

ACT 324

H.B. NO. 954

A Bill for an Act Relating to Integrated Solid Waste Management.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that:

- (1) Source reduction, recycling, and bioconversion are preferable to the incineration and landfilling of municipal solid waste;
- (2) Hawaii should strive to minimize the amount of waste generated, since this will extend the life of the State's landfills;
- (3) Hawaii should also strive to prevent the unnecessary generation of waste, since recovering postconsumer materials that can be recycled or composted, for example, decreases the flow of solid waste to disposal facilities;
- (4) Improper municipal solid waste practices create public health hazards, environmental pollution, economic loss, and cause irreparable harm to the public health, safety, and welfare;
- (5) Parts of the State have inadequate and rapidly diminishing disposal capacity for municipal solid waste;
- (6) By purchasing products and materials made from postconsumer materials, public agencies can help stimulate markets for recycled goods;

- (7) The recycling of marketable materials by counties and state agencies, the development of public and private sector recycling and bioconversion activities, and the development of in-state recycling and bioconversion industries on an orderly and incremental basis, will further demonstrate the State's long-term commitment to an effective and coherent solid waste management strategy;
- (8) Hawaii's existing recycling industries have been and are essential to the effective management of solid waste;
- (9) The encouragement of new local markets for recovered materials and the enhancement of existing markets will be critical to the long term success of recovery efforts; and
- (10) Statewide public education and widespread citizen participation in recycling postconsumer goods and cooperating in waste reduction programs are important to the success of the State's efforts to reduce the volume of material taken to disposal facilities.

The legislature further finds that the household hazardous waste collection and disposal projects conducted by the department of health in the past several years have proved to be tremendously successful. Although it has been the intent of the State to work with the counties to establish a permanent solution to the problem of household hazardous waste collection and disposal, these interim collection projects have been extremely popular with the general public. In addition to providing a mechanism to protect Hawaii's landfills from further contamination, these projects have served to elevate the public's awareness of the dangers of improperly storing and discarding wastes generated in the household.

The purposes of this Act are to:

- (1) Establish comprehensive integrated solid waste management plans to be developed by the counties and the State; and
- (2) Appropriate funds to conduct a statewide household hazardous waste collection project.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
INTEGRATED SOLID WASTE MANAGEMENT
PART I. GENERAL PROVISIONS**

§ -1 **Definitions.** As used in this chapter, unless the context requires otherwise:

“Agricultural solid waste” means the solid waste that results from the rearing of animals and the harvesting of crops and that is normally placed in landfills.

“Backyard composting” means the small-scale composting of organic materials, primarily yard wastes, at the site where these materials are generated.

“Bimetallic can” means any food or beverage container that is composed of steel with a tin coating.

“Bioconversion” means the processing of the organic fraction of the waste stream through biological or chemical means to perform composting or generate products including, but not limited to, fertilizers, feeds, methane, alcohols, tars, and other products. This term includes, but is not limited to, biogassification, acid hydrolysis, pyrolysis, and fermentation. This term does not include any form of incineration or methane gas extraction from a municipal waste landfill.

“Compost” means a relatively stable, decomposed, organic, humus-like

material, generated by a composting facility, that is suitable for landscaping or soil amendment purposes.

“Composting” means a process in which organic solid wastes are biologically decomposed under controlled conditions to produce a stable humus-like material. This term includes the processing of wood waste material for the generation of wood chip or other material that can be used as soil amendment, landfill cover, and land reclamation.

“Coordinator” means the state solid waste management coordinator established within the office of solid waste management in the department of health.

“Corrugated paper” means a paper product fabricated from two layers of kraft linerboard sandwiched around a corrugating medium.

“County coordinator” means the person within each county government whose primary responsibility is the planning and implementation of the county’s integrated solid waste management plans and objectives.

“Department” means the department of health.

“Director” means the director of health.

“Disposal” means the management of solid waste through incineration or landfilling at permitted solid waste facilities.

“Disposal fee” means a fee that may be charged on items that will eventually end up as solid waste with the intent of factoring into the price or use or disposal of the same the eventual cost of managing the goods as wastes.

“Enterprise zone” means an area selected by a county and approved by the governor to be eligible for the enterprise zone program established under chapter 209E.

“Feasibility assessment” means a study that analyzes a specific municipal solid waste collection, storage, processing, or disposal system to assess the likelihood that the system can be successfully implemented, including, but not limited to, an analysis of the prospective market, the projected costs and revenues of the system, the waste stream that the system will rely upon, and various options available to implement the system.

