

JAN 19 2024

A BILL FOR AN ACT

RELATING TO WASTE DISPOSAL FACILITIES.

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

1 SECTION 1. The legislature finds that the search for a new
2 landfill for the city and county of Honolulu cannot be
3 prioritized over the protection of Oahu's freshwater aquifers.
4 In 2021, approximately twenty thousand gallons of jet fuel from
5 the Red Hill bulk fuel storage facility leaked and contaminated
6 the Pearl Harbor-Hickam water system that serves ninety-three
7 thousand military and civilian customers. The leak also
8 affected the Honolulu board of water supply system, and the
9 board has shut down three wells which supplied fourteen million
10 gallons of water per day to urban Honolulu. Today, the Honolulu
11 board of water supply is planning for new wells that can supply
12 urban Honolulu, which may not be ready until 2025.

13 The legislature further finds that the city and county of
14 Honolulu is required to relocate the Waimanalo Gulch Sanitary
15 Landfill by 2028. The county's department of environmental
16 services proposed six sites on which to relocate the landfill,
17 and all sites were rejected by the landfill advisory committee



1 because there were concerns that locating a landfill above
2 freshwater aquifers could damage the State's water sources. Act
3 73, Session Laws of Hawaii 2020, prohibited waste or disposal
4 facilities from being in a conservation district, except in
5 emergency circumstances to mitigate significant risks to public
6 health and safety. Furthermore, the Act requires that there be
7 a one-half-mile buffer zone around residences, schools, and
8 hospitals for the construction, modification, or expansion of
9 waste or disposal facilities. To protect and preserve fresh
10 water, a new landfill cannot be built over a freshwater aquifer.

11 Accordingly, the purpose of this Act is to prohibit the
12 construction, modification, or expansion of any waste or
13 disposal facility for hazardous waste or solid waste on land
14 that is near or above a significant aquifer.

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

17 **"§342H-52 Prohibitions; buffer zones.** (a) No person,
18 including any federal agency, the State, or any county, shall
19 construct, operate, modify, expand, or close a municipal solid
20 waste landfill unit, or any component of a municipal solid waste
21 landfill unit, without first obtaining a permit from the



1 director. All permits for municipal solid waste landfill units
2 shall be subject to any terms and conditions that the director
3 determines are necessary to protect human health or the
4 environment.

5 (b) No person or entity, including the State or a county,
6 shall construct, modify, or expand a waste or disposal facility,
7 including:

8 (1) A municipal solid waste landfill unit;

9 (2) Any component of a municipal solid waste landfill
10 unit;

11 (3) A construction and demolition landfill unit; or

12 (4) Any component of a construction and demolition
13 landfill unit,

14 for solid waste or hazardous waste on land that is near or above
15 a significant aquifer, as determined by the department, in
16 consultation with the commission on water resource management.

17 ~~[(b)]~~ (c) No person, including the State or any county,
18 shall construct, modify, or expand a waste or disposal facility
19 including a municipal solid waste landfill unit, any component
20 of a municipal solid waste landfill unit, a construction and
21 demolition landfill unit, or any component of a construction and



1 demolition landfill unit without first establishing a buffer
2 zone of no less than one-half mile around the waste or disposal
3 facility. This subsection shall not apply to the continued
4 operation of an existing waste or disposal facility that is
5 properly permitted; provided that continued operation does not
6 require physical expansion, vertical or horizontal, of the
7 facility requiring additional permitting review and a permit
8 modification.

9 (d) For the purposes of this ~~[subsection+]~~ section:

10 "Buffer zone" means the distance between the edge of waste
11 or waste activity and the nearest residential, school, or
12 hospital property line.

13 "Hazardous waste" shall have the same meaning as in
14 section 342J-2.

15 "Waste or disposal facility" ~~[excludes]~~ does not include
16 individual, state certified, non-industrial redemption centers."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.



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

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INTRODUCED BY: *Tommy Wisely*



S.B. NO. 2290

Report Title:

DOH; CWRM; Waste or Disposal Facilities; Landfills; Solid Waste; Hazardous Waste; Aquifers; Prohibition

Description:

Prohibits the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste on land that is near or above a significant aquifer as determined by the Department of Health, in consultation with the Commission on Water Resource Management.

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