

JAN 17 2025

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# A BILL FOR AN ACT

RELATING TO SOLID WASTE.

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

1       SECTION 1. The legislature finds that municipal waste  
2 combustor ash must be disposed of in a lined landfill to avoid  
3 unnecessary exposure. Regulations for the disposal of municipal  
4 waste combustor ash are based only on short-term lab tests that  
5 look at a select number of heavy metals. These short-term lab  
6 tests do not test the contents of the ash, but only test for  
7 substances that leach out at a pH level where toxic metals such  
8 as lead and cadmium are not expected to leach out.

9       The legislature also finds that industry standards relating  
10 to the disposal of municipal waste combustor ash are not based  
11 on occupational exposure pathways of workers who handle the ash  
12 as construction material, including exposure through inhalation  
13 or ingestion. Exposure to hazardous substances from municipal  
14 waste combustor ash increases if the ash is not properly  
15 disposed of or is permitted to be repurposed as fill or other  
16 construction material or "recycled" into roads or for other  
17 purposes. If municipal waste combustor ash is permitted to be



1 used for roadbuilding, roadways can erode over time and become  
2 unlined landfills.

3 Accordingly, the purpose of this Act is to clarify that  
4 municipal solid waste combustor ash may be disposed of only in a  
5 lined landfill and may not be deregulated or repurposed for uses  
6 such as roadbuilding, fill, or construction.

7 SECTION 2. Section 342H-30, Hawaii Revised Statutes, is  
8 amended by amending subsection (c) to read as follows:

9 "(c) No person, including any public body, shall discard,  
10 dispose of, deposit, discharge, or dump solid waste, or by  
11 contract or otherwise arrange directly or indirectly for the  
12 disposal of solid waste in an amount equal to or greater than  
13 one cubic yard in volume anywhere other than a permitted solid  
14 waste management system without the prior written approval of  
15 the director. Fly ash, bottom ash, or combined fly and bottom  
16 ash from a municipal waste combustor, including any ash residue  
17 that remains after removal of metals for recycling into new  
18 metal products, shall be disposed of only in a lined municipal  
19 solid waste or hazardous waste landfill and shall not be  
20 utilized as alternative daily cover material on a landfill,  
21 roadbuilding, or other construction material. Each day of



1 violation shall constitute a separate offense. This prohibition  
2 shall not be deemed to supersede any other disposal prohibitions  
3 established under federal, state, or county law, regulation,  
4 rule, or ordinance."

5 SECTION 3. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

  
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# S.B. NO. 538

**Report Title:**

Solid Waste Control; Municipal Waste Combustor Ash; Disposal;  
Prohibition on Reuse

**Description:**

Requires municipal solid waste combustor ash to be disposed of only in a lined landfill. Prohibits the reuse of municipal solid waste incinerator ash for uses such as roadbuilding, fill, or construction.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

