

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

SENATE COMMITTEE ON HEALTH
SENATE COMMITTEE ON TRANSPORTATION, INTERNATIONAL, AND
INTERGOVERNMENTAL AFFAIRS
S.B. 472, RELATING TO LANDFILLS

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

February 18, 2009
2:45 P.M.

1 **Department's Position:** The department respectfully opposes this bill.

2 **Fiscal Implications:** None

3 **Purpose and Justification:** This bill provides the Department of Health with regulatory oversight of
4 private landfills, and establishes a private landfill permitting program to be administered by the
5 department.

6 The department opposes this bill because under HRS Chapter 342H, the department already has
7 regulatory authority over private landfills, and implements a solid waste permitting program, which is
8 inclusive of private landfills. We believe that the passage of this bill is unnecessary and may conflict
9 with existing solid waste laws and permitting program.

10 We note that the bill's provision for attorney's and experts' fees and costs in citizen suits is a
11 major policy change in state law and we question why, if such a policy is to be adopted, private landfills
12 are a greater problem than other facilities.

13 Thank you for the opportunity to testify.

LINDA LINGLE
GOVERNOR

JAMES R. AIONA, JR.
LT. GOVERNOR



KURT KAWAFUCHI
DIRECTOR OF TAXATION

SANDRA L. YAHIRO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF TAXATION
P.O. BOX 259
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SENATE COMMITTEE ON HEALTH

TESTIMONY REGARDING SB 472 RELATING TO GENERAL EXCISE TAX

TESTIFIER: KURT KAWAFUCHI, DIRECTOR OF TAXATION (OR DESIGNEE)
DATE: FEBRUARY 18, 2009
TIME: 3:15PM
ROOM: 016

This legislation provides a general excise tax exemption for managed care support contractors of the TRICARE program that is established under 10 United States Code chapter 55.

The Department of Taxation (Department) has **no comments** on this legislation other than citing that this was not factored into the Executive Budget or any of its fiscal priorities this session.

The Department is precluded from providing a specific estimate because of the limited taxpayer population, which the Department utilizes to arrive at its revenue estimates. The Department suggests that the Committee determine the revenue loss of any proposed tax relief by discussing the matter directly with taxpayers that will benefit from the measure.

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
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DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 09-56

February 17, 2009

The Honorable David Y. Ige, Chair
and Members of the Committee on Health
State Senate
State Capital
Honolulu, Hawaii 96813

The Honorable J. Kalani English, Chair
and Members of the Committee on Transportation, International and
Intergovernmental Affairs
State Senate
State Capital
Honolulu, Hawaii 96813

Dear Chairs Ige, English and Members:

Subject: Senate Bill No. 472, Relating to Landfills

The City and County of Honolulu's Department of Environmental Services (ENV) is unsure of the need for Senate Bill No. 472, which would transfer regulation of private landfills from the counties to the department of health and establish a private landfill program administered by the department of health.

It is unclear from the text of the bill if there is some concern regarding the quality of the counties regulation of private landfills, and, if so, what concerns need to be addressed.

However, if the committees were to believe this action appropriate we would make the following recommendations:

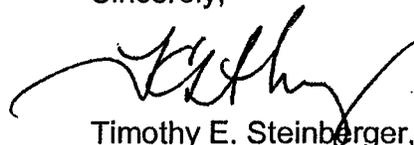
- a. The requirements regarding a Private Landfill Permit Program should duplicate those required of a public landfill.
- b. That the restrictions contained in Section 340A-3(b) be retained.

The Honorable David Y. Ige, Chair
The Honorable J. Kalani English, Chair
February 17, 2009
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- c. That the proposed modifications contained in Sections 5 and 6 of the bill to limit applicability to public landfills should be deleted. It is appropriate for Integrated Solid Waste Management to address all forms of solid waste management to include both public and private landfills. That can be accomplished using the existing language.

Thank you for consideration of our input.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy E. Steinberger', with a large, sweeping flourish extending to the left.

Timothy E. Steinberger, P.E.
Acting Director



UNIVERSITY
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RL:2232

SB 472
RELATING TO LANDFILLS

Senate Committee on Health
Senate Committee on Transportation, International and Intergovernmental Affairs

Joint Public Hearing – February 18, 2009
2:45 p.m., State Capitol, Conference Room 016

By
Stacie Cheramie, Environmental Health and Safety
Peter Rappa, Environmental Center

SB 472 transfers regulation of private landfills from the counties to the Department of Health and establishes a private landfill permit program administered by the Department. We emphasize that our testimony on this measure does not represent an official position of the University of Hawaii.

We have reservations about requiring the Department of Health (DOH) to take on more responsibilities than it is already tasked with if they are not given sufficient resources to carry out the task. The bill does allow the DOH to charge a fee that would recover the cost of administering the program but will the DOH be able to hire more people to do the job?

With the reservation above noted, instituting a permit program for private landfills would be good for the state. Landfills create environmental pollution issues, and should be regulated by the State. As such, they should be held accountable to the same standards as landfills owned/operated by the counties including: sampling, monitoring, recordkeeping, fees, inspection from regulatory agencies, enforcement, etc. We wonder how many “private landfill” permit applications the State realistically expects to receive?

We also wonder what actually constitutes a “private landfill.” The definition (found in section 340A-A) says only, “...a landfill other than one operated by the State or a county which is located on private property.” Are there any other requirements for a private landfill (i.e., size)? Could a large, long-standing rubbish mound (in the back of a neighbor’s yard/property) also be considered a “private landfill?” We would like to see a more specific definition of what constitutes a private landfill as part of this bill.

In addition, the bill should have private landfill owner/operators seeking permit coverage, specify the type of waste material they expect to receive (e.g., construction and demolition debris); because for some types of waste, environmental clearance testing must be performed prior to landfill

acceptance (e.g., TCLP for soil). These issues are missing from the bill, and should be mentioned in either the permit application section and/or the compliance plan portion.

Another issue is the proliferation of illegal dump sites. Will this bill help address this problem by having more places that people can safely dispose of rubbish or will this bill encourage more people to illegally dump because they don't wish to apply for a permit to operate a private landfill?

Thank you for the opportunity to comment on this bill.

IRON WORKERS STABILIZATION FUND

Fax No. 586-6659

February 17, 2009

Hon. David Y. Ige, Chair
Senate Committee on Health

Hon. J. Kalani English, Chair
Senate Committee on Transportation, International & Intergovernmental Affairs

Ironworkers Stabilization Fund – T. George Paris, Executive Managing Director

Hearing Date – February 18, 2009, 2:45 p.m. – Conference Room 016

Support of SB 472, Relating to Landfills

After reviewing this measure, the Ironworkers Stabilization Fund, Local 625, believes that it perhaps may not be necessary. However, should the measure be enacted into law, we believe that an amendment should be inserted to insure that all requirements that apply to public landfills should apply to private landfills also.

