

## ACT 268

S.B. NO. 375

A Bill for an Act Relating to Solid Waste Management.

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

SECTION 1. Section 342G-62, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§342G-62]]~~ **Solid waste disposal surcharge.** (a) There is established [an initial] a solid waste management surcharge [of 25 cents]. The solid waste management surcharge shall be 35 cents per ton of solid waste disposed of within the State at permitted or unpermitted solid waste disposal facilities [during the first two years of the program]. The surcharge shall be paid by the person or entity doing the disposal. [This surcharge shall be based on actual weight received or on volumetric assumptions as determined by the department in collaboration with the owner or operator of the facility prior to October 1, 1993.] The owner or operator of the facility shall transfer all moneys collected from the surcharge to the department through a quarterly reporting and payment schedule [that is developed by the department and that is transmitted to the owner or operator of the facility by October 1, 1993]. Estimates of quarterly solid waste disposal shall be submitted prior to the first day of each quarter and the transfer of moneys collected shall occur within thirty days of the end of each quarter.

[(b) The solid waste management surcharge shall become effective on January 1, 1994.

(c) Following two years of program operation, the department and the respective counties shall evaluate the effectiveness of the solid waste management efforts and the surcharge may be adjusted higher or lower based on that evaluation; however, in no case shall it exceed \$1.50 per ton. The department, in consultation with each of the counties, shall submit its findings and recommendations to the legislature not less than twenty days prior to the convening of the legislative session immediately following the two-year period. Upon the receipt of the department's findings and recommendations, the legislature shall evaluate the effectiveness of the program and make a determination whether an adjustment of the assessment is warranted.

(d) (b) The surcharge collected pursuant to this section shall be deposited into the environmental management special fund. All interest earned or accrued on moneys deposited in the fund shall become a part of the fund.”

SECTION 2. Section 342H-1, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “inert fill material” to read:

““Inert fill material” means earth, soil, rocks, rock-like material such as cured asphalt, brick, and clean concrete less than eight inches in diameter, except as specified by a licensed soils engineer with no exposed steel reinforcing rod [longer than twelve inches, containing less than ten per cent vegetative material (such as shrubbery, brush, or trees). Any material containing more than five per cent by volume of solid waste other than vegetative material shall not be considered inert fill material for purposes of this chapter]. The fill material shall not contain vegetation or organic material, or other solid waste.”

2. By amending “solid waste” to read:

““Solid waste” means garbage, refuse, and other discarded materials, including solid, liquid, semisolid, or contained gaseous materials resulting from

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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, but 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 waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants, or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923)[, or inert fill material].”

SECTION 3. Section 342H-30, Hawaii Revised Statutes, is amended to read as follows:

**“§342H-30 Prohibition.** (a) No person, including any public body, shall engage in the operation of an open dump without first securing approval in writing from the director.

(b) No person, including any public body, shall operate a solid waste disposal system without first securing approval in writing from the director.

(c) No person, including any public body, shall discard, dispose of, deposit, discharge, or dump solid waste or by contract or otherwise arrange directly or indirectly for the disposal of solid waste in an amount greater than one cubic yard in volume anywhere other than a permitted solid waste disposal system without the prior written approval of the director. This prohibition shall not be deemed to supersede any other disposal prohibitions established under federal, state, or county law, regulation, rule, or ordinance.

(d) A person who knowingly violates or knowingly consents to the violation of this section shall be subject to criminal penalties of not more than \$25,000 for each separate offense. Each day of a violation shall constitute a separate offense.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 21, 1997.)