

JAN 17 2020

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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S.B. NO. 2386

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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