

JAN 27 2021

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. Section 342G-1, Hawaii Revised Statutes, is
3 amended by amending the definition of "food waste" to read as
4 follows:

5 ""Food waste" means all animal and vegetable solid wastes
6 [~~generated by food facilities and residences~~] that result from
7 the storage, preparation, cooking, or handling of food."

8 SECTION 2. Section 342H-52, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

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 disposal
17 facility. This subsection shall not apply to the continued



1 operation of an existing waste or disposal facility that is
 2 properly permitted; provided that continued operation does not
 3 require physical expansion, vertical or horizontal, of the
 4 facility requiring additional permitting review and a permit
 5 modification.

6 For the purposes of this subsection:

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

10 "Recycling drop-off facility" means a structure or site
 11 designated for collection, temporary storage, and small scale
 12 (low technology) segregation of recyclable materials.

13 "Waste or disposal facility" means:

14 (1) A transfer station or landfill as defined in section
 15 340A-1;

16 (2) An open dump as defined in section 342H-1;

17 (3) A solid waste reduction facility or waste reduction
 18 facility as defined in section 342G-1, except
 19 facilities designed primarily for composting organic
 20 material such as food waste and green waste, as those



1 terms are defined in section 342G-1, and on-site
2 school campus food waste composting programs;
3 (4) A disposal facility; or
4 (5) Any other facility for the disposal of solid waste
5 that is required by law to obtain a permit from the
6 department of health.
7 "Waste or disposal facility" excludes recycling drop-off
8 facilities, facilities for composting as defined in section
9 342G-1, and individual, state certified, non-industrial
10 redemption centers."

11 PART II

12 SECTION 3. The legislature finds that the human-induced
13 global climate requires a thoughtful, bold, and coordinated
14 response on many fronts in order to reverse global warming and
15 make Hawaii communities more resilient to the impact of storms,
16 floods, fire, and sea level rise that threaten the very
17 survivability of these fragile islands. Lest Hawaii lose its
18 leadership position in meeting the future, and in the arenas of
19 labor, justice, and equity, the legislature embraces aloha aina
20 to decarbonize Hawaii's systems of food, energy, and
21 transportation, and to sequester carbon through systems of



1 agriculture, waste management, and ecosystem restoration. The
2 good jobs created thereby also expand access to health, housing,
3 and education, ensuring justice and equity for Hawai'i's
4 citizens. This part represents a forward step in adapting
5 Hawaii to inevitable change.

6 As evidence mounts that the earth's survival depends on
7 transitioning away from carbon-based fuels, a greater
8 understanding of the relationship between human activities and
9 the earth's natural systems points to the additional need for an
10 equally ambitious effort to remove carbon from the atmosphere by
11 increasing the carbon sequestration capacity of earth's soils.
12 The rationale for this strategy can be found in long-standing
13 soil science as well as current sober assessments that
14 greenhouse gas reduction efforts alone would be inadequate to
15 restore livable climatic conditions.

16 Even if humans stop emitting greenhouse gases (GHGs)
17 immediately, the volume of GHGs already present in the
18 atmosphere is enough to ensure increased warming for thirty
19 years. While climate scientists have determined that 106.25
20 gigatons of carbon must be withdrawn from the atmosphere to
21 reverse global warming, soil scientists have demonstrated that



1 the potential for earth's soils to absorb carbon far exceeds
2 this amount. Scientific studies demonstrate that because
3 healthy soils are capable of holding twice the carbon stocks of
4 plants, the key to building soil carbon sequestration capacity
5 lies in building healthy soil.

6 The legislature further finds that the use of composted
7 organics with their vast stores of macro- and micro- nutrients
8 greatly improves the health of all soils in ways that protect
9 and enhance natural systems, while imported, petroleum-based,
10 and energy-intensive fertilizers destabilize a healthy soil
11 microbiome.

