

Honolulu, Hawaii

FEB 14 2025

RE: S.B. No. 438

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committees on Health and Human Services and Water and Land, to which was referred S.B. No. 438 entitled:

"A BILL FOR AN ACT RELATING TO WASTE DISPOSAL FACILITIES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit 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; and
- (2) Prohibit a waste or disposal facility on class A and B agricultural land.

Your Committees received testimony in support of this measure from the Honolulu Board of Water Supply, Sierra Club of Hawai'i, IBEW Local 1260, Climate Protectors Hawai'i, Environmental Caucus of the Democratic Party of Hawai'i, Green Party of Hawai'i, Free Access Coalition, Hawai'i Farm Bureau, Kupuna for the Moopuna, Faith Action for Community Equity, and twenty-five individuals.

Your Committees received testimony in opposition to this measure from the Office of the Mayor of the County of Maui,



Department of Environmental Management of the County of Hawai'i, and two individuals.

Your Committees received comments on this measure from the Department of Health, Department of Land and Natural Resources, Department of Environmental Services of the City and County of Honolulu, Energy Justice Network, Hawai'i Environmental Change Agents-Solid Waste Reduction Task Force, and three individuals.

Your Committees find that the search for a new landfill for the City and County of Honolulu cannot be prioritized over the protection of Oahu's freshwater aquifers. Your Committees further find that the State's prime agricultural land should also be protected, preserved, and reserved for agricultural and related uses. Therefore, your Committees believe a new landfill should not be located on those agricultural lands. By prohibiting waste disposal facilities near aquifers and agricultural land, this measure promotes the conservation of the State's natural resources and the protection of the State's ecosystems.

Your Committees have amended this measure by:

- (1) Inserting a definition for "significant aquifer" to mean a freshwater aquifer with the potential for use as a drinking water source;
- (2) Inserting language to prohibit a person from utilizing fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products, for the purposes of road building, construction, or as alternative daily cover material on a landfill;
- (3) Inserting language to require fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor to be disposed of in a double-lined and duly licensed municipal solid waste or hazardous waste landfill;
- (4) Amending section 1 to reflect its amended purpose;



- (5) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 438, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 438, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Health and Human
Services and Water and Land,



LORRAINE R. INOUÉ, Chair



JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* SB 438	Committee Referral: HHS/WTL, WAM	Date: 2/10/25		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
HASHIMOTO, Troy N.	✓			
KEOHOKALOLE, Jarrett				✓
FEVELLA, Kurt	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 438	Committee Referral: HHS/WTL, WAM	Date: 02/10/25		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
DECORTE, Samantha	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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