

STAND. COM. REP. NO.

1253

Honolulu, Hawaii

MAR 14 , 2025

RE: S.B. No. 438  
S.D. 2  
H.D. 1

Honorable Nadine K. Nakamura  
Speaker, House of Representatives  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Madame:

Your Committee on Energy & Environmental Protection, to which was referred S.B. No. 438, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO WASTE DISPOSAL FACILITIES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit waste and disposal facilities on land in an agricultural district with class A or B soils;
- (2) Prohibit the construction, modification, or expansion of any waste or disposal facility for solid waste or hazardous waste on land that is near or above a significant aquifer;
- (3) Prohibit the utilization of fly ash, bottom ash, or a combination of fly ash 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 and require these materials from a municipal waste combustor to be disposed of in a double-lined and



duly licensed municipal solid waste or hazardous waste landfill; and

- (4) Clarify that the existing buffer zone between waste or disposal facilities and residential, school, or hospital property lines applies to municipal solid waste landfill units or components, construction and demolition landfill units, and their components.

Your Committee 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; Sierra Club of Hawai'i; Energy Justice Network; Hawai'i Reef and Ocean Coalition; Environmental Caucus of the Democratic Party of Hawai'i; Hawai'i Farm Bureau; Hui Malama Pono Hawai'i; Free Access Coalition; and numerous individuals. Your Committee received testimony in opposition to this measure from the Department of Transportation; Department of Environmental Services of the City and County of Honolulu; Department of Environmental Management of the County of Hawai'i; Prince Kūhiō Hawaiian Civic Club; and three individuals. Your Committee received comments on this measure from the Department of Health; Department of Land and Natural Resources; Department of Public Works of the County of Kaua'i; Association of Hawaiian Civic Clubs; and Reworld.

Your Committee finds that the State's freshwater aquifers are crucial in providing drinking water to residents. Your Committee further finds that agricultural land of the State should be protected from pollution and contamination. This measure prohibits certain waste facilities on the most productive lands in the agricultural district and the construction, modification, or expansion of any waste or disposal facility on land near or above a significant aquifer.

Your Committee has amended this measure by:

- (1) Clarifying that no landfill unit, rather than a waste or disposal facility, shall be located on land within the agricultural district with class A or B soils and that landfill units, rather than waste or disposal facilities, are not permissible uses within the agricultural district;
- (2) Removing the prohibition on fly ash and bottom ash;



- (3) Clarifying that the application of the existing buffer zone between waste or disposal facilities and certain property lines to municipal solid waste landfill units or components, construction and demolition landfill units, and their components begins on July 1, 2025;
- (4) Prohibit the construction, modification, or expansion of a landfill unit inland of the underground injection control line in a county with a population greater than five hundred thousand, with certain exemptions;
- (5) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 438, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 438, S.D. 2, H.D. 1, and be referred to your Committee on Water & Land.

Respectfully submitted on  
behalf of the members of the  
Committee on Energy &  
Environmental Protection,



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NICOLE E. LOWEN, Chair



