
A BILL FOR AN ACT

RELATING TO WASTE MANAGEMENT.

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

1 SECTION 1. The legislature finds that the human-induced
2 global climate requires a thoughtful, bold, and coordinated
3 response on many fronts to reverse global warming and make
4 Hawaii communities more resilient to the impact of storms,
5 floods, fire, and sea level rise that threaten the very
6 survivability of these fragile islands. Lest Hawaii lose its
7 leadership position in the arenas of labor, justice, and equity,
8 the legislature embraces the philosophy of aloha aina to
9 decarbonize Hawaii's systems of food, energy, and
10 transportation, and to sequester carbon through systems of
11 agriculture, waste management, and ecosystem restoration. The
12 jobs created thereby also expand access to health, housing, and
13 education, ensuring justice and equity for Hawaii's citizens.
14 This Act represents a forward step in adapting Hawaii to
15 inevitable change.

16 The legislature finds that as evidence mounts that our
17 survival greatly depends on transitioning away from carbon-based



1 fuels, a greater understanding of the relationship between human
2 activities and the earth's natural systems points to the
3 additional need for an equally ambitious effort to remove carbon
4 from the atmosphere by increasing the carbon sequestration
5 capacity of earth's soils. The rationale for this strategy can
6 be found in long-standing soil science assessments that current
7 greenhouse gas reduction efforts alone would be inadequate to
8 restore livable climatic conditions.

9 Even if humans stop emitting greenhouse gases immediately,
10 the present volume of greenhouse gases in the atmosphere is
11 enough to ensure increased warming for thirty years. While
12 climate scientists have determined that 106.25 gigatons of
13 carbon must be withdrawn from the atmosphere to reverse global
14 warming, soil scientists have demonstrated that the potential
15 for earth's soils to absorb carbon far exceeds this amount.
16 Scientific studies demonstrate that because healthy soils can
17 hold twice the carbon stocks of plants, the key to building soil
18 carbon sequestration capacity lies in building healthy soil.

19 The legislature further finds that the use of composted
20 organics with their vast stores of macro- and micro-nutrients
21 greatly improves the health of soils in ways that protect and



1 enhance natural systems. On the contrary, imported, petroleum-
2 based and energy-intensive fertilizers have shown to destabilize
3 a healthy soil microbiome.

4 The legislature also acknowledges that actions taken to
5 improve soil health will reverse climate change to support
6 Hawaii's goal of a seventy per cent reduction in the State's
7 solid waste stream as outlined in the Aloha+ Challenge.

8 Although the exact percentage varies from island to island,
9 organics constitute the largest single component of Hawaii's
10 waste stream, and account for at least fifty per cent of the
11 materials discarded each year. Organic materials that end up in
12 the waste stream include food, food-contaminated paper, and yard
13 trimmings. As grassroots initiatives like the city and county
14 of Honolulu's recent single-use plastics ban are sought to
15 expand statewide, and as businesses voluntarily adopt earth-
16 friendly plastic substitutes, the percentage of organics in the
17 waste stream will grow, making the diversion of waste organics
18 into composting programs the least costly and most direct method
19 for the State to meet its solid waste reduction goals.

20 The legislature further finds that because organics in
21 landfilled waste are the largest source of human-generated



1 methane. Methane is a greenhouse gas with a global warming
2 potential eighty-four times that of carbon dioxide over a
3 twenty-year period, the diversion of waste organics into
4 composting programs offers the least costly and most direct
5 method to significantly reduce the amount of methane emitted
6 from Hawaii's landfills.

7 The legislature further seeks to acknowledge the potential
8 economic benefits that may accrue to Hawaii's farmers when they
9 are able to include compost sales and carbon sequestration
10 incentives to their income streams.

11 The purpose of this Act is to address the urgent need to
12 expand the State's capacity for capturing and processing the
13 organic waste its residents and visitors generate to reduce
14 landfill waste while supporting local farmers and the State's
15 commitment to take effective climate action. Additionally, this
16 Act creates a class of artisan-scale composting operations that
17 are exempt from Department of Health regulations and establishes
18 by farmers and others to divert organic materials from Hawaii's
19 landfills and sequester atmospheric carbon.



