
A BILL FOR AN ACT

RELATING TO SOLID WASTE.

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~~] shall 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-114, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§342G-114 Redemption centers.** (a) Prior to operation,
4 redemption centers shall be certified by the department.

5 (b) Applications for certification as a redemption center
6 shall be filed with the department on forms prescribed by the
7 department.

8 (c) The department, at any time, may review the
9 certification of a redemption center. After written notice to
10 the person responsible for the establishment and operation of
11 the redemption center and to the dealers served by the
12 redemption center, the department, after it has afforded the
13 redemption center operator a hearing in accordance with chapter
14 91, may withdraw the certification of the center if it finds
15 that there has not been compliance with applicable laws, rules,
16 permit conditions, or certification requirements.

17 (d) Redemption centers shall:

18 (1) Accept all types of empty deposit beverage containers
19 for which a deposit has been paid;

20 (2) Verify that all containers to be redeemed bear a valid
21 Hawaii refund value;

1 (3) Pay to the redeemer the full refund value in either
2 cash or a redeemable voucher for all deposit beverage
3 containers, except as provided in section 342G-116;

4 (4) Ensure each deposit beverage container collected is
5 recycled through a contractual agreement with an out-
6 of-state recycler or an in-state recycling facility
7 permitted by the department; provided that this
8 paragraph shall not apply if the redemption center is
9 operated by a recycler permitted by the department;
10 and

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

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

17 (f) The department shall develop procedures to facilitate
18 the exchange of information between deposit beverage container
19 manufacturers, distributors, and retailers and certified
20 redemption centers, including but not limited to universal
21 product code information for reverse vending machine purposes.
22 The procedures developed by the department shall allow for a

1 reasonable time period between the introduction of a new deposit
2 beverage product and the deadline for submitting universal
3 product code information to certified redemption centers
4 operating reverse vending machines.

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

8 SECTION 6. Section 342G-116, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§342G-116 Refusal of refund value payment for a deposit**
11 **beverage container.** Redemption centers shall refuse to pay the
12 refund value on any broken, corroded, or dismembered deposit
13 beverage container, or any deposit beverage container that:

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

20 SECTION 7. Section 342G-117, Hawaii Revised Statutes, is
21 amended as follows:

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



1 "(a) The department shall pay to each certified redemption
2 center a handling fee of not less than the prevailing deposit
3 beverage container fee for each deposit beverage container
4 redeemed by a consumer that is:

5 (1) Transported out-of-state;

6 (2) Received by an approved in-state company for an
7 approved end use for recycling; or

8 (3) Received by a department-permitted recycling
9 facility[-];

10 provided that the deposit beverage container is physically
11 received by the redemption center."

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

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



1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect upon its approval.



Report Title:

Deposit Beverage Container; Penalties

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. Permits calculation of redemption value by container count in certain instances. Allows refusal of refund for previously processed and baled containers. (CD1)

