
A BILL FOR AN ACT

RELATING TO LANDFILLS.

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

1 SECTION 1. The legislature finds that, in Hawaii,
2 landfills can pose environmental, health, and safety risks to
3 nearby communities and ecosystems. Of particular concern is the
4 proximity of landfills to conservation areas that are designated
5 to protect native species, habitats, and cultural resources.

6 The legislature further finds that extending the landfill
7 buffer zone to one mile and applying the buffer zone to lands
8 classified as conservation areas will ensure the protection of
9 Hawaii's people and fragile natural environment.

10 Accordingly, the purpose of this Act is to:

11 (1) Extend the landfill buffer zone from one-half mile to
12 one mile; and

13 (2) Require the landfill buffer zone to apply to lands in
14 the state conservation district and lands designated
15 as national conservation areas.

16 SECTION 2. Section 342H-52, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:



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

14 For the purposes of this subsection:

15 "Buffer zone" means the distance between the edge of waste
16 or waste activity and the nearest residential~~[r]~~ lot, school,
17 ~~[or]~~ hospital ~~[property line.]~~, land parcel within the
18 conservation district, or land parcel designated as a national
19 conservation area and managed by the federal Bureau of Land
20 Management through the National Landscape Conservation System
21 pursuant to title 16 United States Code section 7202.



1 "Conservation district" means the state land use district
2 established pursuant to chapter 205.

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

5 SECTION 3. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Landfills; Waste Management; Buffer Zone; Conservation Lands

Description:

Extends the landfill buffer zone from one-half mile to one mile. Requires the landfill buffer zone to apply to lands in the state conservation district and lands designated as national conservation areas. Effective 7/1/3000. (HD1)

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