

**Report Title:**

Waianae Coast Landfills; Moratorium

**Description:**

Places a moratorium on or after 8/1/09, on any new solid waste landfills and the expansion of any existing private solid waste landfills in the: (1) Waianae district; (2) Waialua district; (3) Koolauloa district; and (4) Koolaupoko district. (HD1)

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# 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 capable of receiving the total daily output of  
4 non-reusable municipal solid waste.

5           The legislature further finds that prior to the  
6 establishment of the municipal solid waste landfill at Waimanalo  
7 gulch eighteen years ago, there were other municipal solid waste  
8 landfills that operated on the leeward coast. The residents of  
9 the leeward coast had the burden of all of Oahu's construction  
10 and demolition waste, including asbestos, being deposited into a  
11 privately-owned landfill that is adjacent to and mauka of  
12 Nanakuli town. Additionally, there may be other privately-owned  
13 landfills planned or proposed.

14           Besides the obvious health risks the leeward coast  
15 residents may suffer as a result of these landfills, they are  
16 also impacted by certain other environmental concerns: the  
17 abandoned military ordnance, the disproportionately large number

1 of homeless, and horrendous daily traffic conditions. Every  
2 day, approximately four hundred trucks, many in the semi-tractor  
3 trailer category, travel to and from privately-owned landfills  
4 or other business establishments, adding significantly to the  
5 traffic. Accordingly, the legislature finds that there would be  
6 significant gridlock for leeward coast residents if another  
7 landfill were opened.

8 The purpose of this Act is to place a moratorium on the  
9 construction of any new landfills, whether green waste landfills  
10 or otherwise, or the expansion of any existing private solid  
11 waste landfill on the leeward coast from Kaena point to  
12 Waimanalo gulch on or after August 1, 2009; provided that this  
13 Act is not intended to apply to Waimanalo gulch sanitary  
14 landfill, any proposal to expand that landfill, or any proposal  
15 to extend any permits relating to that landfill.

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

19 "§342H- Landfills; moratorium. Any law to the contrary  
20 notwithstanding, no person, including any government agency or  
21 entity, shall construct or operate a new solid waste landfill,  
22 including a municipal solid waste landfill, green waste

1 landfill, or otherwise, or expand any existing private solid  
2 waste landfill, or any component thereof, on or after August 1,  
3 2009, in the:

- 4       (1) Ewa district;
- 5       (2) Waianae district;
- 6       (3) Waialua district;
- 7       (4) Koolauloa district; and
- 8       (5) Koolaupoko district;

9 provided that this section shall not apply to any municipal  
10 solid waste landfill existing prior to August 1, 2009, or any  
11 proposal to expand a municipal solid waste landfill, including  
12 Waimanalo gulch sanitary landfill in these areas.

13       For purposes of this section, "new solid waste landfill"  
14 means any solid waste landfill that has not received waste prior  
15 to August 1, 2009. This term shall not include any expansion of  
16 the Waimanalo gulch sanitary landfill."

17       SECTION 3. New statutory material is underscored.

18       SECTION 4. This Act shall take effect on July 1, 2050.

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