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

3 "**§342H-52 Prohibitions; buffer zones.** (a) No person,
4 including any federal agency, the State, or any county, shall
5 construct, operate, modify, expand, or close a municipal solid
6 waste landfill unit, or any component of a municipal solid waste
7 landfill unit, without first obtaining a permit from the
8 director. All permits for municipal solid waste landfill units
9 shall be subject to any terms and conditions that the director
10 determines are necessary to protect human health or the
11 environment.

12 (b) No person, including the State or county, shall
13 construct, modify, or expand a waste or disposal facility,
14 including a municipal solid waste landfill unit; any component
15 of a municipal solid waste landfill unit; a construction and
16 demolition landfill unit; or any component of a construction and



1 demolition landfill unit on land that is above a significant
2 aquifer as determined by the department.

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

16 For the purposes of this subsection:

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

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



H.B. NO. 748

Report Title:

Waste or Disposal Facilities; Significant Aquifers; Buffer Zones

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. Reduces the required buffer zone around waste or disposal facilities.

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