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# A BILL FOR AN ACT

RELATING TO LANDFILL UNITS.

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

1           SECTION 1. The legislature finds that the State must  
2 ensure that Oahu's freshwater aquifers are protected from  
3 landfill contamination. The legislature further finds that Act  
4 255, Session Laws of Hawaii 2025 (Act 255), established a  
5 prohibition on the construction, modification, and expansion of  
6 landfill units, or any components of landfill units, inland of  
7 an underground injection control line designated by the  
8 department of health in a county with a population greater than  
9 five hundred thousand. This prohibition is codified in section  
10 342H-52(c), Hawaii Revised Statutes. The legislature also finds  
11 that after Act 255 was enacted, the city and county of Honolulu  
12 updated its Parcels and Zoning Information App by adding a  
13 pass/no-pass zone layer developed by the Honolulu board of water  
14 supply based on research and data analysis, which may be used as  
15 guidelines for the manager and chief engineer of the Honolulu  
16 board of water supply in determining whether to approve a  
17 proposed waste disposal facility. The no-pass zone represents



1 areas over the freshwater aquifer with a smaller or nonexistent  
2 caprock, meaning that these areas are susceptible to  
3 contamination, which may be a basis for the manager to withhold  
4 approval of the proposed facility.

5 The legislature understands that without the specific  
6 prohibition in section 342H-52(c), Hawaii Revised Statutes, the  
7 manager and chief engineer would then be able to withhold  
8 approval of a landfill unit, or component thereof, based on its  
9 location within the no-pass zone instead of inland of an  
10 underground injection control line.

11 Accordingly, the purpose of this Act is to repeal the  
12 prohibition in section 342H-52(c), Hawaii Revised Statutes, on  
13 the construction, modification, or expansion of a landfill unit,  
14 or any component thereof, inland of an underground injection  
15 control line in a county with a population greater than five  
16 hundred thousand, thereby allowing the manager and chief  
17 engineer of the board of water supply of that county to  
18 determine whether to approve a proposed landfill unit, or  
19 component thereof, within the no-pass zone instead.

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



1           **"§342H-52 Prohibitions; buffer zones.** (a) No person,  
2 including any federal agency, the State, or any county, shall  
3 construct, operate, modify, expand, or close a municipal solid  
4 waste landfill unit, or any component of a municipal solid waste  
5 landfill unit, without first obtaining a permit from the  
6 director. All permits for municipal solid waste landfill units  
7 shall be subject to any terms and conditions that the director  
8 determines are necessary to protect human health or the  
9 environment.

10           (b) Beginning July 1, 2025, no person, including the State  
11 or any county, shall construct, modify, or expand a landfill  
12 unit or component of a landfill unit without first establishing  
13 a buffer zone of no less than one-half mile around the landfill  
14 unit or component of a landfill unit. This subsection shall not  
15 apply to the continued operation of an existing landfill unit or  
16 component of a landfill unit that is properly permitted;  
17 provided that continued operation does not require physical  
18 expansion, vertical or horizontal, of the landfill unit or  
19 component of a landfill unit requiring additional permitting  
20 review and a permit modification.



1       ~~[(c) Beginning July 1, 2025, no person, including the~~  
2       ~~State or any county, shall construct, modify, or expand a~~  
3       ~~landfill unit or any component of a landfill unit inland of an~~  
4       ~~underground injection control line in a county with a population~~  
5       ~~greater than five hundred thousand. This subsection shall not~~  
6       ~~apply to the continued operation of an existing landfill unit or~~  
7       ~~any component of a landfill unit that is properly permitted;~~  
8       ~~provided that continued operation does not require physical~~  
9       ~~expansion, vertical or horizontal, of the landfill unit or~~  
10       ~~component of a landfill unit requiring additional permitting~~  
11       ~~review and a permit modification.~~

12       ~~(d)]~~ (c) For the purposes of this section:

13       "Buffer zone" means the distance between the edge of the  
14       landfill unit or component of the landfill unit and the nearest  
15       residential, school, or hospital property line.

16       "Landfill unit" means a municipal solid waste landfill unit  
17       or a construction and demolition landfill unit.

18       ~~["Underground injection control line" means the line~~  
19       ~~determined by the department under rules adopted or regulations~~  
20       ~~promulgated pursuant to section 340E-2.]"~~



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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



**Report Title:**

Landfill Units; Underground Injection Control Line; No-Pass Zone; Parcels and Zoning Information App; Prohibition; City and County of Honolulu

**Description:**

Repeals the prohibition on the construction, modification, or expansion of a landfill unit, or any component of a landfill unit, inland of an underground injection control line in a county with a population greater than five hundred thousand. Effective 7/1/3000. (HD1)

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

