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## 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 waste or disposal  
2 facilities play an essential role in managing waste products.  
3 However, it is paramount that these facilities are sited and  
4 operated in a manner that safeguards public health and the  
5 environment, particularly by protecting areas designated by the  
6 department of health as having a high risk of groundwater  
7 contamination due to factors such as soil type, depth to  
8 groundwater, or proximity to public water supplies.

9           The purpose of this Act is to:

- 10           (1) Prohibit the construction, modification, or expansion  
11           of waste or disposal facilities for solid or hazardous  
12           waste on land near or above a significant aquifer; and  
13           (2) Allow counties to apply for exemptions to siting  
14           standards if they meet certain criteria.

15           SECTION 2. Chapter 342H, Hawaii Revised Statutes, is  
16 amended by adding three new sections to part IV to be  
17 appropriately designated and to read as follows:



1        "§342H-A County exemptions. (a) A county may apply to  
2 the department for an exemption from the state siting standards  
3 established in section 342H-52 if it can demonstrate through  
4 public hearings that:

5        (1) The proposed waste or disposal facility meets or  
6 exceeds all other applicable state and federal  
7 environment regulations;

8        (2) The county has adopted comprehensive rules for the  
9 siting of waste or disposal facilities that are at  
10 least as stringent as the statewide standards in  
11 section 342H-52; and

12        (3) The county has a proven track record of successfully  
13 protecting groundwater resources from contamination by  
14 waste or disposal facilities through effective  
15 enforcement of its own rules and adherence to relevant  
16 federal and state standards.

17        (b) The department shall review all exemption applications  
18 and grant exemptions only if it determines that the proposed  
19 exemption does not pose a significant risk to public health or  
20 the environment, based on a public hearing process with  
21 transparent criteria and community engagement.



1        (c) Any county granted an exemption pursuant to this  
2 section shall submit annual reports to the department  
3 demonstrating continued compliance with its own rules and the  
4 absence of groundwater contamination from waste or disposal  
5 facilities.

6        **§342H-B Public participation.** Any county seeking an  
7 exemption from the statewide siting standards pursuant to  
8 section 342H-A shall:

9        (1) Hold any public hearings to meet the requirements of  
10 section 342H-A(a) in the vicinity of a proposed waste  
11 or disposal facility site; and

12        (2) Solicit public input before adopting its own rules and  
13 throughout the exemption application process.

14        **§342H-C Enforcement.** (a) The department may investigate  
15 and enforce violations of sections 342H-A and 342H-B, including  
16 suspending or revoking permits for non-compliance, in accordance  
17 with this chapter.

18        (b) Any person who knowingly violates section 342H-A or  
19 342H-B may be subject to civil or criminal penalties."



1 SECTION 3. Section 342H-51, Hawaii Revised Statutes, is  
2 amended by adding three new definitions to be appropriately  
3 inserted and to read as follows:

4 "Groundwater resources" means any body of water beneath  
5 the surface of the earth that supplies water for drinking,  
6 irrigation, or other beneficial uses.

7 "Hazardous waste" has the same meaning as in section 342J-  
8 2.

9 "Waste or disposal facility" means any facility used for  
10 the treatment, storage, or disposal of solid waste, hazardous  
11 waste, or wastewater. "Waste or disposal facility" excludes  
12 individual, state certified, non-industrial redemption centers."

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

15 **"§342H-52 Prohibitions; buffer zones.** (a) No person,  
16 including any federal agency, the State, or any county[7] that  
17 has not received an exemption from the department pursuant to  
18 section 342H-A, shall construct, operate, modify, expand, or  
19 close a municipal solid waste landfill unit, or any component of  
20 a municipal solid waste landfill unit, without first obtaining a  
21 permit from the director. All permits for municipal solid waste



1 landfill units shall be subject to any terms and conditions that  
2 the director determines are necessary to protect human health or  
3 the environment.

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

7 (1) A municipal solid waste landfill unit;

8 (2) Any component of a municipal solid waste landfill  
9 unit;

10 (3) A construction and demolition unit; or

11 (4) Any component of a construction and demolition  
12 landfill unit,

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

16 [~~(b)~~] (c) No person, including the State or any county,  
17 shall construct, modify, or expand a waste or disposal facility  
18 including a municipal solid waste landfill unit, any component  
19 of a municipal solid waste landfill unit, a construction and  
20 demolition landfill unit, or any component of a construction and  
21 demolition landfill unit without first establishing a buffer



1 zone of no less than one-half mile around the waste or disposal  
2 facility. This subsection shall not apply to the continued  
3 operation of an existing waste or disposal facility that is  
4 properly permitted; provided that continued operation does not  
5 require physical expansion, vertical or horizontal, of the  
6 facility requiring additional permitting review and a permit  
7 modification.

8 For the purposes of this subsection[+

9 ~~"Buffer]~~, "buffer zone" means the distance between the edge  
10 of waste or waste activity and the nearest residential, school,  
11 or hospital property line.

12 [~~"Waste or disposal facility" excludes individual, state  
13 certified, non-industrial redemption centers.]"~~

14 SECTION 5. In codifying the new sections added by section  
15 2 of this Act, the revisor of statutes shall substitute  
16 appropriate section numbers for the letters used in designating  
17 the new sections in this Act.

18 SECTION 6. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 7. This Act shall take effect upon its approval.

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H.B. NO. 1228

INTRODUCED BY:

Trish LaChica  
JAN 22 2025



# H.B. NO. 1228

**Report Title:**

Waste or Disposal Facilities; Siting; Significant Aquifer;  
County Exemptions; Department of Health

**Description:**

Prohibits the construction, modification, or expansion of waste or disposal facilities that are near or above a significant aquifer. Allows counties to apply for exemptions to state siting standards if they meet certain criteria.

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

