THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 2262

JAN 2 1 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

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

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

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

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

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

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

Each day of each violation shall constitute a separate offense. In addition to the foregoing, any person who violates this chapter, any rule adopted pursuant to this chapter, or any condition of a permit or variance issued pursuant to this chapter shall be liable for the full cost of pollution removal and shall be ordered to complete community service related to

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. Section 342H-37, Hawaii Revised Statutes, is 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; [~~or~~]

(3) 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 anywhere other than a permitted solid waste management system without the written approval of the director for which the expense of recovering, removing, restoring, and lawfully disposing of the solid waste exceeds $1,500[~~.~~]; or

(4) 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 any amount within an environmentally sensitive area, as defined by the department pursuant to chapter 91, including streams, watersheds, and state parks."

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

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

(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:

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

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

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

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

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

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

"**§342J-9 Penalties.** (a) Any person who violates this chapter, any rule adopted pursuant to this chapter, or any term 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

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

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

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

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

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

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

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

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

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

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

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

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

INTRODUCED BY: Lyn DeCoite

S.B. NO. 2262

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.

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