“Ferrous metal” means any iron or steel scrap that has an iron content sufficient for magnetic separation.

“Food waste” means all animal and vegetable solid wastes generated by food facilities and residences that result from the storage, preparation, cooking, or handling of food.

“Green waste” means leaves, garden residues, shrubbery and tree trimmings, grass clippings, and similar material.

“HDPE” means high density polyethylene plastic and containers manufactured from this material.

“Household hazardous waste” means those wastes resulting from products purchased by the general public for household use which, because of their quantity, concentration, or physical, chemical, or infectious characteristics, may pose a substantial known or potential hazard to human health or the environment when improperly treated, disposed of, or otherwise managed.

“Incineration” means volume reduction by controlled burning of combustible solid waste.

“Integrated solid waste management” means the use of a variety of waste management practices and processing methods to safely and effectively manage solid waste with the least adverse impact on human health and the environment.

“Landfill” means a land site on which engineering principles are utilized to bury deposits of solid waste without creating a nuisance or hazard to public health or safety.

“Landfilling” means the permitted disposal of solid waste on land in a

series of compacted layers and covering the solid waste with soil or other materials.

“Manure” means excrement generated by animals, such as cows, horses, and chickens, held in captivity or used for agricultural production.

“Mixed paper” means discarded paper products that are composed of two or more types of paper, including newspaper, corrugated paper, office paper, computer paper, white paper, and coated paper stock.

“Office” means the office of solid waste management in the department of health.

“Permitted disposal capacity” means the quantity of solid waste, measured either in terms of weight or volume, or both, that can be processed or disposed of at an existing municipal waste disposal facility. This term includes only the weight or volume, or both, of the capacity for which the department has issued a permit. This term does not apply to any facility that the department determines, or has previously determined, has failed or continues to fail to comply with: (1) this chapter, (2) any rules adopted pursuant to this chapter, or (3) any permit conditions.

“PET” means polyethylene terephthalate plastic and containers manufactured from this material.

“Postconsumer material” means a material that has fulfilled the intent of its original manufacture.

“Processing” means any technology used for the purpose of reducing the volume or weight, or both, of solid wastes, or any technology used to convert part or all of solid wastes for reuse.

“Processing facilities” include, but are not limited to, transfer facilities, recycling facilities, and bioconversion facilities.

“Program” means the particular combination of waste management methods selected by each county and designed to achieve the objectives of the state and county integrated solid waste management plans.

“Recovered material” means material that has been diverted from disposal for the purpose of recycling or bioconversion. This term does not include those materials that are generated and normally reused on-site for manufacturing purposes.

“Recycled content” means the percentage of a good or product composed of postconsumer materials.

“Recycled oil” means any oil produced from used oil that achieves required standards of purity for use as a lubricant or fuel.

“Recycled paper product” means a paper product containing postconsumer material that conforms to the United States Environmental Protection Agency’s guidelines for recycled paper.

“Recycling” means the collection, separation, recovery, and sale or reuse of materials that would otherwise be disposed of as municipal solid waste.

“Sewage sludge” means residual solids and semisolids resulting from the treatment of wastewater. This term does not include wastewater effluent discharged from wastewater treatment processes.

“Solid waste or municipal solid waste” means: garbage, refuse, and other residential or commercial discarded materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations; sludge from waste treatment plants and water supply treatment plants; and residues from air pollution control facilities and community activities. This term does not include solid or dissolved materials in domestic sewage or other substances in water sources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows, or other common water pollutants.

“Solid waste reduction facility” or “waste reduction facility” means all contiguous land, including buffer zones, structures, appurtenances, and improvements on the land used for solid waste handling. This term includes a facility used as a transfer station, landfill, incinerator, composting plant, bioconversion site, or recycling site utilized for the reduction, consolidation, conversion, processing, or disposal of solid waste.

“Solid waste management” means the entire process, or any part thereof, of storage, collection, transportation, transfer, processing, and disposal of solid wastes by any person engaging in these processes.

“Solid waste stream” means the total flow of solid waste from all waste generators or any segment thereof, that must be processed or disposed of.

“Source reduction” means the design, manufacture, and use of materials to:

- (1) Minimize the quantity or toxicity, or both, of the waste produced; and
- (2) Reduce the creation of waste either by redesigning products or by otherwise changing societal patterns of consumption, use, or waste generation.

