
A BILL FOR AN ACT

RELATING TO SPECIAL WASTES DISPOSAL RECYCLING.

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

1 SECTION 1. Chapter 342I, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . USED LEAD ACID BATTERIES AND TIRES RECOVERY PROGRAM**

5 **§342I-A Definitions.** As used in this part, unless the
6 context requires otherwise:

7 "Import" means to buy, bring, or accept delivery of new
8 lead acid batteries or tires from an address, supplier, or any
9 entity outside of the state.

10 "Importer" means any person who imports new lead acid
11 batteries or tires from outside the state for sale or use within
12 the state.

13 "Incentive" means an incentive paid to recyclers for the
14 recycling of used lead acid batteries or tires. The incentives
15 may be structured to include but not be limited to the costs of
16 collection and processing and a "buy back" incentive to increase
17 participation by recycling companies and the public.



1 "Tire" means "motor vehicle tire" as defined in section
2 342I-21.

3 "Used lead acid batteries and tires recovery program" means
4 a program for the recovery of used lead acid batteries and
5 tires, including but not limited to their collection, recycling,
6 or reuse.

7 **§342I-B Advance disposal fee.** (a) An advance disposal
8 fee shall be paid on every new lead acid battery and tire
9 imported into the state. The fee shall be imposed only once on
10 each new lead acid battery or tire and shall be paid quarterly
11 to the department of health for deposit into the environmental
12 management special fund established by section 342G-63.
13 Beginning on January 1, 2007, the department shall impose and
14 collect the advance disposal fee. Fees shall be set by the
15 director of health and may be changed as appropriate to meet the
16 needs of the program.

17 (b) No county shall impose or collect any assessment or
18 fee on new lead acid batteries or tires for the same or similar
19 purpose that is the subject of this chapter.

20 **§342I-C Importers of new lead acid batteries and tires;**
21 **registration; recordkeeping requirements.** (a) By September 1,
22 2007, all importers of new lead acid batteries operating within



1 the state shall register with the department of health, using
2 forms prescribed by the department, and shall notify the
3 department of any change in address. After September 1, 2007,
4 any person who desires to conduct business in this state as an
5 importer of new lead acid batteries shall register with the
6 department no later than one month prior to the commencement of
7 business.

8 All importers of new tires shall be registered with the
9 department of health as specified in subsection 342I-26(c).

10 (b) Notwithstanding subsection 342I-26(d), every importer
11 pursuant to this part shall keep and maintain records of new
12 lead acid battery and tire imports for the previous three years.
13 The records shall identify the type and quantity of each lead
14 acid battery or tire imported. The records shall be made
15 available, upon request, for inspection by the department;
16 provided that any proprietary information obtained by the
17 department shall be kept confidential and shall not be disclosed
18 to any other person except:

19 (1) As may be reasonably required in an administrative or
20 judicial proceeding to enforce any provision of this
21 part or any rule adopted pursuant to this part; or



1 (2) Under an order issued by a court or administrative
2 agency hearing officer.

3 **§342I-D Deposit into environmental management special**

4 **fund; distribution to counties.** (a) Revenues generated from

5 the advance disposal fee shall be deposited into the respective

6 used-tire or used-battery special accounts within the

7 environmental management special fund established by section

8 342G-63. Moneys from the special accounts within the

9 environmental management special fund shall be used to fund the

10 used lead acid batteries and tires recovery programs established

11 in this part under section 342I-F; provided that no moneys shall

12 be made available to a county unless the county has first

13 submitted its formally adopted integrated solid waste management

14 plan to the department of health for review as provided in

15 chapter 342G. In the event of any surplus in the special fund,

16 the department shall recommend to the legislature a reduction in

17 the fee as deemed necessary.

18 (b) The department shall distribute the moneys contained

19 in the special fund to the counties in proportion to the amount

20 of new lead acid batteries and tires imported into each county,

21 based upon the county's population. The distribution shall be

22 in the form of direct contracts with the department as permitted



1 under chapters 103 and 103D or transfer of funds from the
2 department.

