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## A BILL FOR AN ACT

RELATING TO CONSTRUCTION WASTE.

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

1           SECTION 1. The legislature finds that diversion and  
2 recycling of construction and demolition debris are best  
3 practices that can offer substantial benefits to the State.  
4 Through increased recycling and diversion of debris, the State  
5 can reduce or eliminate nearly two thousand tons of construction  
6 and demolition waste that are currently deposited in landfills  
7 each day. Landfills throughout the State that accept  
8 construction and demolition debris have less than one decade of  
9 life remaining. Moreover, as much as forty per cent of this  
10 waste is wood, paper, and other biogenic material that can be  
11 recycled into fuel to reduce imported fossil fuels.

12           The legislature further finds, however, that there are few  
13 incentives for public and private sector entities to invest in  
14 recycling processes and equipment for construction and  
15 demolition debris. The lack of investment constitutes a  
16 significant opportunity for economic development and  
17 environmental sustainability.



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1           Accordingly, the purpose of this Act is to establish clear  
2 and cost-effective guidelines to encourage and facilitate the  
3 recycling of construction and demolition debris.

4           SECTION 2. Chapter 103D, Hawaii Revised Statutes, is  
5 amended by adding a new section to part IV to be appropriately  
6 designated and to read as follows:

7           "§103D-       Construction and demolition; debris recycling.

8           (a) For a competitive procurement of construction or demolition  
9 services by the State or any county, the offeror that:

10           (1) Uses the greatest amount of recycled material for  
11 construction, measured by square footage;

12           (2) Recycles the greatest amount of material for  
13 demolition, measured by tonnage; or

14           (3) Recycles the greatest amount of material for  
15 construction and demolition, combined,

16 shall be selected as the priority offeror; provided that the  
17 priority offeror's bid amount shall not be more than ten per  
18 cent greater or less than all other bids.

19           (b) For the purposes of this section, "recycling" means  
20 reuse or resale of construction or demolition waste material, or  
21 conversion of construction or demolition waste material into new



1 building materials, products, or fuel for transportation or  
2 renewable gaseous fuel."

3 SECTION 3. Section 107-25, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§107-25 Hawaii state building codes; requirements. (a)

6 There is established the Hawaii state building codes applicable  
7 to all construction in the State of Hawaii. The Hawaii state  
8 building codes shall be based upon:

- 9 (1) The state fire code as adopted by the state fire  
10 council;
- 11 (2) The Uniform Plumbing Code, as copyrighted and  
12 published by the International Association of Plumbing  
13 and Mechanical Officials, including its appendices;
- 14 (3) The International Building Code, the International  
15 Residential Code, and the International Energy  
16 Conservation Code, as published by the International  
17 Code Council;
- 18 (4) The National Electrical Code, as published by the  
19 National Fire Protection Association;



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- 1           (5) Hawaii design standards implementing the criteria  
2                   pursuant to Act 5, Special Session Laws of Hawaii,  
3                   2005, as applicable to:
- 4           (A) Emergency shelters built to comply with hurricane  
5                   resistant criteria, including enhanced hurricane  
6                   protection areas capable of withstanding a five  
7                   hundred-year hurricane event as well as other  
8                   storms and natural hazards; and
- 9           (B) Essential government facilities requiring  
10                   continuity of operations; [~~and~~]
- 11          (6) Code provisions based on nationally published codes or  
12                   standards that include but are not limited to  
13                   residential and hurricane resistant standards related  
14                   to loss mitigation standards in accordance with  
15                   section 431P-12, elevator, mechanical, flood and  
16                   tsunami, existing buildings, and onsite sewage  
17                   disposal[-]; and
- 18          (7) Code provisions based on the latest edition of the  
19                   International Green Construction Code, as published by  
20                   the International Code Council, to address material  
21                   resource conservation and efficiency; construction



1 material management; construction waste management and  
2 waste management; and construction material reuse and  
3 recycling.

4 (b) The state building codes shall include a requirement  
5 that at least twenty-five per cent of nonhazardous construction  
6 waste from the construction, deconstruction, or demolition of  
7 public buildings and at least twenty per cent of nonhazardous  
8 construction waste from the construction, deconstruction, or  
9 demolition of private buildings shall be diverted from disposal  
10 and made available for recycling, reuse, donation, or resale.  
11 The codes shall specify the method for verification of  
12 compliance with this subsection.

13 (c) All recycle, reuse, donation, and resale provisions  
14 established by subsection (b) shall comply with the following  
15 requirements:

16 (1) The location for collection, separation, and storage  
17 of recyclable construction materials and construction  
18 waste shall be identified;

19 (2) The type of construction materials and construction  
20 waste to be diverted from disposal by efficient usage,



1           recycle, reuse, donation, or resale shall be specified  
2           by type;

3           (3) The percentage of construction materials and  
4           construction waste to be diverted shall not include  
5           concrete foundations or concrete masonry unit walls  
6           and shall be specified and calculated by mass; and  
7           (4) Receipts or other documentation related to diversion  
8           shall be maintained throughout the course of  
9           construction, deconstruction, or demolition and made  
10          available for inspection by an appropriate designee of  
11          the State or county.

12          (d) For the purposes of this section:

13          "Construction" shall have the same meaning as in section  
14          103D-104.

15          "Construction materials" and "construction waste" shall  
16          include all material delivered to a construction site and  
17          intended for installation, including related packaging."

18          SECTION 4. Statutory material to be repealed is bracketed  
19          and stricken. New statutory material is underscored.



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1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

*NMB*

JAN 23 2023



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**Report Title:**

Recycling; Construction Waste; State Building Codes; Requirements; International Green Construction Code

**Description:**

Requires recycling of construction and demolition materials and use of recycled materials to factor into priority offeror selections for competitive procurements of construction or demolition services by the State or any county. Requires the State Building Codes to incorporate the International Green Construction Code and set specified targets for the recycling, reuse, donation, and resale of nonhazardous construction waste.

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