“Special waste” means any solid waste which, because of its source or physical, chemical, or biological characteristics, requires special consideration for its proper processing or disposal, or both. This term includes, but is not limited to, asbestos, used oil, lead acid batteries, municipal waste combustion ash, sewage sludge that is not hazardous waste, agricultural and farm-generated wastes that are normally placed in landfills, medical wastes, tires, white goods, and derelict vehicles.

“State plan” means the integrated solid waste management plan developed by the department of health.

“Waste diversion” means to divert waste from the solid waste stream going into waste disposal facilities through recycling or bioconversion programs.

“Waste evaluation” means a review of an establishment’s disposal practices to assess how those practices can be improved to reduce waste or recover postconsumer materials.

“Waste reduction” means the reduction of solid waste by weight or volume, or both, through a variety of methods prior to disposal. This term includes source reduction, recycling, and bioconversion. This term does not include incineration and landfilling.

“White goods” means discarded, enamel-coated major appliances, such as washing machines, clothes dryers, hot water heaters, stoves, and refrigerators.

“Wood waste” means solid waste consisting of wood pieces or particles that are generated from: the manufacturing or production of wood products; the harvesting, processing, or storage of raw wood materials; and construction and demolition activities.

§ -2 Solid waste management priorities. (a) This chapter shall be known and may be cited as the “Hawaii Integrated Solid Waste Management Act.”

(b) In implementing this chapter, the department and each county shall consider the following solid waste management practices and processing methods in their order of priority:

- (1) Source reduction;
- (2) Recycling and bioconversion, including composting; and
- (3) Landfilling and incineration.

The respective roles of landfilling and incineration shall be left to each county's discretion.

(c) In implementing this chapter, the department and each county shall consider the minimization of litter and illegal dumping as a design factor in the development of integrated solid waste management programs.

§ -3 **Goals.** (a) It is the goal of the State to reduce the solid waste stream prior to disposal by:

- (1) Twenty-five per cent by January 1, 1995; and
- (2) Fifty per cent by January 1, 2000;

through source reduction, recycling, and bioconversion. Where feasible, the office shall establish other state goals for specific commodities, recognizing market considerations.

(b) It is the goal of the State to reduce by not less than twenty-five per cent the amount of office paper generated by all state and county agencies by January 1, 1995, through source reduction. The base year for calculating progress toward this goal shall be total office paper consumption by state and county agencies in 1990.

(c) Nothing in this chapter shall be construed to restrict a county from setting waste reduction goals higher than those of the State.

PART II. ADMINISTRATION

§ -11 **Administration.** The department shall be responsible for the administration of this chapter. The director may delegate to any person within the department the power and authority vested in this chapter as the director deems reasonable and proper for the effective administration of this chapter; provided that the director shall not delegate the power to adopt rules.

§ -12 **Office of solid waste management, establishment.** There is established within the department the office of solid waste management. The head of the office shall be known as the state solid waste management coordinator. The coordinator shall be appointed by the director without regard to chapters 76 and 77 and shall be compensated at a salary level set by the director. The coordinator shall be included in any benefit program generally applicable to the officers and employees of the State. The coordinator shall hire staff, as may be necessary, with regard to chapters 76 and 77.

§ -13 **Powers and duties of the department.** In the execution of the responsibilities provided under this chapter, the department shall:

- (1) Establish and administer goals and guidelines as provided for in this chapter;
- (2) Adopt rules pursuant to chapter 91 and administer the rules as provided for in this chapter;
- (3) Fulfill the office of solid waste management's responsibilities pursuant to this chapter until the establishment of the office;
- (4) Be designated as the state solid waste management agency for all purposes stated in the federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. section 6901 et seq.) and any other federal law heretofore or hereafter enacted affecting solid waste; and
- (5) Perform other duties as specified in this chapter.

