

JAN 21 2026

A BILL FOR AN ACT

RELATING TO POLLUTION.

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

SECTION 1. Chapter 342H, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

"§342H- Violation reporting procedures. (a) The department shall establish and administer a centralized reporting system for use by the public to report violations of this chapter, including a statewide online portal and telephone hotline. The department shall receive, track, and assign to the appropriate county authorities all reports from the public.

(b) The department shall establish standardized response timelines, which each county shall adopt, to ensure a prompt response to reports from the public of violations.

(c) The department shall publish a quarterly public report summarizing:

(1) The number of reports received during the quarter;

(2) Investigation outcomes;

(3) The number of fines issued; and



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1 (4) Cleanup activities undertaken to address reported
2 violations."

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

5 "(a) Any person who violates this chapter, any rule
6 adopted pursuant to this chapter, or any condition of a permit
7 or variance issued pursuant to this chapter shall be fined:

8 (1) For a first offense, not less than \$5,000 but not more
9 than \$10,000 [~~for each separate offense.~~];

10 (2) For a second offense, not less than \$10,000 but not
11 more than \$20,000; and

12 (3) For a third or subsequent offense, not less than
13 \$25,000, and any vehicle owned and operated by the
14 person in the commission of the offense shall be
15 subject to forfeiture pursuant to chapter 712A.

16 Each day of each violation shall constitute a separate offense.

17 In addition to the foregoing, any person who violates this
18 chapter, any rule adopted pursuant to this chapter, or any
19 condition of a permit or variance issued pursuant to this
20 chapter shall be liable for the full cost of pollution removal
21 and shall be ordered to complete community service related to



1 pollution cleanup totaling not less than forty hours but not
2 more than eighty hours. Any action taken in environmental court
3 to impose or collect the penalty provided for in this subsection
4 shall be considered a civil action."

5 SECTION 3. Section 342H-17, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "~~{}~~§342H-17~~{}~~ **Enforcement by state and county**
8 **authorities; collaboration.** (a) All state and county health
9 authorities and police officers shall enforce this chapter and
10 the rules, orders, and permits of the department.

11 (b) There is established a state-county illegal dumping
12 task force. The task force shall meet at least once quarterly
13 to coordinate enforcement among state and county health
14 authorities and applicable law enforcement personnel. Members
15 of the task force shall include:

16 (1) The chief of the department's solid and hazardous
17 waste branch, or the chief's designee, who shall serve
18 as chair;

19 (2) The director of law enforcement, or the director's
20 designee;



1 (3) The administrator of each county's solid waste
2 division, or their designees; and

3 (4) The chief of each county police department, or their
4 designees.

5 (c) The department shall establish and administer a
6 statewide information-sharing protocol, including:

7 (1) A centralized solid waste pollution incident database;
8 and

9 (2) Uniform data standards, including incident location,
10 type of waste, responsible party, and other applicable
11 data related to enforcement.

12 (d) The department shall coordinate annual joint
13 enforcement operations between the state and counties, no less
14 than twice per year within each county, targeting known hotspots
15 for solid waste pollution.

16 (e) The department shall prepare and publish an annual
17 public report summarizing enforcement actions, penalties issued,
18 and cleanup costs."

19 SECTION 4. Section 342H-37, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



"(a) A person commits the offense of felony disposal of solid waste if the person:

(1) Knowingly discards, disposes of, deposits, discharges, or dumps solid waste, or by contract or otherwise arranges directly or indirectly for the disposal of solid waste in an amount equal to or greater than ten cubic yards in volume anywhere other than a permitted solid waste management system without the written approval of the director;

(2) After having been sentenced under this section or section 342H-39 on two separate and prior occasions, knowingly discards, disposes of, deposits, discharges, or dumps solid waste, or by contract or otherwise arranges directly or indirectly for the disposal of solid waste in an amount equal to or greater than one cubic yard in volume anywhere other than a permitted solid waste management system without the written approval of the director; [✗]

(3) Knowingly discards, disposes of, deposits, discharges, or dumps solid waste, or by contract or otherwise arranges directly or indirectly for the disposal of



1 solid waste anywhere other than a permitted solid
2 waste management system without the written approval
3 of the director for which the expense of recovering,
4 removing, restoring, and lawfully disposing of the
5 solid waste exceeds \$1,500[-]; or

6 (4) Knowingly discards, disposes of, deposits, discharges,
7 or dumps solid waste, or by contract or otherwise
8 arranges directly or indirectly for the disposal of
9 solid waste in any amount within an environmentally
10 sensitive area, as defined by the department pursuant
11 to chapter 91, including streams, watersheds, and
12 state parks."

13 SECTION 5. Section 342H-39, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) Petty misdemeanor disposal of solid waste is
16 punishable by[+] a restitution payment for reimbursement of the
17 full cost of cleanup, community service for pollution cleanup
18 totaling not less than forty hours but not more than eighty
19 hours, and:

20 (1) A fine of [~~no~~]:



(A) Not less than \$5,000 but not more than \$10,000

for a first offense;

(B) Not less than \$10,000 but not more than \$20,000

for a second offense; and

(C) Not less than \$25,000 for [each separate

offense;] a third or subsequent offense;

(2) Imprisonment of no more than thirty days for each
separate offense; or

(3) Revocation or suspension by court order of any
contractor's license or any applicable certificate of
authorization from the public utilities commission.

