
A BILL FOR AN ACT

RELATING TO WASTE MANAGEMENT.

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

1 SECTION 1. The legislature finds that maintaining the
2 integrity of aquifers is vital for the sustainability and health
3 of the State. Groundwater provides approximately ninety-nine
4 per cent of Hawaii's domestic water and fifty per cent of all
5 fresh water used in the State.

6 The fuel spill at the Red Hill fuel storage facility in
7 November 2021 serves as a cautionary example of the severe
8 consequences that can arise from contaminating a vital water
9 source. The spill led to the contamination of the Red Hill
10 drinking water well, affecting hundreds of families living in
11 the surrounding area. This incident underscores the critical
12 need to protect aquifers from potential sources of pollution.

13 The Wahiawa aquifer, situated beneath a proposed landfill
14 site, is a crucial component of Oahu's groundwater system. The
15 city and county of Honolulu has selected a site northwest of
16 Wahiawa for this proposed landfill, raising multiple concerns
17 due to its location over an aquifer. This proposed location



1 poses a risk to both the environment and public health. Given
2 the island's limited freshwater resource, any risk of
3 contamination to this aquifer could have far-reaching
4 implications for the environment and public health.

5 Recognizing the importance of safeguarding our water
6 resources, the Honolulu city council has passed resolutions
7 opposing placement of municipal solid waste landfills in
8 proximity to Oahu's underground drinking water sources. In
9 2003, the Honolulu city council adopted resolution 9 to protect
10 these vital resources.

11 In light of these considerations, the legislature finds
12 imperative the need to amend state law to enhance protections
13 for aquifers.

14 The purpose of this Act is to:

- 15 (1) Prevent landfills in areas critical to Hawaii's
16 freshwater resources; and
17 (2) Prohibit the utilization of fly ash, bottom ash, or a
18 combination of fly and bottom ash from a municipal
19 waste combustor, including any ash residue that
20 remains after removal of metals for recycling into new
21 metal products, for the purposes of road building,



1 construction, or as alternative daily cover material
2 on a landfill.

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

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

14 (b) [~~No~~] Beginning July 1, 2025, no person, including the
15 State or any county, shall construct, modify, or expand a [~~waste~~
16 ~~or disposal facility including a municipal solid waste landfill~~
17 ~~unit, any component of a municipal solid waste landfill unit, a~~
18 ~~construction and demolition~~] landfill unit[~~7~~] or any component
19 of a [~~construction and demolition~~] landfill unit mauka of the
20 underground injection control line without first establishing a
21 buffer zone of [~~no~~] not less than [~~one-half~~] one-quarter mile



1 around the [~~waste or disposal facility.~~] landfill unit. This
2 subsection shall not apply to the continued operation of an
3 existing [~~waste or disposal facility~~] landfill unit or any
4 component of a landfill unit that is properly permitted;
5 provided that continued operation does not require physical
6 expansion, vertical to the above ground surface, or horizontal,
7 of the [~~facility~~] landfill unit or component of the landfill
8 unit, requiring additional permitting review and a permit
9 modification.

10 For the purposes of this subsection:

11 "Buffer zone" means the distance between the edge of waste
12 or waste activity and the nearest residential, school, or
13 hospital property line.

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

16 "Mauka" means inland.

17 "Underground injection control line" means the line
18 determined by the department under rules adopted pursuant to
19 section 340E-2.

20 (c) No person shall utilize fly ash, bottom ash, or a
21 combination of fly and bottom ash from a municipal waste



1 combustor, including any ash residue that remains after removal
2 of metals for recycling into new metal products, for the
3 purposes of road building, construction, or as alternative daily
4 cover material on a landfill. Fly ash, bottom ash, or a
5 combination of fly and bottom ash from a municipal waste
6 combustor shall be disposed of only in a double-lined and duly
7 licensed municipal solid waste or hazardous waste landfill.

8 (d) For the purposes of this section, "landfill unit"
9 means a municipal solid waste landfill unit or a construction
10 and demolition landfill unit."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on December 31,
14 2050.



Report Title:

Waste Management; Landfills; Aquifers; County Integrated Solid Waste Management Plans; Fly Ash; Bottom Ash

Description:

Beginning 7/1/2025, prohibits the construction, modification, or expansion of a landfill unit or any component of a landfill unit mauka of the underground injection control line without first establishing a buffer zone of not less than one-quarter mile around the landfill unit. Prohibits the utilization of fly ash, bottom ash, or a combination of fly 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. Effective 12/31/2050. (SD2)

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