§ -14 **Powers and duties of the office of solid waste management.**

The office shall:

- (1) Promote the development of coordinated statewide solid waste management;
- (2) Identify and monitor environmental and public health issues relating to solid waste management;
- (3) Promote source reduction, recycling, and bioconversion, including home composting, through the provision of a comprehensive, innovative, and effective statewide public education and awareness program concerning the value of source reduction and recycling, and the way the public can participate in these areas;
- (4) Comply with the federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. section 6901 et seq.) and any other federal law heretofore or hereafter enacted affecting solid waste;
- (5) Seek compliance with sections 226-18, 226-52, and 226-103;
- (6) Assess the feasibility of employing disposal fees, including fees at the point of introduction or sale of any product that would require eventual disposition as solid waste, as possible funding sources for waste management activities;
- (7) Coordinate with the department of land and natural resources to incorporate solid waste management and processing concerns in the department of land and natural resource's land use planning and development efforts;
- (8) Coordinate the bioconversion efforts of appropriate agency and county activities, including the provision of technical assistance and the evaluation of bioconversion programs;
- (9) Provide waste evaluation services and assistance in developing paper recycling and other materials programs to both the public and private sector, where feasible;
- (10) Promote the use of enterprise zones in each county to support source reduction, recycling, and bioconversion-type businesses;
- (11) Create and maintain a database to assess the composition of the State's waste stream. If feasible, this database shall contain the information necessary to generate the office's annual report;
- (12) Identify and apply for appropriate federal funds to support the programs and activities authorized by this chapter; and
- (13) Cooperate with appropriate federal, state, and county agencies in carrying out the office's responsibilities under this chapter.

§ -15 Annual report. (a) The coordinator shall prepare and submit an annual report to each county, the director, the governor, and the legislature, twenty days prior to the convening of each regular session of the legislature, describing the activities of the office. The annual report shall include the information required in this chapter, including, but not limited to:

- (1) A summary of the progress made toward meeting the state waste reduction goals, including the amounts of waste disposed of, diverted, and generated in the State, and the progress toward managing waste in consideration of the state solid waste management priorities;
- (2) Updates on the progress of county integrated solid waste management planning and the state plan;
- (3) Actions taken to implement procurement programs, including the amount of recycled goods and materials purchased by the State and counties;

- (4) Total paper consumption by state and county agencies and progress toward the office paper reduction goal established;
 - (5) Actions by government agencies to establish office paper and other materials recovery programs;
 - (6) A review of state progress in removing barriers to the development of recycling markets and in developing markets and supporting businesses that use recovered materials;
 - (7) A summary of activities in the provision and execution of the statewide public awareness and education program;
 - (8) A summary of actions taken to improve energy efficiency and to reduce reliance on imported fuels in compliance with sections 226-18 and 226-52; and
 - (9) A summary and schedule of the key solid waste management activities anticipated for the following year at state and county levels.
- (b) Upon request from the office, the counties shall provide information, to the best of their abilities, to fulfill the requirements outlined in this section.

PART III. INTEGRATED SOLID WASTE MANAGEMENT PLANNING

§ -21 Establishment of county integrated solid waste management plans. By January 1, 1993, each county shall submit to the office an integrated solid waste management plan that has been formally adopted by the county and that is consistent with the requirements of this chapter.

§ -22 Development of county integrated solid waste management plans. (a) Prior to preparing a plan, each county shall form an advisory committee appointed by the mayor. The county advisory committee may be composed of representatives from citizen organizations, industry, the private solid waste industry operating within the county, the private recycling or scrap material processing industry operating within the county, the county coordinator, and any other persons deemed appropriate by the mayor. The county advisory committee shall review the plan during its preparation, make suggestions, and propose any changes it believes are appropriate.

(b) Prior to formal adoption by the county, the county shall submit the proposed plan to the office for review and comment. The office shall provide its comments to the county within ninety days of receiving the proposed plan. Following the office's review, the county shall make the proposed plan available for public review and comment for a period of not less than sixty days. The county shall hold at least one public hearing on the proposed plan during this period.

(c) Following formal adoption of the plan by the county, the county shall submit the adopted plan to the office for review. The adopted plan shall be accompanied by a document that contains for each comment received from the State or the public, a response detailing how the comment has been addressed in the plan or, if it has not been addressed, the reason for not doing so.

§ -23 State review of county integrated solid waste management plans. (a) Prior to submitting to the office a plan that has been formally adopted by a county, the county and the office may negotiate plan components the county finds infeasible. The public shall be notified of all plan components that are determined to be infeasible.

(b) The office shall review the county-adopted plan and approve, conditionally approve, approve specific elements or components, or disapprove the plan. The office shall have sixty days to render a decision, unless the office gives

written notice to the county that additional time is necessary to complete the review.

