

JAN 18 2023

A BILL FOR AN ACT

RELATING TO RECYCLING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that zero waste living is
2 the highest and best use of resources. With zero waste living,
3 waste is eliminated throughout the product lifecycle and zero
4 products go to the landfill or high temperature destruction.

5 The legislature further finds that in 1991, it established
6 solid waste management priorities and a waste stream reduction
7 goal of fifty per cent by 2000. Section 342G-2, Hawaii Revised
8 Statutes, regarding the State's solid waste management
9 priorities, states that incineration, which converts waste to
10 energy, should be considered after other practices and
11 processing methods, such as source reduction, recycling, and
12 bioconversion, including composting. Successful implementation
13 of source reduction and recycling reduces the amount of solid
14 waste that is landfilled or incinerated. However, according to
15 the department of health's office of solid waste management's
16 annual reports, Hawai'i has yet to meet this solid waste
17 diversion rate goal.



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1 According to the office of solid waste management, there is
2 less of an incentive to retrieve recyclable materials when
3 incineration is considered recycling. The legislature also
4 finds that incineration is inefficient because it utilizes
5 recyclable materials solely for their energy value and does not
6 consider its utility in creating new products.

7 The legislature believes that it is important for Hawai'i to
8 lead by example as it moves towards achieving the State's
9 sustainability goals. Recycling reduces greenhouse gas
10 emissions, conserves energy and landfill space, provides jobs,
11 promotes health, and protects the environment. Accordingly, the
12 purpose of this Act is to:

13 (1) Require state agencies to implement an on-site
14 recycling program using rules issued by the department
15 of health, in conjunction with the office of planning
16 and sustainable development, at buildings and
17 facilities managed, maintained, or serviced by the
18 department of accounting and general services;

19 (2) Require the department of health, in conjunction with
20 the office of planning and sustainable development, to
21 conduct a study on the benefits and costs of



1 increasing reuse and reduce efforts throughout the
2 State, recycling streams, and solid waste management
3 in Hawai'i to help reach the State's sustainability
4 goals; and

5 (3) Appropriate funds to the department of health to
6 conduct the study.

7 SECTION 2. Section 196-9, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§196-9 Energy efficiency and environmental standards for**
10 **state facilities, motor vehicles, and transportation fuel. (a)**
11 Each agency is directed to implement, to the extent possible,
12 the following goals during planning and budget preparation and
13 program implementation.

14 (b) With regard to buildings and facilities, each agency
15 shall:

16 (1) Design and construct buildings meeting the Leadership
17 in Energy and Environmental Design silver or two green
18 globes rating system or another comparable
19 state-approved, nationally recognized, and
20 consensus-based guideline, standard, or system, except
21 when the guideline, standard, or system interferes or



1 conflicts with the use of the building or facility as
2 an emergency shelter;

3 (2) Incorporate energy-efficiency measures to prevent heat
4 gain in residential facilities up to three stories in
5 height to provide R-19 or equivalent on roofs, R-11 or
6 equivalent in walls, and high-performance windows to
7 minimize heat gain and, if air conditioned, minimize
8 cool air loss. R-value is the constant time rate
9 resistance to heat flow through a unit area of a body
10 induced by a unit temperature difference between the
11 surfaces. R-values measure the thermal resistance of
12 building envelope components such as roof and walls.
13 The higher the R-value, the greater the resistance to
14 heat flow. Where possible, buildings shall be
15 oriented to maximize natural ventilation and day-
16 lighting without heat gain and to optimize solar for
17 water heating. This provision shall apply to new
18 residential facilities built using any portion of
19 state funds or located on state lands;

20 (3) Install solar water heating systems where it is cost-
21 effective, based on a comparative analysis to



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1 determine the cost-benefit of using a conventional
2 water heating system or a solar water heating system.
3 The analysis shall be based on the projected life
4 cycle costs to purchase and operate the water heating
5 system. If the life cycle analysis is positive, the
6 facility shall incorporate solar water heating. If
7 water heating entirely by solar is not cost-effective,
8 the analysis shall evaluate the life cycle, cost-
9 benefit of solar water heating for preheating water.
10 If a multi-story building is centrally air
11 conditioned, heat recovery shall be employed as the
12 primary water heating system. Single family
13 residential clients of the department of Hawaiian home
14 lands and any agency or program that can take
15 advantage of utility rebates shall be exempted from
16 the requirements of this paragraph so they may
17 continue to qualify for utility rebates for solar
18 water heating;

19 (4) Implement water and energy efficiency practices in
20 operations to reduce waste and increase conservation;



