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# A BILL FOR AN ACT

RELATING TO WASTE MANAGEMENT.

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

1 SECTION 1. Section 183C-4, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:  
3 "(b) The department shall adopt rules governing the use of  
4 land within the boundaries of the conservation district that are  
5 consistent with the conservation of necessary forest growth, the  
6 conservation and development of land and natural resources  
7 adequate for present and future needs, and the conservation and  
8 preservation of open space areas for public use and  
9 enjoyment[-]; provided that no waste or disposal facility shall  
10 be located in a conservation district except in emergency  
11 circumstances where it may be necessary to mitigate significant  
12 risks to public safety and health; provided further that  
13 emergency circumstances shall not exceed three years. No use  
14 except a nonconforming use as defined in section 183C-5, shall  
15 be made within the conservation district unless the use is in  
16 accordance with a zoning rule.

17 For the purposes of this subsection:



1 "Emergency" means any actual or imminent natural or human-  
2 caused occurrence that results or likely will result in  
3 substantial injury or harm to the population or substantial  
4 damage to or loss of property.

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

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

15 "[+]§342H-52[+] ~~Prohibition.~~ Prohibitions; buffer zones.

16 (a) No person, including [~~any federal agency,~~] the State[~~7~~] or  
17 any county, shall construct, operate, modify, expand, or close a  
18 municipal solid waste landfill unit, or any component of a  
19 municipal solid waste landfill unit, without first obtaining a  
20 permit from the director. All permits for municipal solid waste  
21 landfill units shall be subject to [~~such~~] any terms and



1 conditions ~~[as]~~ that the director determines are necessary to  
2 protect human health or the environment.

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

16 For the purposes of this subsection:

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

20 "Waste or disposal facility" excludes individual, state  
21 certified, non-industrial redemption centers."



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 upon its approval.



**Report Title:**

Waste Management; Landfills; Buffer Zones; Conservation  
Districts

**Description:**

Prohibits 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. Requires no less than a one-half mile buffer zone around residences, schools, and hospitals for the construction, modification, or expansion of a waste or disposal facility. Specifies that "waste or disposal facility" excludes individual, state certified, non-industrial redemption centers. (HD2)

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