

**ACT 226**

H.B. NO. 2847

A Bill for an Act Relating to Solid Waste Management.

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

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

1. By amending the definition of “permit” to read:

““Permit” means written authorization from the director to construct, modify, and operate any solid waste [disposal] management system or any component of any solid waste [disposal] management system. A permit authorizes the grantee to construct, modify, and operate any solid waste [disposal] management system in a manner or amount, not forbidden by this chapter, or by rules adopted pursuant to this chapter but requiring review by the department.”

2. By amending the definition of “solid waste disposal system” to read:

““Solid waste [disposal] management system” means a system for the storage, processing, treatment, transfer, or disposal of solid waste.”

SECTION 2. 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] management 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] management 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] In addition to any other penalty provided by law, a person who knowingly violates or knowingly consents to the violation of this section shall be subject to [criminal] one or more of the following penalties:

- (1) Criminal penalties of not more than \$25,000 for each separate offense[.];
- (2) Not more than thirty days imprisonment for each offense; or
- (3) Revocation or suspension by court order of any contractor’s license to operate as a contractor or any applicable certificate of authorization from the public utilities commission.

Each day of a violation shall constitute a separate offense.”

SECTION 3. Section 342H-31, Hawaii Revised Statutes, is amended to read as follows:

**“[[§342H-31]] Rules; specific.** The director may establish by rule the criteria for siting design, construction, financial responsibility, manifest, and operation of solid waste [treatment, storage, transport, and disposal] management systems.”

SECTION 4. Section 342H-32, Hawaii Revised Statutes, is amended to read as follows:

**“[[§342H-32]] Plans and [Reports.] reports.<sup>1</sup>** The director may require complete and detailed plans or reports on existing solid waste [disposal] management systems and of any proposed addition to, modification of, or alteration of any such systems [which] that contain the information requested by the director in the form prescribed by the director. The plans or reports shall be made by a

competent person acceptable to the director and at the expense of such applicant or owner.”

SECTION 5. Section 342H-35, Hawaii Revised Statutes, is amended to read as follows:

“**[§342H-35] Research, educational, and training programs.** The director may:

- (1) Conduct and supervise research programs for the purpose of determining the sources of solid waste, effects, and hazards of pollution associated with [disposal] solid waste management systems;
- (2) With the approval of the governor, cooperate with, and receive money from the federal government or any political subdivision of the State, or from private sources for the study and control of solid waste pollution; and
- (3) Conduct and supervise state educational and training programs on solid waste [disposal] management systems, including the preparation and distribution of information relating to solid waste pollution.”

SECTION 6. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved July 20, 1998.)

**Note**

1. So in original.