ORDINANCE NO. _____ BILL NO. 3007

A BILL FOR AN ORDINANCE AMENDING CHAPTER 21, ARTICLE 7, KAUA'I COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW SECTION RELATING TO LANDFILL PROHIBITED SITES

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I:

SECTION 1. Findings and Purpose. The Council finds that the existing Kekaha Landfill has been active for over seventy (70) years and has served as the County's only landfill for decades. Additionally, Kekaha Landfill is located in an environmentally sensitive, culturally significant, former wetland coastal area prone to tsunamis and coastal flooding, and contains an unlined Phase I portion that was constructed with no liner, predating and not complying with modern standards and laws. The Council further finds that the County has identified a potential new landfill site at Ma'alo Road and should expedite siting a new landfill at this location so that Kekaha residents can promptly be alleviated of the burden of hosting the County's only landfill.

The purpose of this Ordinance is to promote equity and fairness in County landfill siting so that no single community bears the burden of hosting more than one (1) active landfill concurrently or consecutively by prohibiting new landfills from being constructed near active or recently active landfills.

SECTION 2. Chapter 21, Article 7 (Landfills), Kaua'i County Code 1987, as amended, is hereby amended by adding the following new section to be appropriately designated and to read as follows:

"Section 21-7._ Prohibited Sites.

The County shall not construct a new landfill within a six-mile radius of an existing active landfill or a landfill that has accepted waste within thirty (30) years prior to the construction of the new landfill. This Section does not preclude the County, as permitted by law, from modifying or otherwise altering an existing landfill, as determined as necessary by the Department of Public Works to maintain sufficient capacity for the collection and disposal of garbage and refuse."

SECTION 3. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 4. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. All of SECTION 2 is new. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 5. This Ordinance shall take effect upon its approval.

Introduced by:

FERN HOLLAND

DATE OF INTRODUCTION:

September 30, 2026

Līhu'e, Kaua'i, Hawai'i
https://kauaicounty.sharepoint.com/sites/Taskseffective9152026Temporary/Shared Documents/General/BILLS/Bill Landfill Prohibited Sites (FH) JA_ss.docx

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 3007, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on September 30, 2026, by the following vote:

FOR PASSAGE:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i
September 30, 2026

Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i