

JAN 20 2023

---

# A BILL FOR AN ACT

RELATING TO WASTE DISPOSAL FACILITIES.

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

1           SECTION 1. The legislature finds that the search for a new  
2 landfill for the city and county of Honolulu cannot be  
3 prioritized over the protection of Oahu's freshwater aquifers.  
4 In 2021, approximately twenty thousand gallons of jet fuel  
5 leaked from the Red Hill bulk fuel storage facility and  
6 contaminated the Pearl Harbor-Hickam water system that serves  
7 ninety-three thousand military and civilian customers. The leak  
8 also affected the Honolulu board of water supply and the city  
9 and county has shut down three wells, which supply fourteen  
10 million gallons of water a day to urban Honolulu. Today, the  
11 Honolulu board of water supply is in search for new wells that  
12 can supply urban Honolulu, which may not be ready until 2025.  
13 To protect and preserve fresh water, a new landfill cannot be  
14 built over a freshwater aquifer.

15           The legislature further finds that the city and county of  
16 Honolulu is required to relocate the Waimanalo Gulch Sanitary  
17 Landfill by 2028. The county's department of environmental



1 services proposed six sites to relocate the landfill and all  
2 sites were rejected by the landfill advisory committee because  
3 there were concerns that locating a landfill above freshwater  
4 aquifers can damage the State's water sources. Act 73, Session  
5 Laws of Hawaii 2020, prohibited waste or disposal facilities  
6 from being in a conservation district, except in emergency  
7 circumstances to mitigate significant risks to public health and  
8 safety. Furthermore, the Act requires that there be a one-half  
9 mile buffer zone around residences, schools, and hospitals for  
10 the construction, modification, or expansion of waste or  
11 disposal facility.

12 The purpose of this Act is to prohibit the construction,  
13 modification, or expansion of any waste or disposal facility for  
14 hazardous waste or solid waste on land that is near or above a  
15 significant aquifer.

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

18 **"§342H-52 Prohibitions; buffer zones.** (a) No person,  
19 including any federal agency, the State, or any county, shall  
20 construct, operate, modify, expand, or close a municipal solid  
21 waste landfill unit, or any component of a municipal solid waste



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

6 (b) No person, including the State or a county, shall  
7 construct, modify, or expand a waste or disposal facility,  
8 including:

9 (1) A municipal solid waste landfill unit;

10 (2) Any component of a municipal solid waste landfill  
11 unit;

12 (3) A construction and demolition unit; or

13 (4) Any component of a construction and demolition  
14 landfill unit;

15 for solid waste or hazardous waste on land that is near or above  
16 a significant aquifer, as determined by the department, in  
17 consultation with the commission on water resource management.

18 For the purposes of this subsection:

19 "Hazardous waste" shall have the same meaning as in section  
20 342J-2.



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.



# S.B. NO. 388

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

2

INTRODUCED BY:

*Travis A. ...*



# S.B. NO. 388

**Report Title:**

Waste or Disposal Facilities; Landfills; Solid Waste; Hazardous Waste; Aquifers; Prohibition

**Description:**

Prohibits the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste 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.

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

