
A BILL FOR AN ACT

RELATING TO WASTE MANAGEMENT.

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

1 SECTION 1. The legislature finds that maintaining the
2 integrity of aquifers is vital for the sustainability and health
3 of the State. Groundwater provides approximately ninety-nine
4 per cent of Hawaii's domestic water and fifty per cent of all
5 fresh water used in the State.

6 The fuel spill at the Red Hill fuel storage facility in
7 November 2021 serves as a cautionary example of the severe
8 consequences that can arise from contaminating a vital water
9 source. The spill led to the contamination of the Red Hill
10 drinking water well, affecting hundreds of families living in
11 the surrounding area. This incident underscores the critical
12 need to protect aquifers from potential sources of pollution.

13 The Wahiawa aquifer, situated beneath a proposed landfill
14 site, is a crucial component of Oahu's groundwater system. The
15 city and county of Honolulu has selected a site northwest of
16 Wahiawa for this proposed landfill, raising multiple concerns
17 due to its location over an aquifer. This proposed location



1 poses a risk to both the environment and public health and is
 2 within the Honolulu board of water supply's "no pass zone",
 3 pursuant to board of water supply resolution 502, 1982. Given
 4 the island's limited freshwater resource, any risk of
 5 contamination to this aquifer could have far-reaching
 6 implications for the environment and public health.

7 Recognizing the importance of safeguarding our water
 8 resources, the Honolulu city council has passed resolutions
 9 opposing placement of municipal solid waste landfills in
 10 proximity to Oahu's underground drinking water sources. In
 11 2003, the Honolulu city council adopted resolution 9 to protect
 12 these vital resources.

13 In light of these considerations, the legislature finds
 14 imperative the need to amend state law to enhance protections
 15 for aquifers, particularly in areas designated by the counties
 16 as "no pass zones".

17 The purpose of this Act is to:

- 18 (1) Require counties to include no pass zones in their
- 19 integrated solid waste management plans;
- 20 (2) Prevent landfills in areas critical to Hawaii's
- 21 freshwater resources; and



1 (3) Prohibit the utilization of fly ash, bottom ash, or a
2 combination of fly and bottom ash from a municipal
3 waste combustor, including any ash residue that
4 remains after removal of metals for recycling into new
5 metal products, for the purposes of road building,
6 construction, or as alternative daily cover material
7 on a landfill.

8 SECTION 2. Section 342G-1, Hawaii Revised Statutes, is
9 amended by adding a new definition to be appropriately inserted
10 and to read as follows:

11 "No pass zone" means an area determined by the county in
12 which the installation of a waste disposal facility may
13 contaminate groundwater resources used or expected to be used
14 for domestic water supply."

15 SECTION 3. Section 342G-27, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) The existing capacity and future needs component
18 shall identify existing and future facilities needed by the
19 county for solid waste management[-] and shall show the location
20 of any no pass zones."



1 SECTION 4. Section 342H-52, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§342H-52 Prohibitions; buffer zones. (a) No person,
4 including any federal agency, the State, or any county, shall
5 construct, operate, modify, expand, or close a [~~municipal solid~~
6 ~~waste~~] landfill unit, or any component of a [~~municipal solid~~
7 ~~waste~~] landfill unit, without first obtaining a permit from the
8 director. All permits for [~~municipal solid waste~~] landfill
9 units shall be subject to any terms and conditions that the
10 director determines are necessary to protect human health or the
11 environment.

12 (b) [~~Ne~~] Beginning July 1, 2025, no person, including the
13 State or any county, shall construct, modify, or expand a [~~waste~~
14 ~~or disposal facility including a municipal solid waste landfill~~
15 ~~unit, any component of a municipal solid waste landfill unit, a~~
16 ~~construction and demolition~~] landfill unit[~~7~~] or any component
17 of a [~~construction and demolition~~] landfill unit without first
18 establishing a buffer zone of [~~ne~~] not less than one-half mile
19 around the [~~waste or disposal facility~~] landfill unit. This
20 subsection shall not apply to the continued operation of an
21 existing [~~waste or disposal facility~~] landfill unit or any



1 component of a landfill unit that is properly permitted;
2 provided that continued operation does not require physical
3 expansion, vertical or horizontal, of the [~~facility~~] landfill
4 unit or component of the landfill unit, requiring additional
5 permitting review and a permit modification.

6 For the purposes of this subsection:

7 "Buffer zone" means the distance between the edge of waste
8 or waste activity and the nearest residential, school, or
9 hospital property line.

10 [~~"Waste or disposal facility" excludes individual, state~~
11 ~~certified, non industrial redemption centers.~~]

12 (c) Beginning July 1, 2025, no person, including the State
13 or any county, shall construct, modify, or expand a landfill
14 unit in a no pass zone, as defined in section 342G-1. This
15 subsection shall not apply to the continued operation of an
16 existing landfill unit that is properly permitted; provided that
17 continued operation does not require physical expansion,
18 vertical or horizontal, of the landfill unit requiring
19 additional permitting review and a permit modification.

20 (d) No person shall utilize fly ash, bottom ash, or a
21 combination of fly and bottom ash from a municipal waste



1 combustor, including any ash residue that remains after removal
2 of metals for recycling into new metal products, for the
3 purposes of road building, construction, or as alternative daily
4 cover material on a landfill. Fly ash, bottom ash, or a
5 combination of fly and bottom ash from a municipal waste
6 combustor shall be disposed of only in a double-lined and duly
7 licensed municipal solid waste or hazardous waste landfill.

8 (e) For the purposes of this section, "landfill unit"
9 means a municipal solid waste landfill unit or a construction
10 and demolition landfill unit."

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on December 31,
14 2050.



Report Title:

Waste Management; Landfills; No Pass Zone; Aquifers; County Integrated Solid Waste Management Plans; Fly Ash; Bottom Ash

Description:

Beginning 7/1/2025, prohibits landfills in no pass zones, which are areas determined by the county where the installation of a landfill unit may contaminate groundwater. Requires counties to identify no pass zones in county integrated solid waste management plans. Prohibits the utilization of fly ash, bottom ash, or a combination of fly and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products, for the purposes of road building, construction, or as alternative daily cover material on a landfill. Effective 12/31/2050. (SD1)

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