

JAN 21 2026

---

# A BILL FOR AN ACT

RELATING TO SOLID WASTE POLLUTION.

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

1 SECTION 1. The legislature finds that the State is  
2 committed to protecting its air quality and preventing toxic  
3 contamination of the local food supply. The legislature further  
4 finds that timely review and updating of regulations governing  
5 emissions from trash combustion facilities to reflect advances  
6 in technology and health science is essential in protecting the  
7 State's natural resources and the health and safety of its  
8 residents. The legislature also finds that currently, federal  
9 regulations issued by the United States Environmental Protection  
10 Agency (EPA), namely the New Source Performance Standards (NSPS)  
11 and emission guidelines, serve as the operative federal  
12 regulatory baseline for emissions from large municipal solid  
13 waste combustor plants. However, despite expectations that  
14 these standards would be reviewed and updated by the EPA every  
15 five years, they have not been updated since their adoption in  
16 2006. In January 2024, the EPA published a proposed rule  
17 revising the existing performance and emission guidelines for



1 large municipal waste combustors; however, the process of  
2 finalizing these updated standards has been stalled. Due to the  
3 lack of federal regulation updates, other states have been  
4 adopting more stringent requirements compared to the baseline  
5 2006 federal standards.

6 The legislature further finds that H-POWER, the State's  
7 sole trash incinerator, operates three incineration units, two  
8 of which started operating in 1989. These older units lack two  
9 of the four common pollution control systems commonly used at  
10 modern incineration facilities—one to reduce emissions of  
11 nitrogen oxides that trigger asthma attacks, and another to  
12 capture and remove highly toxic pollutants such as dioxins and  
13 mercury from emissions. It is therefore imperative that the  
14 State take action to adopt updated, more stringent emission  
15 standards for large municipal trash incinerators to ensure  
16 critical environmental and health protections.

17 Accordingly, the purpose of this Act is to require any  
18 large municipal waste combustor plant in the State to operate in  
19 compliance with the United States Environmental Protection  
20 Agency's proposed regulations regarding performance and emission  
21 standards for large municipal waste combustors.



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

4 and to read as follows:

5 "S342H- Large municipal waste combustor plants;  
6 performance and emission standards; rules. (a) No later than  
7 December 31, 2027, the department shall adopt rules pursuant to  
8 chapter 91, setting forth performance and emission standards for  
9 large municipal waste combustor plants operating within the  
10 State; provided that the standards shall be in compliance with  
11 the proposed rule published on January 23, 2024, 89 Federal  
12 Register 4243, et seq.

13 (b) Beginning January 1, 2028, any large municipal waste  
14 combustor plant operating within the State shall comply with the  
15 rules adopted pursuant to section (a).

16 (c) For the purposes of this section:

17 "Large municipal waste combustor plant" means a plant  
18 consisting of one or more municipal waste combustor units  
19 located at the same site, with an aggregate capacity greater  
20 than two hundred fifty tons per day of solid waste.



1        "Municipal waste combustor" means any setting or equipment  
2        that combusts solid, liquid, or gasified municipal solid waste,  
3        including incinerators, boilers, furnaces, and pyrolysis or  
4        combustion units."

5        SECTION 3. New statutory material is underscored.

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

7

INTRODUCED BY: Mike Gabbard



# S.B. NO. 2099

**Report Title:**

DOH; Large Municipal Waste Combustors; Incinerators; Environmental Protection; Performance and Emission Standards; Rules

**Description:**

Requires the Department of Health to adopt by 12/31/2027, rules setting forth performance and emission standards for large municipal waste combustor plants operating within the State, in compliance with proposed federal rules. Beginning 1/1/2028, requires large municipal waste combustor plants operating within the State to comply with the rules.

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