(c) The office shall approve any county plan or revised plan that demonstrates to its satisfaction that:

- (1) The plan is reasonably complete and accurate, and consistent with this chapter and rules adopted under this chapter;
- (2) The plan provides for the maximum feasible development and implementation of source reduction, recycling, and bioconversion programs, and demonstrates a feasible schedule, funding source, and amount for doing so;
- (3) The plan provides for the disposal of solid waste that is not reduced, recycled, or altered through bioconversion, in a manner that is consistent with the requirements of this chapter; and
- (4) The plan accomplishes all of the above in a manner consistent with chapter 226.

(d) To expedite and facilitate the plan development, review, and adoption process, the office, at the request of a county, may participate directly in the county adoption process by attending public hearings and county council sessions.

(e) The department shall notify the public of the approval, conditional approval, approval of specific elements or components, or disapproval of the plan. The director may hold a public hearing on the plan if the director determines that a public hearing is in the public interest.

§ -24 Submission schedule for revised integrated solid waste management plans. (a) Each state-approved county plan shall be revised and submitted to the office on the following schedule:

- (1) The first revised plan shall be submitted to the office not later than four years after the effective date of this chapter; and
- (2) Subsequent revised plans shall be submitted to the office once every five years.

All revised plans shall be consistent with the requirements of this chapter.

(b) Not less than one hundred and twenty days prior to the submission of a revised plan to the office, the county shall submit a copy of the proposed revision to its county advisory committee for review and comment. All revisions determined by the county advisory committee or the office to be substantial revisions shall be subject to:

- (1) At least one county public hearing prior to final submission of the revised plan to the office for review;
- (2) Reconsideration and approval by the county advisory committee; and
- (3) Review by the office, where the office shall approve, conditionally approve, approve specific elements or components, or disapprove the plan.

In general, any significant changes in policy, program implementation, the identification of facilities necessary to accomplish plan goals, or funding mechanisms, shall be considered substantial revisions. Deadlines for the submittal of substantial revisions shall be pursuant to the schedule outlined in this section.

(c) If neither the county advisory committee nor the office deems any changes to be substantial, then those changes shall be incorporated immediately into the plan. If any member of the public contests a determination of "lack of substantial revision," that person may appeal the determination to the director. The decision of the director shall be final.

(d) The office may require a county to modify and submit to the office an entire plan or specific elements of a plan at a date earlier than the schedule outlined in this section if:

- (1) The county, in total, within the county and through access to capacity within another county, has fewer than five years of available permitted disposal capacity, and in the judgment of the office is not making sufficient progress toward developing or gaining access to new capacity; or
- (2) The county fails to demonstrate a commitment to meeting the State's waste reduction goals.

§ -25 Contents of county integrated solid waste management plans.

(a) Each county plan and subsequent revision shall include:

- (1) A program element; and
- (2) A facility capacity and siting element.

A county may include additional elements at its discretion.

(b) The program element shall include at a minimum:

- (1) A waste stream assessment component;
- (2) A source reduction component;
- (3) A recycling and bioconversion component;
- (4) An energy-balance component;
- (5) A special waste component;
- (6) A household hazardous waste component;
- (7) A public education and information component;
- (8) A landfill and incineration component;
- (9) A marketing and procurement of materials component;
- (10) A program implementation component; and
- (11) A program funding component.

(c) The facility capacity and siting element shall include at a minimum:

- (1) An existing capacity and future needs component;
- (2) A facility implementation component; and
- (3) An enterprise zone component.

§ -26 Contents of the program element. (a) The waste stream assessment component shall describe and explain the origin, composition, and weight or volume, or both, of solid waste generated within the county during the year in which the plan is being developed, or during the subsequent years when a revised plan is being developed.

The component shall include data that are reasonably representative of, and that reflect information that considers, seasonal and year-round patterns in waste generation. The data developed in this component of the initial county plan shall serve as the baseline for future measurement of the percentage of waste reduced through source reduction, recycling, and bioconversion programs. For each revised plan, the component shall provide a quantitative estimate of the amount of each type of solid waste that was reduced through recycling and bioconversion during the previous planning period. The revised plan shall also include an estimate of reduction that has resulted from source reduction efforts, to the extent that the reduction can be quantified.

