

JAN 20 2023

A BILL FOR AN ACT

RELATING TO POLLUTION ABATEMENT.

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

1 SECTION 1. Section 342D-30, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§342D-30 Civil penalties.** (a) Any person who violates
4 this chapter, any rule, or any term or condition of a permit or
5 variance issued pursuant to this chapter shall be fined not more
6 than [~~\$25,000~~] \$56,460 for each separate offense. Each day of
7 each violation shall constitute a separate offense. Any action
8 taken in environmental court to impose or collect the penalty
9 provided for in this section shall be considered a civil action.
10 In determining the amount of a civil penalty, the environmental
11 court shall consider the seriousness of the violation or
12 violations, the economic benefit, if any, resulting from the
13 violation, any history of these violations, any good-faith
14 efforts to comply with the applicable requirements, the economic
15 impact of the penalty on the violator, and any other matters
16 that justice may require. It shall be presumed that the
17 violator's economic and financial conditions allow payment of



1 the penalty, and the burden of proof of the contrary is on the
2 violator.

3 (b) Any person who denies, obstructs, or hampers the
4 entrance or inspection by any duly authorized officer or
5 employee of the department of any building, place, or vehicle
6 that the officer or employee is authorized to enter and inspect
7 shall be fined not more than [~~\$10,000~~] \$25,000 for each day of
8 denial, obstruction, or hampering. Any action taken in
9 environmental court to impose or collect the penalty provided
10 for in this subsection shall be considered a civil action."

11 SECTION 2. Section 342E-4, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[~~f~~]§342E-4[~~f~~] Civil penalties. (a) Any person who
14 violates any rule adopted under this chapter shall be fined not
15 more than [~~\$10,000~~] \$56,400 for each separate offense. Each day
16 of each violation shall constitute a separate offense. Any
17 action taken to impose or collect the penalty provided for in
18 this section shall be considered a civil action.

19 (b) Any person who denies, obstructs, or hampers the
20 entrance to and inspection by any duly authorized officer or
21 employee of the department of any building, place, or vehicle



1 shall be fined not more than [~~\$5,000~~] \$25,000 for each day of
2 [~~such a~~] the denial, obstruction, or hampering. Any action
3 taken to impose or collect the penalty provided for in this
4 section shall be considered a civil action.

5 (c) Any fine or penalty collected shall be placed in the
6 environmental response revolving fund pursuant to [{}section[{}]
7 128D-2."

8 SECTION 3. Section 342L-10, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§342L-10 Penalties.** (a) Any person who violates this
11 chapter, any rule adopted pursuant to this chapter, or any
12 condition of a permit or variance issued pursuant to this
13 chapter shall be fined not more than [~~\$25,000~~] \$56,400 for each
14 individual tank for each day of each violation. Each day of
15 each violation shall constitute a separate offense. In
16 addition, any person who fails to comply with an order issued
17 under this chapter within the time specified in the order shall
18 be fined not more than [~~\$25,000~~] \$56,400 for each day of
19 noncompliance with the order. Any action taken in environmental
20 court to impose or collect the penalty provided for in this
21 subsection shall be considered a civil action.



1 (b) Any person who:

2 (1) Denies, obstructs, or hampers the entrance,

3 inspection, or conduct of release response activities

4 by any duly authorized representative of the

5 department at any building, place, site, facility,

6 vehicle, or structure that the representative is

7 authorized to enter, inspect, or at which the

8 representative is authorized to conduct release

9 response activities; or

10 (2) Fails to provide information requested by the

11 representative as required under section 342L-7;

12 shall be fined not more than [~~\$500~~] \$10,000 per day of denial,

13 obstruction, hindrance, or failure. Any action taken in

14 environmental court to impose or collect the penalty provided

15 for in this subsection shall be considered a civil action."

16 SECTION 4. There is appropriated out of the general

17 revenues of the State of Hawaii the sum of \$ or so

18 much thereof as may be necessary for fiscal year 2023-2024 and

19 the same sum or so much thereof as may be necessary for fiscal

20 year 2024-2025 for one permanent full-time equivalent (1.0 FTE)



S.B. NO. 445

1 environmental health specialist position within the clean water
2 branch of the department of health.

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

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

7 SECTION 6. This Act shall take effect on July 1, 2023.

8

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'R. J. Z.', is written over a horizontal line.

S.B. NO.445

Report Title:

Pollution; Penalties; Appropriation

Description:

Increases civil penalties for the violation of various pollution provisions. Appropriates funds for one full-time equivalent (1.0 FTE) environmental health specialist position.

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

