

STAND. COM. REP. NO.

1487

Honolulu, Hawaii

, 2025

**MAR 21**

RE: S.B. No. 438

S.D. 2

H.D. 2

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

Madame:

Your Committee on Water & Land, to which was referred S.B. No. 438, S.D. 2, H.D. 1, 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 landfill units 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) Clarify that beginning July 1, 2025, 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; and
- (4) Prohibit the construction, modification, or expansion of a landfill unit inland of the underground injection

2025-2870 SB438 HD2 HSCR HMSO



control line in a county with a population greater than five hundred thousand, with certain exemptions.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Honolulu Board of Water Supply; Sierra Club of Hawai'i; Hawai'i Farm Bureau; Environmental Caucus of Democratic Party of Hawai'i; Energy Justice Network; Kūpuna for the Mo'opuna; and numerous individuals. Your Committee received testimony in opposition to this measure from the Department of Health; Office of the Mayor of the County of Maui; and Department of Environmental Management of the County of Hawai'i. Your Committee received comments on this measure from the Department of Environmental Services at the City and County of Honolulu; Department of Public Works of the County of Kaua'i; Reworld; and two individuals.

Your Committee finds that safeguarding Oahu's freshwater aquifers is essential to ensuring a reliable and clean drinking water supply for residents. Given the risks posed by landfill sites to critical water resources, new waste disposal facilities must not be located near or above significant aquifers. Your Committee also finds that preserving prime agricultural lands is vital to maintaining local food production and preventing environmental harm. This measure strengthens land use protections by prohibiting the construction, expansion, or modification of landfill units on highly productive agricultural lands and in areas that could endanger the State's water supply, prioritizing sustainable resource management and long-term environmental resilience.

Your Committee has amended this measure by:

- (1) Narrowing the prohibition on landfill units on land in agricultural districts to only those lands having class A soils;
- (2) Specifying that the prohibition on the construction, modification, or expansion of a landfill unit applies within no pass zones, rather than inland of the underground injection control line;
- (3) Prohibiting the use of fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal

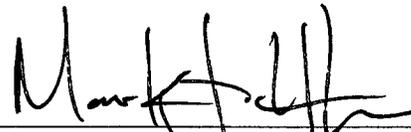


waste combustor for certain purposes and imposing requirements on the disposal of these materials; and

- (4) 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 Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 438, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as S.B. No. 438, S.D. 2, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Water & Land,



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MARK J. HASHEM, Chair



