

ACT 145

S.B. NO. 3092

A Bill for an Act Relating to Solid Waste Management.

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

SECTION 1. The legislature finds that there has been a sharp increase in the number of illegal dumpsites throughout the islands, that threatens the health and safety of Hawaii's residents, as well as despoils the natural beauty of the islands. Communities have mobilized to fight this problem by sponsoring clean-up events, encouraging and expanding recycling efforts, and raising public awareness. Despite these efforts, illegal dumpsites continue to proliferate throughout the islands.

The legislature further finds that the laws against illegal dumping are well written and well intentioned. However, without the sufficient personnel to properly enforce the laws, illegal dumping will continue throughout the islands. Using the communities and empowering them with incentives may significantly decrease the number of illegal dumpsites without increasing the financial burden on the State.

The purpose of this Act is to award a person reporting an illegal dumpsite fifty per cent of the fines collected as a result of a conviction of an individual or company in violation of section 342H-30, Hawaii Revised Statutes.

SECTION 2. Section 342H-30, Hawaii Revised Statutes, is amended to read as follows:

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“§342H-30 Prohibition. (a) No person, including any public body, shall engage in the operation of an open dump.

(b) No person, including any public body, shall operate a solid waste 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 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) 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 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.

(e) Each fine collected under this section shall be distributed to the authorized agency that enforced the activity prohibited under this section; provided that when a fine is collected, fifty per cent of the fine shall be awarded to the person, if any, who reported the activity prohibited under this section.”

SECTION 3. Statutory material to be repealed is bracketed and ~~stricken~~. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2004.

(Approved June 24, 2004.)