12 The legislature also acknowledges that actions taken to
13 improve soil health as a means to reverse climate change support
14 Hawaii's goal, as outlined in the Aloha+ Challenge, of a seventy
15 per cent reduction in the State's solid waste stream.

16 Although the exact percentage varies from island to island,
17 organics constitute the largest single component of Hawaii's
18 waste stream, and account for at least fifty per cent of the
19 materials discarded each year, with this category including
20 food, food-contaminated paper, and yard trimmings. As
21 grassroots initiatives like the City and County of Honolulu's



1 recent single-use plastics ban expand statewide, and as
2 businesses voluntarily adopt earth-friendly plastic substitutes,
3 the percentage of organics in the waste stream will grow, making
4 the diversion of waste organics into composting programs the
5 least costly and most direct method for the State to meet its
6 solid waste reduction goals.

7 The legislature additionally finds that because organics in
8 landfilled waste are the largest source of human-generated
9 methane, and because methane is a GHG with a global warming
10 potential thirty-six times that of carbon dioxide over a twenty-
11 year period, the diversion of waste organics into composting
12 programs offer the least costly and most direct method for
13 significantly reducing the amount of methane emitted from
14 Hawai'i's landfills.

15 The legislature also seeks to acknowledge the economic
16 benefits that accrue to Hawaii's farmers when they are able to
17 include compost sales and carbon sequestration incentives to
18 their income streams.

19 The purpose of this part is to address the urgent need to
20 expand the State's capacity for capturing and processing the
21 organic waste its residents and visitors generate in a way that



1 reduces landfill waste while supporting local farmers and the
2 State's commitment to take effective climate action. This part
3 proposes to create a class of artisan-scale composting
4 operations that are exempt from department of health regulations
5 and easily established by farmers and others as a means to
6 divert organic materials from Hawaii's landfills and sequester
7 atmospheric carbon.

8 SECTION 4. Chapter 225P, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§225P-_____ Artisan-scale composting program. There is
12 established within the department a class of artisan-scale
13 composting operations that are sited on land zoned industrial or
14 agricultural and are exempt from department of health rules
15 given that these operations do not produce vectors, dust, or
16 odors that unreasonably impact neighbors of the operation, as
17 determined by the department, and when no waste accepted remains
18 on-site for more than thirty-six months. No more than one
19 exempt facility specified in this section may be located on
20 geographically contiguous land owned or operated by the same
21 person. Sufficient bulking agent shall be used to provide



1 proper aeration and control leachate migration. For these
2 facilities, precipitation, surface water, and groundwater that
3 have come in contact with yard trimmings or the resultant
4 product shall not be considered leachate, if it is managed
5 within the site and is allowed to enter a surface waterbody or a
6 conveyance to a surface waterbody, and does not cause a
7 violation of state water quality standards."

8 SECTION 5. Section 225P-2, Hawaii Revised Statutes, is
9 amended by adding two new definitions to be appropriately
10 inserted and to read as follows:

11 "Artisan-scale" means a composting operation that accepts,
12 measured on a monthly average, no more than one thousand pounds
13 or one cubic yard, whichever is greater, of organic materials
14 per week; provided that no more than two thousand pounds are
15 accepted in any one week; a composting facility located at a
16 site controlled by the waste generator; or a composting facility
17 that accepts no more than three thousand cubic yards of yard
18 trimmings per year.

19 "Department" means the department of health."



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PART III

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

SECTION 7. This Act shall take effect upon its approval.

INTRODUCED BY: _____

Jan Acasio



S.B. NO. 964

Report Title:

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

Description:

Part I: broadens the definition of "food waste" as used in integrated solid waste management. Excludes facilities designed primarily for composting organic material such as food waste and green waste, on-site school campus food waste programs, and recycling drop-off facilities from the requirement that waste or disposal facilities shall not be constructed, modified, or expanded without first establishing a buffer zone of no less than one-half mile from the nearest residential, school, or hospital property line. Part II: establishes a class of artisan-scale composting operations exempt from department of health regulations to divert organic materials from Hawaii's landfills.

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