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# A BILL FOR AN ACT

RELATING TO POLLUTION.

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

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

4 "§342H- Complaint reporting procedures. (a) The  
5 department shall establish and administer a centralized  
6 reporting system for use by the public to report complaints of  
7 this chapter, including a statewide online portal and telephone  
8 hotline. The department shall receive, track, and assign to the  
9 appropriate county or state authorities all reports from the  
10 public.

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

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

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

17 (2) Investigation outcomes;



- 1        (3) The number of fines issued; and
- 2        (4) Cleanup activities undertaken to address reported
- 3        complaints."

4        SECTION 2. Section 342H-9, Hawaii Revised Statutes, is  
5 amended to read as follows:

6        "**§342H-9 Penalties.** (a) Any person who violates this  
7 chapter, any rule adopted pursuant to this chapter, or any  
8 condition of a permit or variance issued pursuant to this  
9 chapter shall be fined not more than [~~\$10,000~~] \$25,000 for each  
10 separate offense. Each day of each violation shall constitute a  
11 separate offense. In addition to the foregoing, any person who  
12 violates this chapter, any rule adopted pursuant to this  
13 chapter, or any condition of a permit or variance issued  
14 pursuant to this chapter shall be liable for the full cost of  
15 pollution removal. Any action taken in environmental court to  
16 impose or collect the penalty provided for in this subsection  
17 shall be considered a civil action.

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



1 shall be fined not more than [~~\$500.~~] \$10,000. Any action taken  
2 in environmental court to impose or collect the penalty provided  
3 for in this subsection shall be considered a civil action."

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

6 "~~[+]§342H-17[+]~~ **Enforcement by state and county**  
7 **authorities~~[-]~~; collaboration.** (a) All state and county health  
8 authorities and police officers shall enforce this chapter and  
9 the rules, orders, and permits of the department.

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

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

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

20 (3) Chairperson of the board of land and natural  
21 resources, or the chairperson's designee;



- 1       (4) The administrator of each county's solid waste  
2       division, or their designees; and
- 3       (5) 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, conducted  
14       not less than twice per year within each county, targeting known  
15       hotspots 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 as follows:

- 21       1. By amending subsection (a) to read:



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

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

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

19          (3) Knowingly discards, disposes of, deposits, discharges,  
20          or dumps solid waste, or by contract or otherwise  
21          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 in rules adopted by the  
11 department pursuant to chapter 91, including streams,  
12 watersheds, and state parks."

13 2. By amending subsection (c) to read:

14 "(c) Felony disposal of solid waste is a class C felony  
15 for which a fine of no more than \$50,000 for each separate  
16 offense may be imposed. In addition to the foregoing, any  
17 vehicle owned and operated by the person in the commission of  
18 the offense shall be subject to forfeiture pursuant to chapter  
19 712A. In addition to the foregoing, any person who violates  
20 this section shall be ordered to complete community service



1 related to pollution cleanup totaling not less than forty hours  
2 but not more than eighty hours."

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

5 "**§342H-39 Petty misdemeanor disposal of solid waste.** (a)

6 A person commits the offense of petty misdemeanor disposal of  
7 solid waste if the person knowingly discards, disposes of,  
8 deposits, discharges, or dumps solid waste, or by contract or  
9 otherwise arranges directly or indirectly for the disposal of  
10 solid waste in an amount equal to or greater than one cubic yard  
11 in volume and less than ten cubic yards in volume, anywhere  
12 other than a permitted solid waste management system without the  
13 written approval of the director[-]; provided that disposal of  
14 solid waste in an amount less than one cubic yard in volume that  
15 is not permitted by law shall be subject to section 708-829.

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

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



1           (A) Not less than \$5,000 but not more than \$10,000  
2                   for a first offense;

3           (B) Not less than \$10,000 but not more than \$20,000  
4                   for a second offense; and

5           (C) Not less than \$25,000 for [each separate  
6                   ~~offense;~~ a third or subsequent offense or for  
7                   chronic or excessive offenses;

8           (2) Imprisonment of [~~no~~] not more than thirty days for  
9                   each separate offense; or

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

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

17           SECTION 6. Section 342H-10.5, Hawaii Revised Statutes, is  
18 amended to read as follows:

19           "**§342H-10.5 Disposition of collected fines and penalties.**

20 Except as otherwise provided in this section, fines and  
21 penalties collected under sections 342H-9 [~~and~~], 342H-10,



1 342H-37, and 342H-39 shall be deposited into the environmental  
2 response revolving fund established by section 128D-2. Where a  
3 county individually, or the State and a county jointly,  
4 initiates and conducts an investigation resulting in the  
5 imposition and collection of a fine or penalty, pursuant to  
6 section 342H-30(c), the fine or penalty shall be distributed as  
7 follows:

- 8 (1) One half to the department of the county whose  
9 officers or employees initiated and conducted the  
10 investigation; and  
11 (2) One half to the environmental response revolving fund  
12 established in section 128D-2."

13 SECTION 7. If any provision of this Act, or the  
14 application thereof to any person or circumstance, is held  
15 invalid, the invalidity does not affect other provisions or  
16 applications of the Act that can be given effect without the  
17 invalid provision or application, and to this end the provisions  
18 of this Act are severable.

19 SECTION 8. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.

1 SECTION 9. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 10. This Act shall take effect on January 30,  
4 2050.

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**Report Title:**

DOH; Counties; Department of Law Enforcement; Police  
Departments; Solid Waste Pollution; 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 complaints. 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. Effective 1/30/2050. (SD1)

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

