

Honolulu, Hawaii

FEB 14 2025

RE: S.B. No. 446
S.D. 1

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

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 446 entitled:

"A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit landfills in no pass zones, which are areas determined by the county where the installation of a waste disposal facility may contaminate groundwater; and
- (2) Require counties to identify no pass zones in county integrated solid waste management plans.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Sierra Club of Hawai'i, Environmental Caucus of the Democratic Party of Hawai'i, The Outdoor Circle, Free Access Coalition, Green Party of Hawai'i, Hawai'i Farm Bureau, Hawai'i Reef and Ocean Coalition, Association of Hawaiian Civic Clubs, and twenty-one individuals.

Your Committee received testimony in opposition to this measure from the Office of the Mayor of Maui County and three individuals.



Your Committee received comments on this measure from the Department of Health, Department of Environmental Services of the City and County of Honolulu, Honolulu Board of Water Supply, Energy Justice Network, Hawai'i Environmental Change Agents-Solid Waste Reduction Task Force, and three individuals.

Your Committee finds that maintaining the integrity of aquifers is vital for the sustainability and health of the State. Your Committee further finds that it is imperative to amend state law to enhance protections for aquifers, particularly in areas designated by the counties as "no pass zones" in which the installation of a waste disposal facility may contaminate groundwater resources used or expected to be used for domestic water supply. This measure safeguards the State's water supplies from source of potential contamination through prohibiting landfills in no pass zones.

Your Committee has amended this measure by:

- (1) Clarifying that no person, including the State or any county, shall construct, modify, or expand a landfill unit, or any component of a landfill unit, without first establishing a buffer zone of no less than one-half mile around the landfill unit beginning July 1, 2025;
- (2) Repealing language in existing law excluding individual, state certified, non-industrial redemption centers from the definition of "waste or disposal facility";
- (3) Clarifying that no person, including the State or any county, shall construct, modify, or expand a landfill unit in a no pass zone beginning July 1, 2025;
- (4) Inserting language to prohibit the utilization of fly ash, bottom ash, or a combination of fly 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;
- (5) Inserting language to require fly ash, bottom ash, or a combination of fly and bottom ash from a municipal waste



combustor to be disposed of only in a double-lined and duly licensed municipal solid waste or hazardous waste landfill;

- (6) Inserting a definition for "landfill unit" to mean a municipal solid waste landfill unit or a construction and demolition landfill unit;
- (7) Amending section 1 to reflect its amended purpose;
- (8) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 446, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 446, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



