
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 any 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 mile around the waste or disposal
10 facility. This subsection shall not apply to the continued
11 operation of an existing waste or disposal facility that is
12 properly permitted; provided that continued operation does not
13 require physical expansion, vertical or horizontal, of the
14 facility requiring additional permitting review and a permit
15 modification.

16 (d) For the purposes of this ~~[subsection]~~ section:

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.



1 "Significant aquifer" means any aquifer sitting below class
2 A or B agricultural lands as designated by the land use
3 commission.

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

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Waste or Disposal Facilities; Prohibition; Significant Aquifers

Description:

Prohibits the construction, modification, or expansion of any waste or disposal facility on land that is above a significant aquifer as determined by the Department of Health. (SD2)

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