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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 PART I

2 SECTION 1. The legislature finds that the use of composted  
3 organics benefits farmers, enhances soil health and the ability  
4 of the soil to sequester carbon, and reduces waste going into  
5 landfills and the subsequent methane emitted by this waste.

6 The purpose of this Act is to support local farmers while  
7 addressing the urgent need to expand the State's capacity for  
8 capturing and processing the organic waste its residents and  
9 visitors generate to reduce landfill waste and reinforce the  
10 State's commitment to taking effective and immediate action to  
11 protect our climate. This Act also clarifies that composting  
12 facilities are excluded from buffer zone requirements that apply  
13 to solid waste landfills and defines a class of artisan-scale  
14 composting operations, including the applicable regulations.

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



1           **"§342H-52 Prohibitions; buffer zones.** (a) No person,  
2 including any federal agency, the State, or any county, shall  
3 construct, operate, modify, expand, or close a municipal solid  
4 waste landfill unit, or any component of a municipal solid waste  
5 landfill unit, without first obtaining a permit from the  
6 director. All permits for municipal solid waste landfill units  
7 shall be subject to any terms and conditions that the director  
8 determines are necessary to protect human health or the  
9 environment.

10           (b) No person, including the State or any county, shall  
11 construct, modify, or expand a [~~waste-or~~] disposal facility  
12 including a municipal solid waste landfill unit, any component  
13 of a municipal solid waste landfill unit, a construction and  
14 demolition landfill unit, or any component of a construction and  
15 demolition landfill unit without first establishing a buffer  
16 zone of no less than one-half mile around the [~~waste-or~~]  
17 disposal facility. This subsection shall not apply to the  
18 continued operation of an existing [~~waste-or~~] disposal facility  
19 that is properly permitted; provided that continued operation  
20 does not require physical expansion, vertical or horizontal, of



1 the facility requiring additional permitting review and a permit  
2 modification.

3 For the purposes of this subsection:

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

7 [~~"Waste or disposal facility" excludes individual, state  
8 certified, non-industrial redemption centers.~~]"

9 PART II

10 SECTION 3. Chapter 225P, Hawaii Revised Statutes, is  
11 amended by adding a new section to be appropriately designated  
12 and to read as follows:

13 "§225P- Artisan-scale composting program. (a) There  
14 is established within the department a class of artisan-scale  
15 composting operations that are sited on land zoned industrial or  
16 agricultural. Each artisan-scale composting operation shall  
17 disclose their operation to the department and shall be exempt  
18 from requiring a solid waste management facilities permit;  
19 provided that such operations do not produce vectors, dust, or  
20 odors that unreasonably impact neighbors of the operation, as  
21 determined by the department; provided further that no waste



1 accepted by the operation remains on-site for more than thirty-  
2 six months; provided further that treated lumber, sewage sludge,  
3 animal waste, fats, oils, and grease shall be accepted as waste  
4 by an operation.

5 (b) No more than one exempt facility specified in this  
6 section may be located on geographically contiguous land owned  
7 or operated by the same person. Sufficient bulking agent shall  
8 be used to provide proper aeration and control leachate  
9 migration. In order to maintain the compost permitting  
10 exemption, an artisan scale composting operation shall maintain  
11 documentation that the operation is in compliance with this  
12 section; provided that the documentation shall include but is  
13 not limited to the amount and type of waste accepted and when  
14 and where the finished compost is land-applied.

15 (c) All artisan-scale composting operations shall make  
16 records available for the department to review upon request.

17 (d) For the purposes of this section, "artisan-scale  
18 composting operation" means a composting operation that accepts,  
19 measured on a monthly average, no more than one cubic yard of  
20 green waste or yard trimmings, agricultural materials, vegetable  
21 and fruit waste, or coffee grounds and tea leaves per month at a



1 site controlled and owned by the waste generator with the  
2 finished compost applied and controlled by the same waste  
3 generator."

4 PART III

5 SECTION 4. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on July 1, 2050.



H.B. NO. 856  
H.D. 1

**Report Title:**

Solid Waste; Buffer Zone; Exemptions; Artisan-scale Composting Program; Department of Health

**Description:**

Part I: Clarifies that composting facilities are excluded from buffer zone requirements. Part II: Establishes a class of artisan-scale composting operations. Effective 7/1/2050. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

2021-1472 HB856 HD1 HMSO

