not carrying out its solid waste management responsibilities for public health and environmental protection. Ultimately, the Department has failed in its duties to the public and the environment." Referencing a 1994 audit, as well as a 1996 follow-up audit, the Report states that "prior audits show management problems that continue to exist" including "no orderly or efficient management of solid waste programs" and that "very little has changed."

The 2004 Report also warned that "the State is facing a solid waste crisis . . . [which] has reached a critical point and [the State] is now faced with making last-minute decisions to address pressing solid waste issues." The report concludes that "DOH's lack of oversight has resulted in out-dated solid waste management plans that cannot guide effective development and implementation of its solid waste programs." OSWM is presently overburdened with too many function and duties, making it practically impossible for it to effectively accomplish all that the Legislature expects.

The State's environmental policy, pursuant to H.R.S. § 344-4, states that in order to conserve Hawaii's natural resources and enhance our quality of life, all agencies shall "promote the optimal use of solid wastes through programs of waste prevention, energy resource recovery, and recycling so that all our wastes become utilized." (H.R.S. § 344-4(2)(g)). These statutory goals cannot be achieved without significant attention and investment. Mere lip service, mismanagement, and funding excuses over the last decade have cast Hawaii into a dire solid waste crisis. Reviewing, reorganizing, and rejuvenating Hawaii's solid waste infrastructure will stimulate the local economy, provide additional energy resources, and sustain our Hawaii for future generations.

Thank you for this opportunity to provide testimony.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 10, 2009 1:47 PM
To: ENETestimony
Cc: good.designworks@hawaiiantel.net
Subject: Testimony for SB454 on 2/12/2009 4:00:00 PM

Testimony for ENE 2/12/2009 4:00:00 PM SB454

Conference room: 225
Testifier position: support
Testifier will be present: No
Submitted by: pamela burrell
Organization: Zero Waste Kaua'i
Address: 5564 Kahiliholo Rd Kilauea, Hi. 96754
Phone: 808 828-1230
E-mail: good.designworks@hawaiiantel.net Submitted on: 2/10/2009

Comments:

As an active member of Zero Waste Kaua'i, I have been studying our waste stream the past 3 years.

By simply recycling our HI 5 items, cardboard, clean paper, plastic #1+#2 and by composting our green waste, we can easily reach a 70% diversion.

Elements of an efficient 3R system include a Materials Recovery Facility, A CHARM, good C& D diversion and a comprehensive composting of greenwaste and organic household matter.

We can do this. Reducing our use of single use plastic bags and eliminating styrofoam would also be a great help..