

JAN 16 2025

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 incidence 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 require counties to include
18 no pass zones in their integrated solid waste management plans
19 and to prevent landfills in areas critical to Hawaii's
20 freshwater resources.



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

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

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

10 "(a) The existing capacity and future needs component
11 shall identify existing and future facilities needed by the
12 county for solid waste management and shall show the location of
13 any no pass zones."

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

16 **"§342H-52 Prohibitions; buffer zones.** (a) No person,
17 including any federal agency, the State, or any county, shall
18 construct, operate, modify, expand, or close a municipal solid
19 waste landfill unit, or any component of a municipal solid waste
20 landfill unit, without first obtaining a permit from the
21 director. All permits for municipal solid waste landfill units



1 shall be subject to any terms and conditions that the director
2 determines are necessary to protect human health or the
3 environment.

4 (b) No person, including the State or any county, shall
5 construct, modify, or expand a waste or disposal facility
6 including a municipal solid waste landfill unit, any component
7 of a municipal solid waste landfill unit, a construction and
8 demolition landfill unit, or any component of a construction and
9 demolition landfill unit without first establishing a buffer
10 zone of no less than one-half mile around the waste or disposal
11 facility. This subsection shall not apply to the continued
12 operation of an existing waste or disposal facility that is
13 properly permitted; provided that continued operation does not
14 require physical expansion, vertical or horizontal, of the
15 facility requiring additional permitting review and a permit
16 modification.

17 For the purposes of this subsection:

18 "Buffer zone" means the distance between the edge of waste
19 or waste activity and the nearest residential, school, or
20 hospital property line.



1 "Waste or disposal facility" excludes individual, state
2 certified, non-industrial redemption centers.

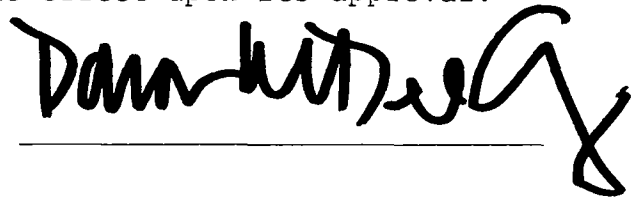
3 (c) No person, including the State or any county, shall
4 construct, modify, or expand a waste or disposal facility
5 including a municipal solid waste landfill unit, any component
6 of a municipal solid waste landfill unit, a construction and
7 demolition landfill unit, or any component of a construction and
8 demolition landfill unit in a no pass zone, as defined in
9 section 342G-1. This subsection shall not apply to the
10 continued operation of an existing waste or disposal facility
11 that is properly permitted; provided that continued operation
12 does not require physical expansion, vertical or horizontal, of
13 the facility requiring additional permitting review and a permit
14 modification."

15 SECTION 5. New statutory material is underscored.

16 SECTION 6. This Act shall take effect upon its approval.

17

INTRODUCED BY: _____



S.B. NO. 446

Report Title:

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

Description:

Prohibits landfills in no pass zones, which are areas determined by the county where the installation of a waste disposal facility may contaminate groundwater. Requires counties to identify no pass zones in county integrated solid waste management plans.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

