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## A BILL FOR AN ACT

RELATING TO WASTE OR DISPOSAL FACILITIES.

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

1           SECTION 1. The legislature finds that ground water is one  
2 of Hawaii's most important natural resources. It is used for  
3 drinking water, irrigation, and domestic, commercial, and  
4 industrial needs. Ground water provides about ninety-nine per  
5 cent of Hawaii's domestic water and about fifty per cent of all  
6 fresh water used in the State.

7           The legislature acknowledges that there are stringent  
8 requirements designed to minimize the risk that waste or  
9 disposal facilities pose to ground water. However, the  
10 legislature further finds that the presence of underlying  
11 aquifers should be seriously considered prior to siting and  
12 approving the construction, modification, or expansion of waste  
13 or disposal facilities.

14           The purpose of this Act is to prohibit the construction,  
15 modification, or expansion of a waste or disposal facility on  
16 land that covers a significant aquifer as determined by the  
17 department of health.



1 SECTION 2. Section 342H-52, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§342H-52 Prohibitions; buffer zones.** (a) No person,  
4 including the State or any county, shall construct, operate,  
5 modify, expand, or close a municipal solid waste landfill unit,  
6 or any component of a municipal solid waste landfill unit,  
7 without first obtaining a permit from the director. All permits  
8 for municipal solid waste landfill units shall be subject to any  
9 terms and conditions that the director determines are necessary  
10 to protect human health or the environment.

11 (b) No person, including the State or county, shall  
12 construct, modify, or expand a waste or disposal facility  
13 including a municipal solid waste landfill unit, any component  
14 of a municipal solid waste landfill unit, a construction and  
15 demolition landfill unit, or any component of a construction and  
16 demolition landfill unit on land that covers a significant  
17 aquifer as determined by the department.

18 [~~(b)~~] (c) No person, including the State or any county,  
19 shall construct, modify, or expand a waste or disposal facility  
20 including a municipal solid waste landfill unit, any component  
21 of a municipal solid waste landfill unit, a construction and



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1 demolition landfill unit, or any component of a construction and  
2 demolition landfill unit without first establishing a buffer  
3 zone of no less than one-half mile around the waste or disposal  
4 facility. This subsection shall not apply to the continued  
5 operation of an existing waste or disposal facility that is  
6 properly permitted; provided that continued operation does not  
7 require physical expansion, vertical or horizontal, of the  
8 facility requiring additional permitting review and a permit  
9 modification.

10 For the purposes of this subsection:

11 "Buffer zone" means the distance between the edge of waste  
12 or waste activity and the nearest residential, school, or  
13 hospital property line.

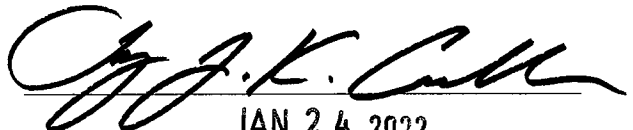
14 "Waste or disposal facility" excludes individual, state  
15 certified, non-industrial redemption centers."

16 SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

19

INTRODUCED BY:

  
JAN 24 2022



# H.B. NO. 1968

**Report Title:**

Waste or Disposal Facilities; Significant Aquifers

**Description:**

Prohibits the construction, modification, or expansion of any waste or disposal facility on land that covers a significant aquifer as determined by the department of health.

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

