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# A BILL FOR AN ACT

RELATING TO SOLID WASTE MANAGEMENT.

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

1           SECTION 1. Section 342G-101, Hawaii Revised Statutes, is  
2 amended by amending the definition of "deposit beverage  
3 container" to read as follows:

4           ""Deposit beverage container" means the individual,  
5 separate, sealed glass, polyethylene terephthalate, high density  
6 polyethylene, or metal container less than or equal to [~~sixty-~~  
7 ~~four~~] sixty-eight fluid ounces, used for containing, at the time  
8 of sale to the consumer, a deposit beverage intended for use or  
9 consumption in this State."

10          SECTION 2. Section 342G-105, Hawaii Revised Statutes, is  
11 amended to read as follows:

12          "~~[+]~~§342G-105~~[+]~~   **Deposit beverage container inventory**  
13 **report and payment.** (a) Beginning October 1, 2002, payment of  
14 the deposit beverage container fee and deposits as described in  
15 section 342G-110 shall be made monthly based on inventory  
16 reports of the deposit beverage distributors. All deposit  
17 beverage distributors shall submit to the department  
18 documentation in sufficient detail that identifies~~[+]~~



1       ~~(1) The number of beverages in deposit beverage~~  
2           ~~containers, by container size and type, manufactured~~  
3           ~~in or imported to the State; and~~

4       ~~(2) The number of these deposit beverage containers, by~~  
5           ~~container size and type, exported and intended for~~  
6           ~~consumption out of the State during the reporting~~  
7           ~~period.] the net number of deposit beverage containers~~  
8       ~~sold, by container size and type.~~

9           (b) The amount due from deposit beverage distributors  
10 shall be the net number of deposit beverage containers [~~imported~~  
11 ~~or manufactured into the State (the total number of containers~~  
12 ~~imported or manufactured less the total number of containers~~  
13 ~~exported for consumption outside the State)] sold multiplied by  
14 the sum of the prevailing deposit beverage container fee and the  
15 refund value of 5 cents. Payment shall be made by check or  
16 money order payable to the "Department of Health, State of  
17 Hawaii". All inventory reports and payments shall be made no  
18 later than the fifteenth day of the month following the end of  
19 the payment period of the previous month."~~

20           SECTION 3. Section 342G-111, Hawaii Revised Statutes, is  
21 amended by amending subsection (c) to read as follows:



1           "(c) Each deposit beverage distributor shall generate and  
2 submit to the department a monthly report on[+

3           ~~(1) The number of deposit beverage containers, by  
4 container size and type, manufactured in or imported  
5 into the State; and~~

6           ~~(2) The number of deposit beverage containers, by  
7 container size and type, exported and intended for  
8 consumption out of the State during the reporting~~

9           ~~period.]~~ the net number of deposit beverage containers  
10 sold, by container size and type. All information contained in  
11 the reports, including confidential commercial and financial  
12 information, shall be treated as confidential and protected to  
13 the extent allowed by state law."

14           SECTION 4. Section 342G-112, Hawaii Revised Statutes, is  
15 amended to read as follows:

16           "**§342G-112 Deposit beverage container requirements.** (a)

17 Except as provided in subsection (b), every deposit beverage  
18 container sold in the State shall clearly indicate the refund  
19 value of the container and the word "Hawaii" or the letters  
20 "HI". The names or letters representing the names of other  
21 states with comparable deposit legislation may also be included  
22 in the indication of refund value. The refund value on every

1 deposit beverage container shall be clearly, prominently, and  
2 indelibly marked by painting, printing, scratch embossing,  
3 raised letter embossing, or securely affixed stickers and shall  
4 be affixed on the top or side of the container in letters at  
5 least one-eighth inch in size.

6 (b) Subsection (a) does not apply to any type of  
7 refillable glass deposit beverage container [~~which~~] that has a  
8 brand name permanently marked on it and [~~which~~] that has the  
9 equivalent of a refund value of at least 5 cents, which is paid  
10 upon receipt of the container by a dealer or deposit beverage  
11 distributor.

12 (c) All deposit beverage containers that do not indicate  
13 the Hawaii refund value by January 1, 2005, and are intended for  
14 sale shall be sold with stickers as specified in subsection (d).

15 (d) Stickers that indicate the Hawaii refund value may be  
16 purchased from the department from November 1, 2004, to  
17 December 31, 2004. Surplus stickers may be redeemed at the  
18 department by March 1, 2005. The cost of a sticker shall be  
19 equal to the Hawaii refund value.

20 (e) Containers that do not meet the definition of a  
21 deposit beverage container, as specified in section 342G-101,  
22 shall not indicate the Hawaii refund value."



1 SECTION 5. Section 342G-113, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) Except as provided in subsection (b), a dealer shall:

4 (1) Operate [~~a~~] each redemption center [~~by July 1, 2005,~~  
5 ~~and shall accept~~] for a minimum of thirty hours per  
6 week. Business hours shall include at least five  
7 hours per week during Saturday or Sunday, unless  
8 otherwise determined by the department by rule;

9 (2) Accept all types of empty deposit beverage containers  
10 with a Hawaii refund value;

11 [~~+2~~] (3) Pay to the redeemer the full refund value for all  
12 deposit beverage containers that bear a valid Hawaii  
13 refund value; and

14 [~~+3~~] (4) Ensure each deposit beverage container collected  
15 is recycled, and forward documentation necessary to  
16 support claims for payment as stated in section 342G-  
17 119 or rules adopted under this part.

