JAN 17 2020

A BILL FOR AN ACT

RELATING TO WASTE MANAGEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. Section 183C-4, Hawaii Revised Statutes, is 2 amended by amending subsection (b) to read as follows:
- 3 "(b) The department shall adopt rules governing the use of
- 4 land within the boundaries of the conservation district that are
- 5 consistent with the conservation of necessary forest growth, the
- 6 conservation and development of land and natural resources
- 7 adequate for present and future needs, and the conservation and
- 8 preservation of open space areas for public use and
- 9 enjoyment[-]; provided that no waste or disposal facility shall
- 10 be located in a conservation district except in emergency
- 11 circumstances where it may be necessary to mitigate significant
- 12 risks to public safety and health; provided further that
- emergency circumstances shall not exceed three years. No use
- 14 except a nonconforming use as defined in section 183C-5, shall
- 15 be made within the conservation district unless the use is in
- 16 accordance with a zoning rule. For the purposes of this
- 17 subsection:



S.B. NO. **2386**

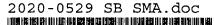
1 "Emergency" means any natural or man-made occurrence, or 2 imminent threat, which results or may likely result in 3 substantial injury or harm to the population or substantial 4 damage to or loss of property. 5 "Waste or disposal facility" means any transfer station or 6 landfill as defined in section 340A-1, open dump as defined in 7 section 342H-1, solid waste reduction facility or waste 8 reduction facility as defined in section 342G-1, disposal 9 facility, or any other facility for the disposal of solid waste 10 that is required by law to obtain a permit from the department 11 of health." 12 SECTION 2. Section 342H-52, Hawaii Revised Statutes, is 13 amended to read as follows: 14 "[+] §342H-52[+] Prohibition[+]; buffer zones. (a) No 15 person, including any federal agency, the State, or any county, 16 shall construct, operate, modify, expand, or close a municipal 17 solid waste landfill unit, or any component of a municipal solid 18 waste landfill unit, without first obtaining a permit from the 19 director. All permits for municipal solid waste landfill units 20 shall be subject to such terms and conditions as the director

- 1 determines are necessary to protect human health or the
- 2 environment.
- 3 (b) No person, including any federal agency, the State, or
- 4 any county, shall construct, operate, modify, or expand a
- 5 municipal solid waste landfill unit, or any component of a
- 6 municipal solid waste landfill unit, without first establishing
- 7 a buffer zone of no less than one-half mile around the municipal
- 8 solid waste landfill unit."
- 9 SECTION 3. Statutory material to be repealed is bracketed
- 10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2020.

12

INTRODUCED BY:



S.B. NO. **2386**

Report Title:

Waste Management; Landfills; Buffer Zones; Conservation Districts

Description:

Prohibits any waste or disposal facility from being located in a conservation district except in emergency circumstances to mitigate significant risks to public safety and health. Requires no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a municipal solid waste landfill unit.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.