

Honolulu, Hawaii

FEB 28 2025

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

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

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 438, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to protect Hawaii's limited water and productive agricultural resources from contamination by landfill pollutants.

Specifically, this measure:

- (1) Prohibits the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste on land that is near or above a significant aquifer as determined by the Department of Health, in consultation with the Commission on Water Resource Management;
- (2) Prohibits waste or disposal facilities on class A and B agricultural land; and
- (3) Restricts the use and storage of fly ash and bottom ash from a municipal waste combustor.

Your Committee received written comments in support of this measure from the Honolulu Board of Water Supply, Office of



Hawaiian Affairs, Environmental Caucus of the Democratic Party of Hawaii, Green Party of Hawaii, Hawaii Farm Bureau, Kupuna for the Moopuna, Sierra Club of Hawaii, and thirty-three individuals.

Your Committee received written comments in opposition to this measure from the City and County of Honolulu Department of Environmental Services, County of Hawaii Department of Environmental Management, County of Maui, Reworld, and one individual.

Your Committee received written comments on this measure from the Department of Health and Department of Land and Natural Resources.

Your Committee finds that Hawaii's waste management needs must be met without compromising essential resources. The pressing need to find locations for new landfill sites must also prioritize safeguarding groundwater and critical agricultural lands. Proper site selection for these facilities is key to balancing the State's environmental, agricultural, and public health priorities.

Your Committee further finds that this measure achieves this balance by prohibiting landfills near or above significant aquifers and on Class A and B agricultural lands and by restricting storage and use of municipal waste combustor fly ash and bottom ash.

Your Committee has amended this measure by:

- (1) Clarifying language in section 342H-52(b), Hawaii Revised Statutes, to remove discrepancies in the definition and application of buffer zones to enable landfill facilities to obtain additional land to secure buffer zone distances; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 438, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 438, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

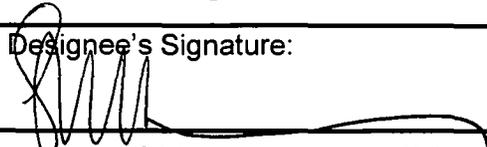


DONOVAN M. DELA CRUZ, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB488 SDI	HHS/WTL, WAM	2-26-2025		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Reccommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
ELEFANTE, Brandon J.C.	X			
HASHIMOTO, Troy N.	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	13	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes