

JAN 23 2009

A BILL FOR AN ACT

RELATING TO LANDFILLS.

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

1 SECTION 1. The legislature finds that the Waimanalo Gulch
2 landfill, located on the leeward coast, is the only existing
3 landfill on Oahu that is capable of receiving the total daily
4 output of municipal solid waste. It is also the only municipal
5 solid waste facility owned by the city and county of Honolulu
6 that receives approximately four hundred thousand tons of
7 municipal solid waste every year.

8 The legislature further finds that the department of health
9 has issued citations and fines to the city and county of
10 Honolulu and to Waimanalo Gulch landfill's contracted operator,
11 Waste Management Hawaii, for violations, such as exceeding the
12 landfill's allowed height, failure to cover garbage with soil
13 daily, failure to monitor levels of methane gas, failure to
14 measure and maintain records of liquid levels in landfill sump
15 pumps, and failure to record locations of asbestos disposal.
16 Because of these conditions, residents along the leeward coast
17 continue to experience many health-related problems including



1 asthma, cancer, and other serious illnesses that may be a result
2 of the presence of the landfill.

3 With the expected growth in the amount of municipal solid
4 waste generated on Oahu, the city and county of Honolulu created
5 a blue ribbon panel in 2003 to study the possibility of a new
6 location for municipal solid waste disposal. Despite the
7 existence of the Waimanalo Gulch landfill on the leeward coast
8 for eighteen years, however, the blue ribbon panel's
9 recommendations for a new location were still largely biased
10 toward siting a new landfill on the leeward coast.

11 The purpose of this Act is to place a moratorium for any
12 new landfills on the leeward coast including Nanakuli, Waianae,
13 Maili, Makaha, and Makua on or after August 1, 2009.

14 SECTION 2. Chapter 342H, Hawaii Revised Statutes, is
15 amended by adding a new section to part IV to be appropriately
16 designated and to read as follows:

17 "§342H- Leeward coast landfills; moratorium. (a) Any
18 law to the contrary notwithstanding, no person, including any
19 government agency or entity, shall construct or operate a new
20 municipal solid waste landfill unit, or any component of a
21 municipal solid waste landfill on or after August 1, 2009,
22 within the Oahu areas of:



- 1 (1) Nanakuli;
- 2 (2) Waianae;
- 3 (3) Maili;
- 4 (4) Makaha; and
- 5 (5) Makua;

6 provided that this section shall not apply to any municipal
7 solid waste landfill units existing prior to August 1, 2009, in
8 these areas.

9 For purposes of this section "new municipal solid waste
10 landfill unit" means any municipal solid waste landfill unit
11 that has not received waste prior to August 1, 2009."

12 SECTION 3. New statutory material is underscored.

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

14

INTRODUCED BY: *Mike Hubbard*



Report Title:

Waianae Coast Landfills; Moratorium

Description:

Places a moratorium on any new municipal solid waste landfill units on the leeward coast on or after 8/1/09.