(b) The source reduction component shall identify and evaluate specific measures for achieving source reduction, including, but not limited to:

- (1) Increased efficiency in the use of all materials;
- (2) Replacement of disposable materials and products with reusable materials and products; and

- (3) Reduced packaging.
- (c) The recycling and bioconversion component shall identify and assess:
 - (1) The level of waste reduction the county is achieving through existing recycling and bioconversion efforts;
 - (2) The type and amount of solid waste that it is technically and economically feasible to recycle or alter through bioconversion; and
 - (3) Methods to increase and improve the recycling and bioconversion efforts, including opportunities for backyard composting.

For recycling, the counties shall assess the type and amount of solid waste that it is technically feasible to recycle, giving consideration at a minimum to clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, mixed paper, corrugated paper, HDPE, PET, and green waste.

For bioconversion, the counties shall assess the type and amount of solid waste that it is technically feasible to alter through bioconversion, giving consideration at a minimum to green waste, wood waste, animal manure, sewage sludge, and food wastes.

(d) The energy-balance component shall describe the programs by which the county will investigate or incorporate ways of increasing the energy efficiency of the solid waste management process, including the assessment of energy and fuel-production options such as composting, anaerobic digestion, acid hydrolysis, production of liquid fuels, incineration, or a combination thereof. The energy component shall identify and assess:

- (1) The amount of energy input, including, but not limited to, electrical power, gasoline, diesel fuel, coal, natural gas, propane, kerosene, and heating oil, required by the plan for the accomplishment of collection, recycling, composting, bioconversion, waste handling, disposal, and landfilling;
- (2) The amount of energy produced from the waste, including electricity, natural gas, hydrogen, and liquid fuels such as ethanol or methanol;
- (3) The net energy use or energy production attributable to the solid waste program. Where feasible, this assessment shall include energy used in the original manufacture of these goods. National averages of energy consumed may be incorporated in these estimates; and
- (4) Methods by which net energy use may be decreased or net energy or fuels production may be increased.

(e) The special waste component shall describe the existing waste handling and disposal practices for special wastes, including, but not limited to, asbestos, used oil, lead acid batteries, municipal waste combustion ash, sewage sludge that is not hazardous waste, agricultural and farm-generated wastes, medical wastes, tires, white goods, and derelict vehicles. The component shall identify current and proposed programs to ensure the proper handling, reuse, and long-term disposal of special wastes.

(f) The household hazardous waste component shall:

- (1) Assess the quantity and type of hazardous wastes generated by residences in the county;
- (2) Describe current collection, recycling, and exchange programs, as well as current methods of disposing of household hazardous waste; and
- (3) Develop programs for the collection of household hazardous wastes that protect the public and the environment from these substances. The household hazardous wastes collected by the counties shall be disposed of by a state program. A county may petition the director

to be exempt from this paragraph if the county demonstrates to the director's satisfaction the adequacy of its current methods of household hazardous waste collection, recycling, exchange, and disposal to protect public health and the environment.

(g) The public education and information component shall describe the programs that the county will use, in coordination with the efforts of the office, to:

- (1) Provide comprehensive and sustained public notice of the options for alternate source reduction, recycling, and bioconversion, and for the proper handling of household hazardous and special wastes; and
- (2) Distribute information and educational materials regarding general solid waste issues through the media, schools, and community organizations.

(h) The landfill and incineration component shall:

- (1) Assess the county's current landfill capacity and ways to extend that capacity;
- (2) Assess the availability of land for future landfills;
- (3) Estimate the amount of waste currently going into incineration facilities and the remaining available capacity;
- (4) Estimate the amount of ash generated at incineration facilities; and
- (5) Describe provisions for ash disposal.

(i) The marketing and procurement of materials component shall describe:

- (1) Existing county, state, or other markets for materials diverted from the solid waste stream;
- (2) Methods to increase access to markets, including the promotion of local uses for materials derived from solid waste; and
- (3) Methods to promote the procurement of recycled materials by county agencies.

(j) The program implementation component shall define:

- (1) Specific tasks and responsibilities;
- (2) Schedules for implementation;
- (3) Identification of proposed ordinances, contracts, and other guidelines; and
- (4) Methods for evaluating the effectiveness of the county plan.

(k) The program funding component shall:

- (1) Provide for each of the components, where applicable, the estimated cost to the county of program implementation; and
- (2) Demonstrate the county's economic self-sufficiency in managing solid waste pursuant to the implementation of the approved plan. This includes the identification of county funding sources that will be used to implement the plan, and other viable sources of funding that have been identified or are anticipated.

