

JAN 17 2025

A BILL FOR AN ACT

RELATING TO WATER.

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

1 SECTION 1. The purpose of this Act is to protect the
2 State's drinking water resources by:

3 (1) Establishing the landfill advisory committee; and

4 (2) Prohibiting the siting, construction, modification, or
5 expansion of any solid waste landfill disposal unit on
6 land that is near or above an aquifer.

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

10 **"§342H- Landfill advisory committee; established;**
11 **duties; powers.** (a) There is established within the department
12 a landfill advisory committee for administrative purposes. The
13 committee shall consist of the following members:

14 (1) The director of health, or the director's designee,
15 who shall serve as the chairperson;

16 (2) The chairperson of the board of land and natural
17 resources or the chairperson's designee;



1 (3) The director or manager and chief engineer of each
2 county's respective board or department of water
3 supply or their designees;

4 (4) The mayor of each county;

5 (5) A representative from the Hawaii state association of
6 counties;

7 (6) A representative from a recognized environmental
8 organization; and

9 (7) A representative from the business community.

10 (b) The landfill advisory committee shall have the
11 authority to review and approve or deny applications for the
12 siting, construction, operation, modification, expansion, or
13 closure of a municipal solid waste landfill unit."

14 SECTION 3. Section 342H-52, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§342H-52 Prohibitions; buffer zones.** (a) No person,
17 including any federal agency, the State, or any county, shall
18 site, construct, operate, modify, expand, or close a municipal
19 solid waste landfill unit, or any component of a municipal solid
20 waste landfill unit, without first obtaining a permit from the
21 director. All permits for municipal solid waste landfill units



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

4 (b) No person, including the State or a county, shall
5 site, 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 landfill unit; or

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

13 for solid waste or hazardous waste on land that is near or above
14 an aquifer, as determined by the department in consultation with
15 the board or department of water supply of the affected county;
16 provided that the respective board or department of water supply
17 may, within sixty days of a formal designation of a landfill
18 site by a county authority, declares that the landfill is
19 inappropriately sited because it is above an aquifer.

20 (c) The department, in consultation with the department of
21 land and natural resources and the department or board of water



1 supply of each county, shall identify and map all drinking water
2 aquifers in the State. The department shall make the maps of
3 the State's drinking water aquifers available to the public and
4 update the maps regularly.

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

18 (e) Any person or entity found to be in violation of this
19 section shall be subject to penalties pursuant to section
20 342H-9, including the suspension or revocation of permits and
21 remediation requirements.



1 (f) For the purposes of this [~~subsection~~] section:

2 "Aquifer" means a geological formation, group of geological
3 formations, or part of a geological formation that contains
4 sufficient saturated permeable material to yield significant
5 quantities of water to wells and springs.

6 "Buffer zone" means the distance, vertical or horizontal,
7 between the edge of waste or waste activity and the water table
8 and the nearest residential, school, hotel or tourist
9 accommodation, business, or hospital property line.

10 "Hazardous waste" shall have the same meaning as defined in
11 section 342J-2.

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

14 SECTION 4. Section 342H-56, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "[~~§~~342H-56[~~§~~] **Other powers.** (a) In addition to any
17 other power or duty prescribed by law or this part, the director
18 may establish by rule [~~a municipal~~]:

19 (1) A municipal solid waste landfill program that meets or
20 exceeds the standards, criteria, and requirements set



1 forth in the federal municipal solid waste landfill
2 regulations, 40 C.F.R. Part 258[-]; and

3 (2) The criteria to determine the proximity of a municipal
4 solid waste landfill unit to a drinking water aquifer
5 and other sensitive areas.

6 (b) The director may make a determination relating to the
7 siting, construction, operation, modification, expansion, or
8 closure of a municipal solid waste landfill unit in relation to
9 a drinking water aquifer and the buffer zone."

10 SECTION 5. If any provision of this Act, or the
11 application thereof to any person or circumstance, is held
12 invalid, the invalidity does not affect other provisions or
13 applications of the Act that can be given effect without the
14 invalid provision or application, and to this end the provisions
15 of this Act are severable.

16 SECTION 6. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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

19

INTRODUCED BY:



S.B. NO. 550

Report Title:

DOH; DLNR; Landfill Advisory Committee; Landfills; Solid Waste; Hazardous Waste; Aquifers; Prohibition; Penalties

Description:

Establishes the Landfill Advisory Committee within the Department of Health. Requires the DOH, in consultation with the Department of Land and Natural Resources and each county's department of board or water supply to create maps of the State's drinking water aquifers. Prohibits the siting, construction, modification, or expansion of any waste or disposal facility for hazardous or solid waste on land that is near or above an aquifer as determined by the DOH in consultation with the affected county's department or board of water supply. Expands buffer zones from one-half mile to one mile around a waste or disposal facility. Establishes penalties. Expands the definition of buffer zone to include aquifers, hotel or tourist accommodations, and businesses.

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