3 (c) All moneys distributed to the counties under
4 subsection (b), and not expended by the counties as specified in
5 section 342I-F, shall be returned to the State for deposit into
6 the environmental management special fund at the end of each
7 fiscal year.

8 **§342I-E Inventory reports and payment.** (a) Payment of
9 the advance disposal fee may be made quarterly by importers
10 based on their inventory reports. Every importer shall submit
11 to the department of health documentation in sufficient detail
12 that identifies the number of new lead acid batteries or tires
13 imported into the state and sold or distributed, by manufacturer
14 or distributor, during the calendar year.

15 (b) The amount due from importers shall be the sum equal
16 to the number of new lead acid batteries and tires reported
17 quarterly according to subsection (a), multiplied by the advance
18 disposal fee in section 342I-B. Payment shall be made by check
19 or money order payable to the "Department of Health, State of
20 Hawaii".

21 **§342I-F County used lead acid batteries and tires recovery**
22 **programs; requirements.** (a) Each county shall establish a used



1 lead acid batteries and tires recovery program. All county used
2 lead acid batteries and tires recovery programs shall include
3 some form of incentive to encourage participation by both
4 recycling companies and recyclers.

5 (b) The programs may include but shall not be limited to:

- 6 (1) Funding of the collection and processing of used lead
7 acid batteries and tires either through existing
8 county agencies or through external contracts for
9 services;
- 10 (2) Subsidizing the transportation of used lead acid
11 batteries and tires to out-of-state markets;
- 12 (3) The development of collection facilities or the
13 provision of containers for used lead acid batteries
14 and tires;
- 15 (4) Additional research and development programs,
16 including grants to private sector entrepreneurs,
17 especially those activities developing alternative
18 uses for used lead acid batteries or tires; and
- 19 (5) Public education and awareness programs focusing on
20 the disposal and recycling of used lead acid batteries
21 and tires.



1 **§342I-G Contract for administrative services.** The
2 department of health may contract the services of a third party
3 to administer the advance disposal fee program under this part.

4 **§342I-H Rules.** The department of health and the counties
5 may adopt rules for purposes of this part."

6 SECTION 2. Section 342G-63, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§342G-63 Establishment of the environmental management**
9 **special fund.** (a) There is created in the state treasury an
10 environmental management special fund. The fund may receive
11 legislative appropriations, grants and gifts.

12 (b) All moneys collected pursuant to section 342G-62 shall
13 be deposited into the environmental management special fund.
14 All interest earned or accrued on moneys deposited into the fund
15 shall become a part of the fund.

16 (c) The department shall expend moneys contained in the
17 environmental management special fund to:

18 (1) Partially fund the operating costs of the program
19 including its regulatory functions and the development
20 of waste reduction and diversion activities as
21 mandated by chapter 342G;



1 (2) Fund statewide education, demonstration, and market
2 development programs, through direct contract or
3 direct transfer of funds to the counties and the
4 department of business, economic development, and
5 tourism, or under a grant program that may be
6 developed under rules pursuant to chapter 91; and

7 (3) Provide for annual training for municipal solid waste
8 operators in compliance with 40 Code of Federal
9 Regulations Part 258 and chapter 11-58, Hawaii
10 Administrative Rules.

11 (d) There is established within the environmental
12 management special fund the following special accounts for:

13 (1) Advance disposal fee for used tires as provided in
14 section 342I-B; and

15 (2) Advance disposal fee for used batteries as provided in
16 section 342I-B."

17 SECTION 3. In codifying the new sections added by section
18 1 of this Act, the revisor of statutes shall substitute
19 appropriate section numbers for the letters used in designating
20 the new sections in this Act.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Tony Wata

By Request

JAN 20 2006



Report Title:

Advance Disposal Fee; New and Used Lead Acid Batteries and Tires

Description:

Requires importers of new lead acid batteries and tires to pay an advance disposal fee to strengthen current disposal and recycling efforts; requires counties to establish used lead acid batteries and tires recovery programs.