§ -27 **Contents of the facility capacity and siting element.** (a) The existing capacity and future needs component shall identify existing and future facilities needed by the county for solid waste management.

(b) The facility implementation component shall describe the specific tasks that are necessary to provide for the development or expansion of source reduction, recycling, bioconversion, and disposal facility capacity. The planning, design, funding, staffing, siting, construction, and operation of each proposed solid waste facility shall be addressed.

(c) The enterprise zone component shall describe the county's current and planned actions to establish enterprise zones.

§ -28 **Facility permitting.** Permitting shall be performed pursuant to chapter 342H.

§ -29 **Revisions to the state integrated solid waste management plan.** (a) The office shall be responsible for preparing revisions to the state integrated solid waste management plan. The first revision shall be completed within six months of the date that all four initial county plans have been approved by the office. The office shall complete each additional state revised plan within six months of the date that all four county revised plans have been approved by the office.

(b) For each state revised plan, the office shall convene a state integrated solid waste management task force. The office shall involve the task force in the review of the county plans and the development of the state revised plan.

(c) For each state revised plan, the office shall:

- (1) Revise and update the material contained in the previous plan or revised plan; and
- (2) With comment from the task force, address other issues of statewide concern regarding integrated solid waste management.

§ -30 **Records.** Each operator of a municipal solid waste landfill or incineration facility shall keep records of all deliveries of solid waste to the facility, including, but not limited to, the source of the waste, the kind of waste received, and the weight or volume, or both, of the waste. The records shall be made available to the department and the respective county for inspection, upon request. At the request of a county, the department may exempt a specific facility from this requirement, or may modify this requirement for a specific facility, if the department determines that the cost of compliance is likely to exceed the value of accurate and thorough data. If the department grants an exemption to a facility under this section, the public shall be notified through publication of a public notice in a newspaper of general circulation in the State.

§ -31 **Administration.** The process of county and state integrated solid waste management planning shall be expedited to the greatest degree possible. The department, within six months of the effective date of this chapter, shall issue guidelines for the development of county plans. The draft guidelines shall be circulated to the counties for review and comment not less than forty-five days before their issuance.

PART IV. GOVERNMENTAL COORDINATION

§ -41 **Goals for recycled product procurement.** It shall be the policy of all state and county public agencies to give preference to the purchase of products made from recycled materials, that are themselves recyclable, and that are designed for durability.

§ -42 **Agency responsibilities for recycled products procurement.** (a) The department of accounting and general services, with the assistance of the office, shall develop the recycled product procurement program. The office, in coordination with the department of accounting and general services, shall ensure that all state agencies and county agencies are provided with the information and technical assistance necessary to establish recycling procurement programs. The department of accounting and general services shall periodically review its specifications to determine whether discrimination against procured goods with

recycled-content exists and shall revise these specifications to eliminate any discrimination.

(b) Pursuant to section 103-24.5, the comptroller shall establish rules pursuant to chapter 91 governing procurement preference for recycled products.

(c) The department of accounting and general services and other state agencies, where necessitated by technical expertise, shall review and establish purchase specifications to aid in the procurement of recycled goods. Where appropriate, purchase specifications shall include, but not be limited to, paper, paper products, plastics, sewage sludge, compost, tires, batteries, oil, paving materials and base, subbase, and pervious backfill materials. Paving materials to be considered shall include, but are not limited to, asphalt, tires, crushed concrete for base, subbase and paving materials. The standards and specifications shall provide for the use of recycled materials and shall not reduce the quality standards for highway and road construction.

§ **-43 Reporting.** (a) Each state agency that conducts its own procurement activities shall annually submit information and data to the office regarding:

- (1) The agency's progress in developing procurement programs;
- (2) The total amount of paper purchased during the year; and
- (3) The amount of recycled goods purchased during the year compared to non-recycled counterparts.

If an agency is unable to supply this information, the agency shall describe what steps it is taking to obtain this information in the future.

(b) At the request of the office, each county shall provide a similar report.

§ **-44 Double-sided copying.** Double-sided copying shall be standard operating practice for all state and county agencies, offices, and facilities, as available and appropriate. To increase double-sided copying, each agency in coordination with the department of accounting and general services, each appropriate county entity, and the office, shall establish a schedule for the replacement of single-sided copying machines with double-sided copying machines for all high volume and other targeted machines that may be identified through the conduct of waste evaluations.