- 1 (5) Incorporate principles of waste minimization and
2 pollution prevention, such as reducing, [~~revising,~~]
3 reusing, and recycling as a standard operating
4 practice in programs, including programs for waste
5 management in construction and demolition projects and
6 office paper and packaging recycling programs;
- 7 (6) Use life cycle cost-benefit analysis to purchase
8 energy efficient equipment such as ENERGY STAR
9 products and use utility rebates where available to
10 reduce purchase and installation costs; and
- 11 (7) Procure environmentally preferable products, including
12 recycled and recycled-content, bio-based, and other
13 resource-efficient products and materials.
- 14 (c) With regard to buildings and facilities, each agency
15 shall implement a recycling program that provides and maintains
16 onsite methods at buildings and facilities managed, maintained,
17 or serviced by the department of accounting and general services
18 for the collection of recyclable materials, including paper,
19 plastics, and deposit beverage containers. Receptacles for the
20 collection of recyclable materials shall be located in proximity
21 to receptacles for solid waste disposal. The recyclable



1 materials to be separated shall be designated by the department
2 of health, in coordination with the office of planning and
3 sustainable development, in accordance with policies and
4 procedures to be issued under this section. If the policies and
5 procedure designate a material as recyclable, the designation
6 shall govern the treatment of the material. All recyclable,
7 marketable items shall be sent to an appropriate recycling
8 facility and shall not be sent to a landfill or incineration
9 facility.

10 For the purposes of this subsection:

11 "Agency" shall have the same meaning as defined in section
12 92F-3.

13 "Deposit beverage containers" shall have the same meaning
14 as defined in section 342G-101.

15 [~~e~~] (d) With regard to motor vehicles and transportation
16 fuel, each agency shall:

17 (1) Comply with title 10 Code of Federal Regulations part
18 490, subpart C, "Mandatory State Fleet Program", if
19 applicable;

20 (2) Comply with all applicable state laws regarding
21 vehicle purchases;



- 1 (3) Once federal and state vehicle purchase mandates have
2 been satisfied, purchase the most fuel-efficient
3 vehicles that meet the needs of their programs;
4 provided that the life cycle cost-benefit analysis of
5 vehicle purchases shall include projected fuel costs;
- 6 (4) Purchase alternative fuels and ethanol blended
7 gasoline when available;
- 8 (5) Evaluate a purchase preference for biodiesel blends,
9 as applicable to agencies with diesel fuel purchases;
- 10 (6) Promote efficient operation of vehicles, including
11 efficient planning of charging system locations and
12 efficient utilization of renewable energy for charging
13 electric vehicles;
- 14 (7) Use the most appropriate minimum octane fuel; provided
15 that vehicles shall use 87-octane fuel unless the
16 owner's manual for the vehicle states otherwise or the
17 engine experiences knocking or pinging;
- 18 (8) Beginning with fiscal year 2005-2006 as the baseline,
19 collect and maintain, for the life of each vehicle
20 acquired, the following data:
- 21 (A) Vehicle acquisition cost;



- 1 (B) United States Environmental Protection Agency
- 2 rated fuel economy;
- 3 (C) Vehicle fuel configuration, such as gasoline,
- 4 diesel, flex-fuel gasoline/E85, and dedicated
- 5 propane;
- 6 (D) Actual in-use vehicle mileage;
- 7 (E) Actual in-use vehicle fuel consumption;
- 8 (F) Actual in-use annual average vehicle fuel
- 9 economy; and
- 10 (G) Hourly charging data by electric vehicle and
- 11 electric vehicle charging system;
- 12 (9) Beginning with fiscal year 2005-2006 as the baseline
- 13 with respect to each agency that operates a fleet of
- 14 thirty or more vehicles, collect and maintain, in
- 15 addition to the data in paragraph (8), the following:
- 16 (A) Information on the vehicles in the fleet,
- 17 including vehicle year, make, model, gross
- 18 vehicle weight rating, and vehicle fuel
- 19 configuration;
- 20 (B) Fleet fuel usage, by fuel;
- 21 (C) Fleet mileage;



1 (D) Overall annual average fleet fuel economy and
2 average miles per gallon of gasoline and diesel;
3 and

4 (E) Hourly charging data by electric vehicle and
5 electric vehicle charging system;

6 (10) Adopt a preference for the rental of electric vehicles
7 or hybrid vehicles; provided that:

8 (A) All agencies, when renting a vehicle on behalf of
9 a state employee in the discharge of official
10 government business, shall rent a vehicle of one
11 of the following types, listed in order of
12 preference:

13 (i) Electric vehicle; or

14 (ii) Hybrid vehicle;

