Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on September 15, 2020, the following bill was signed into law:

SB2386 SD2 HD2 RELATING TO WASTE MANAGEMENT.
Act 073 (20)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i
A BILL FOR AN ACT

RELATING TO WASTE MANAGEMENT.

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

SECTION 1. Section 183C-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The department shall adopt rules governing the use of land within the boundaries of the conservation district that are consistent with the conservation of necessary forest growth, the conservation and development of land and natural resources adequate for present and future needs, and the conservation and preservation of open space areas for public use and enjoyment[7]; provided that no waste or disposal facility shall be located in a conservation district except in emergency circumstances where it may be necessary to mitigate significant risks to public safety and health; provided further that emergency circumstances shall not exceed three years. No use except a nonconform ing use as defined in section 183C-5, shall be made within the conservation district unless the use is in accordance with a zoning rule.

For the purposes of this subsection:
"Emergency" means any actual or imminent natural or human-caused occurrence that results or likely will result in substantial injury or harm to the population or substantial damage to or loss of property.

"Waste or disposal facility" means any transfer station or landfill as defined in section 340A-1, open dump as defined in section 342H-1, solid waste reduction facility or waste reduction facility as defined in section 342G-1, disposal facility, or any other facility for the disposal of solid waste that is required by law to obtain a permit from the department of health. "Waste or disposal facility" excludes individual, state certified, non-industrial redemption centers.

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

"[+]§342H-52[+] Prohibitions; buffer zones.

(a) No person, including [any federal agency,] the State[7] or any county, shall construct, operate, modify, expand, or close a municipal solid waste landfill unit, or any component of a municipal solid waste landfill unit, without first obtaining a permit from the director. All permits for municipal solid waste landfill units shall be subject to [seek] any terms and
conditions [≡] that the director determines are necessary to protect human health or the environment.

(b) No person, including the State or any county, shall construct, modify, or expand a waste or disposal facility including a municipal solid waste landfill unit, any component of a municipal solid waste landfill unit, a construction and demolition landfill unit, or any component of a construction and demolition landfill unit without first establishing a buffer zone of no less than one-half mile around the waste or disposal facility. This subsection shall not apply to the continued operation of an existing waste or disposal facility that is properly permitted; provided that continued operation does not require physical expansion, vertical or horizontal, of the facility requiring additional permitting review and a permit modification.

For the purposes of this subsection:

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

"Waste or disposal facility" excludes individual, state certified, non-industrial redemption centers."
SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

APPROVED this 15 day of SEP, 2020

GOVERNOR OF THE STATE OF HAWAII
THE SENATE OF THE STATE OF HAWAI‘I

Date: July 10, 2020
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai‘i, Regular Session of 2020.

President of the Senate

Clerk of the Senate
THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAI'I

Date: July 6, 2020
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the
House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of
2020.

Scott K. Saiki
Speaker
House of Representatives

Brian L. Takeshita
Chief Clerk
House of Representatives