
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 is near or above a significant aquifer as determined



1 by the department of health, in consultation with the commission
2 on water resource management.

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

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

13 (b) No person, including the State or county, shall
14 construct, modify, or expand a waste or disposal facility,
15 including a municipal solid waste landfill unit; any component
16 of a municipal solid waste landfill unit; a construction and
17 demolition landfill unit; or any component of a construction and
18 demolition landfill unit on land that is near or above a
19 significant aquifer as determined by the department, in
20 consultation with the commission on water resource management.



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

14 For the purposes of this subsection:

15 "Buffer zone" means the distance between the edge of waste
16 or waste activity and the nearest residential, school, or
17 hospital property line.

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

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 2100.

2



Report Title:

Waste or Disposal Facilities; Significant Aquifers

Description:

Prohibits the construction, modification, or expansion of any waste or disposal facility 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. Effective 7/1/2100. (HD1)

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

