

JAN 21 2022

A BILL FOR AN ACT

RELATING TO LANDFILLS.

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

1 SECTION 1. The legislature finds that Act 73, Session Laws
2 of Hawaii 2020, prohibits landfills from being placed in
3 conservation districts and requires a one-half mile buffer zone
4 between landfills and residential areas, schools, and hospitals.
5 While this measure was well-intended, it reduces the number of
6 potential sites for future landfills, creating an unintended
7 consequence of potentially siting the new Oahu landfill over a
8 drinking water aquifer.

9 The legislature recognizes that all landfills eventually
10 leach industrial solvents; heavy metals; and chemical compounds,
11 including pesticides, into the surrounding environment. A 2021
12 groundwater and leachate monitoring report determined that the
13 Waimanalo Gulch Sanitary Landfill generates about nine thousand
14 eight hundred gallons of leachate per day. With the recent
15 water contamination event connected to the Red Hill Bulk Fuel
16 Storage Facility, the legislature must be proactive in
17 preventing any future threat to Hawaii's drinking water.



1 Therefore, the purpose of this Act is to reduce the
2 landfill buffer zone from one-half mile to one-quarter mile.

3 SECTION 2. Section 342H-52, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

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

18 For the purposes of this subsection:

19 "Buffer zone" means the distance between the edge of waste
20 or waste activity and the nearest residential, school, or
21 hospital property line.



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

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

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

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INTRODUCED BY: *Aracelis A. Amador*



S.B. NO. 2769

Report Title:

Landfills; Solid Waste Management; Buffer Zone

Description:

Reduces the landfill buffer zone from one-half mile to one-quarter mile.

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