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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. For the purposes of this  
17 subsection:



1       "Emergency" means any natural or man-made occurrence, or  
2 imminent threat, which results or may likely 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."

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

14       "~~§~~342H-52 ~~§~~ Prohibition~~[-]~~; **buffer zones.** (a) No  
15 person, including any federal agency, the State, or any county,  
16 shall construct, operate, modify, expand, or close a municipal  
17 solid waste landfill unit, or any component of a municipal solid  
18 waste landfill unit, without first obtaining a permit from the  
19 director. All permits for municipal solid waste landfill units  
20 shall be subject to such terms and conditions as the director



1 determines are necessary to protect human health or the  
2 environment.

3 (b) No person, including any federal agency, the State, or  
4 any county, shall construct, operate, modify, or expand a waste  
5 or disposal facility including a municipal solid waste landfill  
6 unit, any component of a municipal solid waste landfill unit, a  
7 construction and demolition landfill unit, or any component of a  
8 construction and demolition landfill unit, without first  
9 establishing a buffer zone of no less than one-half mile around  
10 the waste or disposal facility."

11 SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 2020.



**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 for the construction, operation, modification, or expansion of a waste or disposal facility. (Proposed SD1)

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