

STAND. COM. REP. NO.

2043

Honolulu, Hawaii

APR 04

, 2025

RE: S.B. No. 438  
S.D. 2  
H.D. 3

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

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 438, S.D. 2, H.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 landfill units on land in an agricultural district having soil classified by the Land Study Bureau's detailed land classification as overall (master) productivity rating class A;
- (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) Beginning July 1, 2025, narrow the existing prohibition on the construction, modification, or expansion of waste or disposal facilities within a one-half mile buffer zone of residential, school, or hospital property lines to apply specifically to landfill units or components of landfill units;

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- (4) Beginning July 1, 2025, prohibit the construction, modification, or expansion of a landfill unit, or any component of a landfill unit, within a no pass zone in a county with a population greater than five hundred thousand, with certain exemptions; and
- (5) Prohibit the use of fly ash, bottom ash, or combination of fly ash and bottom ash from a municipal waste combustor for certain purposes and impose requirements for the disposal of these materials.

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 Reef and Ocean Coalition; Climate Protectors Hawai'i; Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34; Green Party of Hawai'i; Dole Food Company Hawaii; Zero Waste Kauai; Environmental Caucus of the Democratic Party of Hawai'i; Energy Justice Network; Country Talk Story; We Are One, Inc.; Hawai'i Farmers Union; Shimanchu Wai Protectors; and numerous individuals. Your Committee received testimony in opposition to this measure from the Department of Health; Mayor of the County of Maui; Department of Environmental Management of the County of Hawai'i; Department of Environmental Services of the City and County of Honolulu; and three individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources; Mayor of the County of Kaua'i; Department of Public Works of the County of Kaua'i; Prince Kūhiō Hawaiian Civic Club; Hawai'i Farm Bureau; Reworld; and Association of Hawaiian Civic Clubs.

Your Committee finds that the State must take preemptive action to ensure that agricultural lands and freshwater sources are protected from contamination by landfill units.

Your Committee has amended this measure by:

- (1) Deleting language that would have prohibited 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;
- (2) Prohibiting the construction, modification, or expansion of a landfill unit, or any component of a landfill unit, inland of an underground injection control line, instead



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of within a no pass zone, in a county with a population greater than five hundred thousand;

- (3) Deleting language that would have prohibited the use of fly ash, bottom ash, or combination of fly ash and bottom ash from a municipal waste combustor for certain purposes and imposed requirements for 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 Judiciary & Hawaiian Affairs 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. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 438, S.D. 2, H.D. 3.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