1 SECTION 2. Chapter 225P, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§225P- Artisan-scale composting program. There is
5 established within the department a class of artisan-scale
6 composting operations that are sited on land zoned industrial or
7 agricultural and are exempt from department of health rules;
8 provided that these operations do not produce vectors, dust, or
9 odors that unreasonably impact neighbors of the operation, as
10 determined by the department, and that no waste accepted remains
11 on-site for more than thirty-six months. No more than one
12 exempt facility specified in this section may be located on
13 geographically contiguous land owned or operated by the same
14 person. Sufficient bulking agent shall be used to provide
15 proper aeration and control leachate migration. For these
16 facilities, precipitation, surface water, and groundwater that
17 have come in contact with yard trimmings or the resultant
18 product shall not be considered leachate if it is managed within
19 the site, is allowed to enter a surface waterbody or a
20 conveyance to a surface waterbody, and does not cause a
21 violation of state water quality standards."



1 SECTION 3. Section 225P-2, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 "Artisan-scale" means a composting operation that accepts,
5 measured on a monthly average, no more than one thousand pounds
6 or one cubic yard, whichever is greater, of organic materials
7 per week; a composting facility located at a site controlled by
8 the waste generator; or a composting facility that accepts no
9 more than three thousand cubic yards of yard trimmings per year.

10 "Department" means the department of health."

11 SECTION 4. Section 342G-1, Hawaii Revised Statutes, is
12 amended by amending the definition of "food waste" to read as
13 follows:

14 "Food waste" means all animal and vegetable solid wastes
15 [~~generated by food facilities and residences~~] that result from
16 the storage, preparation, cooking, or handling of food."

17 SECTION 5. Section 342H-52, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§342H-52 Prohibitions; buffer zones.** (a) No person,
20 including any federal agency, the State, or any county, shall
21 construct, operate, modify, expand, or close a municipal solid



1 waste landfill unit, or any component of a municipal solid waste
2 landfill unit, without first obtaining a permit from the
3 director. All permits for municipal solid waste landfill units
4 shall be subject to any terms and conditions that the director
5 determines are necessary to protect human health or the
6 environment.

7 (b) No person, including any federal agency, the State, or
8 any county, shall construct, modify, or expand a [~~waste-er~~]
9 disposal facility including a municipal solid waste landfill
10 unit, any component of a municipal solid waste landfill unit, a
11 construction and demolition landfill unit, or any component of a
12 construction and demolition landfill unit without first
13 establishing a buffer zone of no less than one-half mile around
14 the [~~waste-er~~] disposal facility. This subsection shall not
15 apply to the continued operation of an existing [~~waste-er~~]
16 disposal facility that is properly permitted; provided that
17 continued operation does not require physical expansion,
18 vertical or horizontal, of the facility requiring additional
19 permitting review and a permit modification.

20 For the purposes of this subsection:



1 "Buffer zone" means the distance between the edge of waste
2 or waste activity and the nearest residential, school, or
3 hospital property line.

4 "~~Waste or disposal~~ Disposal facility" means:

5 (1) A transfer station or landfill as defined in section
6 340A-1;

7 (2) An open dump as defined in section 342H-1;

8 (3) A solid waste reduction facility or waste reduction
9 facility as defined in section 342G-1, except
10 facilities designed primarily for composting organic
11 material such as food waste and green waste, as those
12 terms are defined in section 342G-1, and on-site
13 school campus food waste composting programs;

14 (4) A disposal facility; or

15 (5) Any other facility for the disposal of solid waste
16 that is required by law to obtain a permit from the
17 department of health.

18 [~~waste or~~ "Disposal facility" [~~individual, state certified,~~
19 ~~non-industrial redemption center.~~] excludes recycling drop-off
20 facilities, facilities for composting as defined in section
21 342G-1.



1 "Recycling drop-off facility" means a structure or site
2 designated for collection, temporary storage, and small scale
3 (low technology) segregation of recyclable materials."

4 SECTION 6. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Solid Waste; Waste or Disposal Facility; Buffer Zone; Exemptions; Artisan-scale Composting Program; Department of Health

Description:

Broadens the definition of "food waste" as used in integrated solid waste management. Excludes facilities designed primarily for composting organic material such as food waste and green waste, on-site school campus food waste programs, and recycling drop-off facilities from the requirement that disposal facilities shall not be constructed, modified, or expanded without first establishing a buffer zone of no less than one-half mile from the nearest residential, school, or hospital property line. Establishes a class of artisan-scale composting operations exempt from department of health regulations to divert organic materials from Hawaii's landfills. Takes effect 7/1/2050. (SD1)

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

