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## A BILL FOR AN ACT

RELATING TO SOLID WASTE DISPOSITION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to clarify section  
2 340A-3, Hawaii Revised Statutes, to avoid the potential for  
3 ambiguity in the interpretation of this section. It is the  
4 intention of the legislature that this section be amended to  
5 provide a new subsection clarifying that, where a county has a  
6 resource recovery facility, once the minimum operating volume  
7 requirements of that facility have been met, then the county  
8 cannot designate the permitted manner of disposing of solid  
9 waste.

10           SECTION 2. Section 340A-3, Hawaii Revised Statutes, is  
11 amended to read as follows:

12           "**§340A-3 Disposal of solid waste.** (a) [The] Except as  
13 provided in subsection (d), the county agency responsible for  
14 the collection and disposal of solid waste may require that all  
15 solid waste transported by the county agency, collectors,  
16 businesses, or individuals be disposed of at facilities or in



1 areas designated by the county agency if it is found to be in  
2 the best public interest; provided that ~~[agricultural]~~:

3       (1) Agricultural solid waste and source separated waste  
4           transported for recycling purposes shall not be  
5           subject to the provisions of this section; and  
6           ~~[provided further that if]~~

7       (2) If regional transfer stations are designated,  
8           transportation to the stations shall be considered so  
9           as to minimize the operating costs of the collector.

10       (b) The best public interest shall be found if disposal at  
11 the designated facilities or areas will:

12       (1) Result in reusable materials being recovered from  
13           solid waste; or

14       (2) Achieve the solid waste volumes necessary to meet a  
15           resource recovery facility's minimum operating  
16           requirements; or

17       (3) Lessen the demand for landfill sites; or

18       (4) Conserve natural resources.

19       ~~[-(b)]~~ (c) For a county that has a resource recovery  
20 facility in use or when the design for such a facility has  
21 begun, the director shall not grant a permit for other solid  
22 waste disposal activities including landfills, for a term



1 extending beyond the planned operational date for the resource  
2 recovery facility unless the other disposal activity is to be  
3 used for one or more of the following:

4 (1) Disposal of ash or residue from a resource recovery  
5 facility;

6 (2) Disposal of solid waste which, because of its chemical  
7 or physical characteristics, is not suitable for  
8 processing at a resource recovery facility;

9 (3) Provide an emergency backup or overflow capacity for a  
10 resource recovery facility;

11 (4) Provide for solid waste disposal for those areas not  
12 served by a resource recovery facility as designated  
13 by the county agency responsible for the collection  
14 and disposal of solid waste.

15 (d) Notwithstanding the authority of a county agency's  
16 ability to designate where to dispose of solid waste, for a  
17 county that has a resource recovery facility or facilities in  
18 use, the county agency responsible for the collection and  
19 disposal of solid waste may require that solid waste be disposed  
20 of at its resource recovery facility or facilities; provided,  
21 however, that once the solid waste volumes necessary to meet its  
22 resource recovery facility or facilities' minimum operating



1 requirements are met, then the county may no longer designate  
2 the manner of permissible disposal of solid waste."

3 SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Calvin K. King  
JAN 18 2008



**Report Title:**

County Designation of Solid Waste Disposal

**Description:**

Directs that once there is sufficient solid waste to run a county's resource recovery facility, that a county may no longer control where excess solid waste is disposed of.

