

JAN 19 2024

A BILL FOR AN ACT

RELATING TO SOLID WASTE.

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

1 SECTION 1. The legislature finds that ashes from the
2 August 8, 2023, Maui wildfire and incinerator ash generated from
3 municipal waste combustion contain many hazardous substances,
4 including toxic heavy metals, dioxins, furans, and per- and
5 poly-fluoroalkyl substances. Therefore, the ash from the August
6 2023 Maui wildfires must be safely transported and disposed of
7 in a licensed hazardous waste landfill for the long-term health
8 and safety of Hawaii residents.

9 The legislature further finds that incinerator ash must be
10 disposed of in a lined landfill to avoid unnecessary exposure.
11 Regulations for the disposal of incinerator ash are based only
12 on short-term lab tests that look at a select number of heavy
13 metals. These short-term lab tests do not test the contents of
14 the incinerator ash, but only test for substances that leach out
15 at a pH level where toxic metals such as lead and cadmium are
16 not expected to leach out.



1 The legislature also finds that industry standards relating
2 to the disposal of incinerator ash are not based on occupational
3 exposure pathways of workers who handle construction material
4 made from toxic or incinerator ash, including exposure through
5 inhalation or ingestion. Exposure to hazardous substances from
6 toxic and incinerator ash increase if the ash is not properly
7 disposed of and is permitted to be reused into roads or for
8 other purposes, such as fill or other construction material. If
9 toxic or incinerator ash is permitted to be used for
10 roadbuilding, roadways would erode over time and become linear
11 unlined landfills.

12 Accordingly, the purpose of this Act is to:

- 13 (1) Require the safe disposal of toxic and incinerator
14 ash; and
15 (2) Prohibit the reuse of toxic and incinerator ash for
16 any purpose.

17 SECTION 2. Chapter 342H, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "§342H- Toxic ash; incinerator ash; disposal. (a)
21 Toxic ash shall:



1 (1) Be transported in a sealed container; and
2 (2) Be disposed of at a licensed:
3 (A) Hazardous waste landfill unit; or
4 (B) Lined municipal solid waste landfill unit;
5 provided that independent testing of a
6 representative sample from each batch of no more
7 than five short tons of the toxic ash determines
8 that it is not hazardous waste regulated under
9 Subtitle C of the federal Resource Conservation
10 and Recovery Act of 1976 (42 United States Code
11 sections 6901 to 6991(i)), as amended.

12 (b) Incinerator ash shall be disposed of in either a
13 licensed:

14 (1) Hazardous waste landfill unit; or
15 (2) Lined municipal solid waste landfill unit.

16 (c) For the purposes of this section:

17 "Incinerator ash" means ash generated from municipal solid
18 waste combustion facilities. "Incinerator ash" includes any ash
19 residue that remains after the removal of metals from solid
20 waste for recycling into new metal products.



1 "Toxic ash" includes ash resulting from the August 2023
2 Maui wildfires."

3 SECTION 3. Section 342H-30, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§342H-30 Prohibition; civil.** (a) No person, including
6 any public body, shall engage in the operation of an open dump.

7 (b) No person, including any public body, shall operate a
8 solid waste management system without first securing approval in
9 writing from the director.

10 (c) No person, including any public body, shall discard,
11 dispose of, deposit, discharge, or dump solid waste, or by
12 contract or otherwise arrange directly or indirectly for the
13 disposal of solid waste in an amount equal to or greater than
14 one cubic yard in volume anywhere other than a permitted solid
15 waste management system without the prior written approval of
16 the director. Each day of violation shall constitute a separate
17 offense. This prohibition shall not be deemed to supersede any
18 other disposal prohibitions established under federal, state, or
19 county law, regulation, rule, or ordinance.

20 (d) No person, including any public body, shall reuse
21 toxic ash, as that term is defined in section 342H- , for any



1 purpose including but not limited to daily landfill cover
2 material, roadbuilding, fill, and other construction material.

3 (e) No person, including any public body, shall reuse
4 incinerator ash, as that term is defined in section 342H- , for
5 any purpose including but not limited to roadbuilding, fill, and
6 other construction material."

7 SECTION 4. New statutory material is underscored.

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

9

INTRODUCED BY: 



S.B. NO. 2571

Report Title:

Solid Waste Control; Toxic Ash; Incinerator Ash; Disposal;
Prohibition on Reuse

Description:

Requires the safe disposal of toxic and incinerator ash.
Prohibits the reuse of toxic and incinerator ash for any
purpose.

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