15 provided further that the vehicle is available
16 and suitable for the specific travel
17 requirements;

18 (B) The agency may rent a conventional vehicle only
19 if:

20 (i) An electric vehicle or hybrid vehicle is not
21 suitable; or



1 (ii) Neither an electric vehicle nor a hybrid
2 vehicle is available;

3 (C) An agency shall exercise the policy preference
4 for rental of an electric vehicle or hybrid
5 vehicle notwithstanding the potential higher cost
6 associated with renting an electric vehicle or
7 hybrid vehicle; provided that the rental rate for
8 the electric vehicle or hybrid vehicle is
9 comparable to that of a conventional vehicle of
10 similar class; provided further that the cost
11 premium is consistent with any budgetary
12 constraints and not contradicted by an existing
13 state contract with the rental business entity
14 from which the vehicle is rented; and

15 (D) To the extent practicable, all agencies shall
16 rent a vehicle pursuant to subparagraph (A) from
17 a rental contractor; and

18 [†] (11) [†] Plan and coordinate vehicle acquisition to meet the
19 following clean ground transportation goals:

20 (A) One hundred per cent of light-duty motor vehicles
21 that are passenger cars in the State's fleet



1 shall be zero-emission vehicles by December 31,
2 2030; and

3 (B) One hundred per cent of light-duty motor vehicles
4 in the State's fleet shall be zero-emission
5 vehicles by December 31, 2035.

6 For the purposes of this subsection:

7 "Light-duty motor vehicle" shall have the same meaning as
8 contained in title 10 Code [f]of[+] Federal Regulations part
9 490.

10 "Passenger car" shall have the same meaning as contained in
11 title 49 Code of Federal Regulations section 571.3.

12 "Zero-emission vehicle" shall have the same meaning as
13 contained in title 40 Code of Federal Regulations section
14 88.102-94."

15 SECTION 3. (a) The department of health, in coordination
16 with the office on planning and sustainable development, shall
17 conduct a study on the benefit and costs of increasing reuse and
18 reduce efforts throughout the State, recycling streams, and
19 solid waste management in Hawaii to help reach the State's
20 sustainability goals.

21 (b) The study shall analyze and evaluate the following:



- 1 (1) The state of recycling programs in Hawaii in light of
2 changing market conditions;
- 3 (2) Challenges faced by the State and counties in running
4 recycling programs and solid waste management;
- 5 (3) The advantages and disadvantages of:
 - 6 (A) Waste to energy; and
 - 7 (B) Incineration initiatives;
- 8 (4) The costs and benefits to all stakeholders, including
9 but not limited to the environment, consumers,
10 taxpayers, government, and businesses;
- 11 (5) The potential benefits and drawbacks of implementing
12 mandatory recycling programs applicable to residents
13 and businesses in the State;
- 14 (6) The state policies that may affect markets for
15 recyclable materials;
- 16 (7) The expected savings, if any, for the State and
17 counties in costs relating to waste management and
18 recycling; and
- 19 (8) Such other related issues as the department of health
20 deems necessary, including potential legislation.



1 (c) For the purposes of the study, the department of
2 health may consult with other state departments and community
3 organizations.

4 (d) The department of health shall submit a report of its
5 findings and recommendations, including any proposed
6 legislation, to the legislature no later than forty days prior
7 to the convening of the regular session of 2025.

8 SECTION 4. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$500,000 or so much
10 thereof as may be necessary for fiscal year 2023-2024 and the
11 same sum or so much thereof as may be necessary for fiscal year
12 2024-2025 for the department of health to conduct a study on the
13 benefits and costs of increasing reuse and reduce throughout the
14 State, recycling streams, and solid waste management in Hawaii
15 to help reach the State's sustainability goals.

16 The sums appropriated shall be expended by the department
17 of health for the purposes of this Act.

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20



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1 SECTION 6. This Act shall take effect upon its approval;
2 provided that section 4 shall take effect on July 1, 2023.

3

INTRODUCED BY: *Karl Rhoad*



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Report Title:

Recycling; State Facilities; Department of Accounting and General Services; Study; Department of Health; Office of Planning and Sustainable Development; Appropriation

Description:

Requires state agencies to implement an on-site recycling program using rules issued by the Department of Health, in conjunction with the Office of Planning and Sustainable Development, at buildings and facilities managed, maintained, or serviced by the Department of Accounting and General Services. Requires the Department of Health, in conjunction with the Office of Planning and Sustainable Development, to conduct a study on the benefits and costs in increasing reuse and reduce efforts throughout the State, recycling streams, and solid waste management in Hawaii. Appropriates funds.

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