Each day of violation shall constitute a separate offense. In
addition to the foregoing, any vehicle owned and operated by the
person in the commission of the offense shall be subject to
forfeiture pursuant to chapter 712A."

SECTION 6. Section 342J-2, Hawaii Revised Statutes, is
amended as follows:

1. By adding a new definition to be appropriately inserted
and to read:



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1 ""Carcass" means the remains of any dead animal, partially
2 decomposed animal, or fully decomposed animal, including
3 livestock, pets, feral animals, or wildlife."

4 2. By amending the definition of "hazardous waste" to
5 read:

6 ""Hazardous waste" means a solid waste, or combination of
7 solid wastes, including a carcass, which because of its
8 quantity, concentration, or physical, chemical, or infectious
9 characteristics may:

10 (1) Cause or significantly contribute to an increase in
11 mortality or an increase in a serious irreversible or
12 incapacitating reversible illness; or

13 (2) Pose a substantial existing or potential hazard to
14 human health or the environment when improperly
15 treated, stored, transported, disposed of, or
16 otherwise managed."

17 SECTION 7. Section 342J-9, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§342J-9 Penalties.** (a) Any person who violates this
20 chapter, any rule adopted pursuant to this chapter, or any term
21 or condition of a permit or variance issued pursuant to this



chapter shall be fined not less than \$50,000 but not more than
[~~\$25,000~~] \$75,000 for each separate offense. Each day of each
violation shall constitute a separate offense. Any action taken
in environmental court to impose or collect the penalty provided
for in this subsection shall be considered a civil action.

(b) Any person who denies, obstructs, or hampers the
entrance or inspection by any duly authorized representative of
the director, or fails to provide information requested by the
representative under section 342J-6 or 342J-55 shall be fined
not more than \$10,000 for each separate offense. Each day of
each violation shall constitute a separate offense. Any action
taken in environmental court to impose or collect the penalty
provided for in this subsection shall be considered a civil
action.

(c) Any person who knowingly:

(1) Transports any hazardous waste to a storage,
treatment, or disposal facility that does not have a
permit pursuant to section 342J-5 to treat, store, or
dispose of that particular hazardous waste;

(2) Treats, stores, or disposes of hazardous waste without
first having a permit pursuant to section 342J-5, or



1 who violates any term or condition of a permit or
2 variance issued pursuant to this chapter;

3 (3) Transports, treats, stores, disposes of, recycles,
4 causes to be transported, or otherwise handles any
5 used oil or used oil fuel in violation of any rules
6 adopted pursuant to this chapter relating to used oil
7 or used oil fuel;

8 (4) Makes a false statement or representation in any
9 application, label, manifest, record, report, permit,
10 or other document filed, maintained, or used, for
11 purposes of compliance with this chapter, including
12 compliance with any rules adopted pursuant to this
13 chapter relating to used oil or used oil fuel; or

14 (5) Abandons or causes to be abandoned any hazardous
15 waste, used oil, or used oil fuel;

16 shall be subject to criminal penalties. Violations of
17 paragraphs (3) and (4) are misdemeanor offenses. In addition to
18 any other sentence, a person who violates paragraph (3) or (4)
19 may be ordered to pay a fine not less than \$50,000 but not to
20 exceed [~~\$25,000~~] \$75,000 for each day of each violation.



1 Violations of paragraphs (1) [~~7~~] and (2) [~~7~~ and ~~(5)~~] are
2 class C felonies. Violations of paragraph (5) are class B
3 felonies. In addition to any other sentence, a person who
4 violates paragraph (1), (2), or (5) may be ordered to pay a fine
5 not less than \$50,000 but not to exceed [~~\$25,000~~] \$75,000 for
6 each day of each violation.

7 For purposes of this subsection, "abandon" means the act of
8 deserting or leaving behind a hazardous waste, used oil, or used
9 oil fuel.

10 (d) Any fines issued under this section may be scaled
11 according to the volume and type of hazardous waste, as
12 determined by rules adopted by the department pursuant to
13 chapter 91."

14 SECTION 8. If any provision of this Act, or the
15 application thereof to any person or circumstance, is held
16 invalid, the invalidity does not affect other provisions or
17 applications of the Act that can be given effect without the
18 invalid provision or application, and to this end the provisions
19 of this Act are severable.



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1 SECTION 9. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 10. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 11. This Act shall take effect upon its approval.

7

INTRODUCED BY:

Lyn LaCrite



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Report Title:

DOH; Counties; Department of Law Enforcement; Police Departments; Solid Waste Pollution; Hazardous Waste; Illegal Dumping; Penalties; Task Force; Reporting Procedures; Enforcement

Description:

Requires the Department of Health to establish and administer a centralized reporting system for the public to report solid waste pollution violations. Increases penalties for solid waste pollution violations. Establishes a state-county illegal dumping task force and reporting requirements. Increases penalties for felony and petty misdemeanor disposal of solid waste. Defines "carcass" for purposes of hazardous waste. Increases penalties for unlawful hazardous waste disposal.

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

