

Honolulu, Hawaii

FEB 13 2020

RE: S.B. No. 2386
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Water and Land and Agriculture and Environment, to which was referred S.B. No. 2386 entitled:

"A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit 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; and
- (2) Require no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a municipal solid waste landfill unit.

Your Committees received testimony in support of this measure from the Plumbers and Fitters Local 675, Zero Waste O'ahu, Sierra Club of Hawai'i, ILWU Local 142, Surfrider Oahu, 'Ai Pohaku-The Stone Eaters, and three individuals. Your Committees received testimony in opposition to this measure from the County of Hawai'i, Department of Environmental Management; Building Industry Association Hawaii; and Chamber of Commerce Hawaii. Your Committees received comments on this measure from the County of Maui, Department of Environmental Management.



Prior to the hearing on this measure, your Committees posted and made available for public review a proposed S.D. 1, which amends this measure by clarifying the types of facilities that are subject to the buffer zone requirement.

Your Committees received testimony in support of the proposed S.D. 1 from the Department of Land and Natural Resources; Ke One O Kākuhihewa-O'ahu Council of the Association of Hawaiian Civic Clubs; Iron Workers Stabilization Fund; Association of Hawaiian Civics Clubs; Moku O Manokalanipō, Kaua'i Council of the Association of Hawaiian Civic Clubs; International Brotherhood of Electrical Workers; Prince Kūhiō Hawaiian Civic Club; Plumbers and Fitters Local 675; Association of Hawaiian Civic Clubs-Hawai'i Council; Hawaii Building & Construction Trades Council; and one individual. Your Committees received testimony in opposition of the proposed S.D. 1 from the Department of Health and PVT Land Company, Ltd. Your Committees received comments on the proposed S.D. 1 from the County of Maui, Department of Environmental Management and County of Kauai, Department of Public Works.

Your Committees find that there is an emergence of scientific studies affirming the health hazards of living and working next to landfills. The State lacks landfill buffer zone requirement that adequately protect public health. This measure will ensure a minimum safe distance between landfills, its facilities, and the public to better increase the health and quality of life for the people in the State.

Your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the measure by:


- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2386, as amended herein, and recommend that it pass Second Reading in the form attached hereto



as S.B. No. 2386, S.D. 1, and be referred to your Committee on
Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Water and Land
and Agriculture and
Environment,



MIKE GABBARD, Chair




KAIALII KAHELE, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 2386	Committee Referral: WTL/AEN, JDC	Date: 2/17/20		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)				X
NISHIHARA, Clarence K.				X
RIVIERE, Gil	X			
FEVELLA, Kurt	X			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:* SB 2386	Committee Referral: WTL/AEN, JDC	Date: 02/07/2020
---	--	----------------------------

The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	X			
RUDERMAN, Russell E. (VC)				X
RHOADS, Karl	X			
THIELEN, Laura H.	X			
FEVELLA, Kurt	X			
TOTAL	4			1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

Distribution: Original Yellow Pink Goldenrod
File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes