

Honolulu, Hawaii

**MAR 21 2025**

RE: H.B. No. 969  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Sir:

Your Committees on Health and Human Services and Water and Land, to which was referred H.B. No. 969, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO WASTE OR DISPOSAL FACILITIES,"  
beg leave to report as follows:

The purpose and intent of this measure is to prohibit the construction, modification, or expansion of any waste or disposal facility on land that is above a significant aquifer as determined by the Department of Health.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Honolulu Board of Water Supply, Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34, Free Access Coalition, Energy Justice Network, Environmental Caucus of the Democratic Party of Hawai'i, Hanalei Watershed Hui, Dole Food Co. Hawaii, Life of the Land, Green Party of Hawai'i, Sierra Club of Hawai'i, Hawaii Reef and Ocean Coalition, Climate Protectors Hawai'i, North Shore Chamber of Commerce, International Brotherhood of Electrical Workers Local 1260, Hawai'i Farm Bureau, and forty-five individuals.

Your Committees received testimony in opposition to this measure from the Department of Public Works of the County of Kaua'i and three individuals.



Your Committees received comments on this measure from the Department of Health, Department of Environmental Services of the City and County of Honolulu, Reworld, Prince Kūhiō Hawaiian Civic Club, and one individual.

Your Committees find that the placement of landfills and waste disposal facilities above significant aquifers introduces an unacceptable risk of leachate contamination, threatening drinking water sources that sustain communities and ecosystems. Your Committees further find that ninety-nine percent of the State's domestic water comes from underground aquifers and allowing landfill development over such a sensitive resource is unsafe and shortsighted. This measure ensures that all county and state agencies integrate aquifer protection into their solid waste management planning by establishing clear prohibitions against landfill construction in high-risk areas.

Your Committees note the concerns raised in testimony regarding the possible utilization of fly ash, bottom ash, or a combination of both, for the purposes of road building, construction, or as alternative daily cover material on a landfill and the potential to increase risk to the environment and public health if used for these purposes. Your Committees further note the testimony supporting the use of bottom ash to be used in asphalt to reduce disposal costs and save landfill capacity. Because an amendment relating to fly ash or bottom ash may not be germane to the purpose of this measure, your Committees have not included amendments regarding the disposition of ash from a waste or disposal facility and believe this disposition should be determined on a case-by-case basis.

Your Committees have amended this measure by inserting an effective date of December 31, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 969, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 969, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Health and Human  
Services and Water and Land,

  
LORRAINE R. INOUÉ, Chair

  
JOY A. SAN BUENAVENTURA, Chair



The Senate  
Thirty-Third Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Health and Human Services**  
**HHS**

|  |  |                         |            |                |
|--|--|-------------------------|------------|----------------|
| Bill / Resolution No.:*<br><b>HB 969, HDZ</b>  | Committee Referral:<br><b>HHS/WTL, WAM</b> | Date:<br><b>3/17/25</b> |            |                |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |  |                         |            |                |
| The Recommendation is:<br><div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended<br/>2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments<br/>2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold<br/>2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit<br/>2313         </div> </div> |  |                         |            |                |
| <b>Members</b>   | <b>Aye</b>                                 | <b>Aye (WR)</b>         | <b>Nay</b> | <b>Excused</b> |
| SAN BUENAVENTURA, Joy A. (C)   | ✓  |                         |            |                |
| AQUINO, Henry J.C. (VC)  | ✓  |                         |            |                |
| HASHIMOTO, Troy N.   | ✓  |                         |            |                |
| KEOHOKALOLE, Jarrett   | ✓  |                         |            |                |
| FEVELLA, Kurt  | ✓  |                         |            |                |
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| <b>TOTAL</b>   | <b>5</b>                                   |                         |            |                |
| Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>   |  |                         |            |                |
| Chair's or Designee's Signature:   |  |                         |            |                |
| <div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: x-small; margin-top: 2px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>   |  |                         |            |                |

\*Only one measure per Record of Votes

The Senate  
Thirty-Third Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

|   |  |                         |                 |                |               |          |        |      |  |                            |                |                 |
|---|--|-------------------------|-----------------|----------------|---------------|----------|--------|------|--|----------------------------|----------------|-----------------|
| Bill / Resolution No.:*<br><b>HB 969 HD2</b>  | Committee Referral:<br><b>HHS/WTL, WAM</b> | Date:<br><b>3/17/25</b> |                 |                |               |          |        |      |  |                            |                |                 |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____   |  |                         |                 |                |               |          |        |      |  |                            |                |                 |
| The Recommendation is:<br><div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended<br/>2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments<br/>2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold<br/>2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit<br/>2313         </div> </div>                       |  |                         |                 |                |               |          |        |      |  |                            |                |                 |
| <b>Members</b>  | <b>Aye</b>                                 | <b>Aye (WR)</b>         | <b>Nay</b>      | <b>Excused</b> |               |          |        |      |  |                            |                |                 |
| INOUE, Lorraine R. (C)  | ✓  |                         |                 |                |               |          |        |      |  |                            |                |                 |
| ELEFANTE, Brandon J.C. (VC)   | ✓  |                         |                 |                |               |          |        |      |  |                            |                |                 |
| CHANG, Stanley  | ✓  |                         |                 |                |               |          |        |      |  |                            |                |                 |
| MCKELVEY, Angus L.K.  | ✓  |                         |                 |                |               |          |        |      |  |                            |                |                 |
| DECORTE, Samantha   |  |                         | ✓               |                |               |          |        |      |  |                            |                |                 |
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| <b>TOTAL</b>  | <b>4</b>                                   |                         | <b>1</b>        |                |               |          |        |      |  |                            |                |                 |
| Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted           <input type="checkbox"/> Not Adopted         </div>  |  |                         |                 |                |               |          |        |      |  |                            |                |                 |
| Chair's or Designee's Signature:  |  |                         |                 |                |               |          |        |      |  |                            |                |                 |
| <table style="width: 100%; font-size: small;"> <tr> <td style="width: 25%;">Distribution:</td> <td style="width: 25%;">Original</td> <td style="width: 25%;">Yellow</td> <td style="width: 25%;">Pink</td> </tr> <tr> <td></td> <td>File with Committee Report</td> <td>Clerk's Office</td> <td>Drafting Agency</td> </tr> </table> <div style="display: flex; justify-content: flex-end; margin-top: 5px;"> <div style="text-align: center; width: 25%;">Goldenrod</div> <div style="text-align: center; width: 25%;">Committee File Copy</div> </div> |  |                         |                 |                | Distribution: | Original | Yellow | Pink |  | File with Committee Report | Clerk's Office | Drafting Agency |
| Distribution:   | Original                                   | Yellow                  | Pink            |                |               |          |        |      |  |                            |                |                 |
|   | File with Committee Report                 | Clerk's Office          | Drafting Agency |                |               |          |        |      |  |                            |                |                 |

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