

STAND. COM. REP. NO.

3277

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 2386  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2386, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit any waste or disposal facility from being located in a conservation district, except in emergency circumstances to mitigate significant risks to public safety and health; and
- (2) Require no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a waste or disposal facility.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Iron workers Stabilization Fund; Association of Hawaiian Civic Clubs; Moku o Keawe, Association of Hawaiian Civic Clubs - Hawai'i Council; International Alliance of Theatrical Stage Employees Local 665; UNITE HERE! Local 5; Prince Kūhiō Hawaiian Civic Club; International Longshore and Warehouse Union Local 142; Hawaii State Teachers Association; International Brotherhood of Electrical Workers Local Union 1186; Hawaii Building and Construction Trades Council; Sierra Club of Hawai'i; Surfrider



Oahu; Ke One O Kākuhihewa, O'ahu Council of the Association of Hawaiian Civic Clubs; SAG-AFTRA; Pride at Work Hawaii; Moku o Manokalanipō, Kaua'i Council of the Association of Hawaiian Civic Clubs; Surfrider Foundation; United Public Workers; and seven individuals. Your Committee received testimony in opposition to this measure from the Department of Health; General Contractors Association of Hawaii; and PVT Land Company, Ltd. Your Committee received comments from the Department of Land and Natural Resources.

Your Committee finds that conservation districts are protected lands that should not be used for waste disposal facilities. Your Committee further finds that persons residing near landfills, including residents of the Ma'ili and Nanakuli communities, suffer negative health impacts and a lowered quality of life. This measure protects Hawaii's conservation lands and public health by requiring buffer zones for waste or disposal facilities and restricting their placement on conservation lands.

Your Committee has amended this measure by:

- (1) Inserting a definition of the term "buffer zone";
- (2) Exempting from the buffer zone requirement the continued operation of an existing waste or disposal facility that is properly permitted; provided that continued operation does not require a physical expansion, vertical or horizontal, of the facility requiring additional permitting review and a permit modification; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2386, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2386, S.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

*Karl Rhoads*

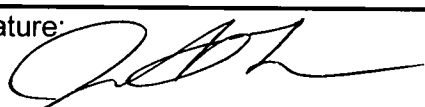
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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes  
Committee on Judiciary  
JDC**

Bill / Resolution No.:* <b>SB 2386 SD1</b>	Committee Referral: <b>WTL/AEN, JDC</b>	Date: <b>2/28/2020</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike				/
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes