
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.~~ Prohibitions; buffer zones.

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



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

3 (b) No person, including any federal agency, the State, or
4 any county, shall construct, modify, or expand a waste or
5 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. This subsection shall not apply
11 to the continued operation of an existing waste or disposal
12 facility that is properly permitted; provided that continued
13 operation does not require physical expansion, vertical or
14 horizontal, of the facility requiring additional permitting
15 review and a permit modification. For the purposes of this
16 subsection, "buffer zone" means the distance between the edge of
17 waste or waste activity and the nearest residential, school, or
18 hospital property line."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 4. This Act shall take effect on July 1, 2050.



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, modification, or expansion of a waste or disposal facility. Effective 7/1/2050. (SD2)

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