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# A BILL FOR AN ACT

RELATING TO WASTE MANAGEMENT.

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

1           SECTION 1. Section 183C-4, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:  
3           "(b) The department shall adopt rules governing the use of  
4 land within the boundaries of the conservation district that are  
5 consistent with the conservation of necessary forest growth, the  
6 conservation and development of land and natural resources  
7 adequate for present and future needs, and the conservation and  
8 preservation of open space areas for public use and  
9 enjoyment[-]; provided that no waste or disposal facility shall  
10 be located in a conservation district except in emergency  
11 circumstances where it may be necessary to mitigate significant  
12 risks to public safety and health; provided further that  
13 emergency circumstances shall not exceed three years. No use  
14 except a nonconforming use as defined in section 183C-5, shall  
15 be made within the conservation district unless the use is in  
16 accordance with a zoning rule. For the purposes of this  
17 subsection:



1       "Emergency" means any natural or man-made occurrence, or  
2 imminent threat, which results or may likely result in  
3 substantial injury or harm to the population or substantial  
4 damage to or loss of property.

5       "Waste or disposal facility" means any transfer station or  
6 landfill as defined in section 340A-1, open dump as defined in  
7 section 342H-1, solid waste reduction facility or waste  
8 reduction facility as defined in section 342G-1, disposal  
9 facility, or any other facility for the disposal of solid waste  
10 that is required by law to obtain a permit from the department  
11 of health."

12       SECTION 2. Section 342H-52, Hawaii Revised Statutes, is  
13 amended to read as follows:

14       "~~§~~342H-52 ~~§~~ **Prohibition~~[-]~~; buffer zones.** (a) No  
15 person, including any federal agency, the State, or any county,  
16 shall construct, operate, modify, expand, or close a municipal  
17 solid waste landfill unit, or any component of a municipal solid  
18 waste landfill unit, without first obtaining a permit from the  
19 director. All permits for municipal solid waste landfill units  
20 shall be subject to such terms and conditions as the director



1 determines are necessary to protect human health or the  
2 environment.

3 (b) No person, including any federal agency, the State, or  
4 any county, shall construct, operate, modify, or expand a  
5 municipal solid waste landfill unit, or any component of a  
6 municipal solid waste landfill unit, without first establishing  
7 a buffer zone of no less than one-half mile around the municipal  
8 solid waste landfill unit."

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

11 SECTION 4. This Act shall take effect on July 1, 2020.  
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# H.B. NO. 2442

**Report Title:**

Waste Management; Landfills; Buffer Zones; Conservation  
Districts

**Description:**

Prohibits any waste or disposal facility from being located in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. Requires no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a municipal solid waste landfill unit.

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