§ **-45 Establishment of an office paper and other materials recovery program.** By January 1, 1992, the department shall initiate an office paper and other materials recovery program for all appropriate offices within the department. By June 30, 1993, all state and county agencies shall establish an office paper and other materials recovery program.

§ **-46 Coordination of bioconversion programs.** Bioconversion programs shall include:

- (1) A variety of program sizes ranging from backyard composting by residents and commercial establishments to full-scale municipal programs; and
- (2) A range of technical approaches that adequately demonstrate the types of techniques most appropriate for Hawaii's environment and waste stream. This may include evaluating the feasibility of using compost or other bioconversion products for landfill cover.

§ **-47 State agency responsibilities in the promotion of bioconversion.** The general responsibilities of state agencies under this chapter include the following:

- (1) Departments that procure compost or that can substitute compost for other purchased products shall utilize locally produced compost whenever possible;
- (2) The college of tropical agriculture and human resources of the University of Hawaii, in consultation with the department of agriculture and the office, shall evaluate composting and bioconversion methods to determine the methods appropriate to Hawaii's environment and needs. The college shall provide educational outreach to homeowners and farmers on appropriate composting and bioconversion methods;
- (3) The department of business, economic development, and tourism shall assist, to the extent possible, in the assessment of bioconversion program alternatives;
- (4) The department of health shall evaluate the public health consequences of using compost for specific applications and bioconversion for the processing of municipal solid waste;
- (5) The department of land and natural resources shall consider the use of locally produced compost on state lands whenever possible; and
- (6) The department of transportation shall use compost in place of, or to supplement, other commercial fertilizers in the department's highway landscape maintenance program.

§ -48 **Recycling market development.** Databases on solid waste management alternatives and businesses involved in recycling and bioconversion shall be developed and maintained as follows:

- (1) Within one year of its establishment, the office shall develop a database on the full range of solid waste management alternatives. This database shall include, but not be limited to, information on technology description, effectiveness, level of use elsewhere, available vendors, and cost. This database shall be offered for the use of the public and private sectors; and
- (2) By January 1, 1993, the department of business, economic development, and tourism shall develop a database that identifies businesses involved in recycling and bioconversion. This database shall identify businesses that collect, transport, process, market, reuse, or purchase these goods."

SECTION 3. Chapter 201, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . RECYCLING

§201- Development of markets for recycled materials. The department, to the extent possible, and with the assistance of the office of solid waste management, shall coordinate state efforts to develop markets for recycled materials. The department shall integrate this activity with its other programs, specifically those programs relating to business development and energy. The department shall coordinate market activities with the counties and clarify their respective roles and responsibilities.

§201- Advisory committees. (a) The director of business, economic

ACT 324

development, and tourism may form advisory committees to assist in the formulation of recommendations concerning the development of markets for recycled materials. The recommendations shall address the removal of impediments to, as well as the establishment of incentives for, the use of recycled materials by businesses or energy producers in order to expand markets for recyclable materials.

(b) At the discretion of the director, committee members may include, but need not be limited to:

- (1) The director of health;
- (2) The director of the office of state planning;
- (3) The chairperson of the board of land and natural resources;
- (4) The comptroller;
- (5) The chairperson of the public utilities commission;
- (6) The director of transportation;
- (7) The county integrated solid waste management coordinators;
- (8) One representative each from the not-for-profit recycling industry, the for-profit recycling industry, the solid waste collection industry, the recycling processing industry, the recycling brokerage and marketing industry, the shipping industry, and an environmental advocacy group; and
- (9) An elected official from each county;

or their designated representatives.

§201- Studies. The director of business, economic development, and tourism may conduct studies necessary to prepare recommendations on the development of markets for recycled materials.

§201- Report. The director of business, economic development, and tourism shall incorporate the activities of the past year and any recommendations for specific actions to develop markets for recycled materials in the department's annual report.

§201- Legislation and rules. The department, with the assistance of the office of solid waste management, shall coordinate the following activities, as necessary, to develop markets for recycled materials:

- (1) The development and introduction of proposed legislation; and
- (2) The development of rules by the appropriate state agencies.

It is the intent of the legislature that implementation of the department's recommendations be expedited."

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$175,000, or so much thereof as may be necessary for fiscal year 1991-1992, to conduct a statewide household hazardous waste collection and disposal project.

SECTION 5. The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 6. This Act shall take effect on July 1, 1991.

(Approved July 2, 1991.)