18 (b) Subsection (a) shall not apply to any dealer:

19 (1) Who is located in a high density population area, as  
20 defined by the director in rules, [~~and~~] within two  
21 miles of a certified redemption center that is  
22 operated independently of a dealer[+] and is open for

1           business for a minimum of thirty hours per week as  
2           specified in subsection (a)(1);

3           (2) Who is located in a rural area as defined by rule;

4           (3) Who subcontracts with a certified redemption center to  
5           be operated on the dealer's premises;

6           (4) Whose sales of deposit beverage containers are only  
7           via vending machines;

8           (5) Whose place of business is less than five thousand  
9           square feet of interior space;

10          (6) Who can demonstrate physical or financial hardship, or  
11          both, based on specific criteria established by rule;  
12          or

13          (7) Who meets other criteria established by the director.

14   Notwithstanding paragraphs (1) and (2), the director may allow  
15   the placement of redemption centers at greater than prescribed  
16   distances to accommodate geographical features while ensuring  
17   adequate consumer convenience."

18          SECTION 6. Section 342G-114, Hawaii Revised Statutes, is  
19   amended to read as follows:

20          "**§342G-114 Redemption centers.** (a) Prior to operation,  
21   redemption centers shall be certified by the department.



1 (b) Applications for certification as a redemption center  
2 shall be filed with the department on forms prescribed by the  
3 department.

4 (c) The department, at any time, may review the  
5 certification of a redemption center. After written notice to  
6 the person responsible for the establishment and operation of  
7 the redemption center and to the dealers served by the  
8 redemption center, the department, after it has afforded the  
9 redemption center operator a hearing in accordance with chapter  
10 91, may withdraw the certification of the center if it finds  
11 that there has not been compliance with applicable laws, rules,  
12 permit conditions, or certification requirements.

13 (d) Redemption centers shall:

- 14 (1) Accept all types of empty deposit beverage containers  
15 for which a deposit has been paid;
- 16 (2) Verify that all containers to be redeemed bear a valid  
17 Hawaii refund value;
- 18 (3) Pay to the redeemer the full refund value in either  
19 cash or a redeemable voucher for all deposit beverage  
20 containers, except as provided in section 342G-116;
- 21 (4) Ensure each deposit beverage container collected is  
22 recycled through a contractual agreement with an out-



1 of-state recycler or an in-state recycling facility  
2 permitted by the department; provided that this  
3 paragraph shall not apply if the redemption center is  
4 operated by a recycler permitted by the department;  
5 and

6 (5) Forward the documentation necessary to support claims  
7 for payment as stated in section 342G-119.

8 (e) Redemption centers' redemption areas shall be  
9 maintained in full compliance with applicable laws and with the  
10 orders and rules of the department, including permitting  
11 requirements, if deemed necessary, under chapter 342H.

12 (f) The department shall develop procedures to facilitate  
13 the exchange of information between deposit beverage container  
14 manufacturers, distributors, and retailers and certified  
15 redemption centers, including but not limited to universal  
16 product code information for reverse vending machine purposes.  
17 The procedures developed by the department shall allow for a  
18 reasonable time period between the introduction of a new deposit  
19 beverage product and the deadline for submitting universal  
20 product code information to certified redemption centers  
21 operating reverse vending machines.



1        (g) Consumers may request that the refund value be  
2 computed by container count for loads of two hundred containers  
3 or less."

4        SECTION 7. Section 342G-116, Hawaii Revised Statutes, is  
5 amended to read as follows:

6        "**§342G-116 Refusal of refund value payment for a deposit**  
7 **beverage container.** Redemption centers shall refuse to pay the  
8 refund value on any broken, corroded, or dismembered deposit  
9 beverage container, or any deposit beverage container that:

- 10        (1) Contains a free-flowing liquid;
- 11        (2) Does not properly indicate a refund value; [~~o~~]
- 12        (3) Contains a significant amount of foreign material[~~-~~];
- 13        or
- 14        (4) Exhibits characteristics of having been previously  
15 processed and baled."

16        SECTION 8. Section 342G-117, Hawaii Revised Statutes, is  
17 amended as follows:

18        1. By amending subsection (a) to read:

19        "(a) The department shall pay to each certified redemption  
20 center a handling fee of not less than the prevailing deposit  
21 beverage container fee for each deposit beverage container  
22 redeemed by a consumer that is:



- 1 (1) Transported out-of-state;  
2 (2) Received by an approved in-state company for an  
3 approved end use for recycling; or  
4 (3) Received by a department-permitted recycling  
5 facility[-];

6 provided that the deposit beverage container is physically  
7 received by the redemption center."

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

9 "(c) The handling fee shall be paid in addition to the  
10 refund value of each empty deposit beverage container. Payments  
11 for handling fees shall be based on redemption center reports  
12 submitted to the department; provided that there is no  
13 discrepancy in the reports. The department may choose to pay  
14 the handling fee and refund value on the basis of the total  
15 weight of the containers received by material type and the  
16 average weight of each container type[-]; provided that the  
17 deposit beverage container is physically received by the  
18 redemption center."

19 SECTION 9. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 10. This Act shall take effect on July 1, 2006.



HB 1948

HD1

**Report Title:**

Solid Waste; Recycling; Deposit Beverage Container

**Description:**

Increases the volume limit of deposit beverage containers from 64 to 68 fluid ounces. Requires distributors to report container numbers sold and make fee payments on that basis. Specifies redemption center operating hours. Permits calculation of redemption value by container count in certain instances. Allows refusal of refund for previously processed and baled containers. (HB1948 HD1)

