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# 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-105, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[+]§342G-105[+] **Deposit beverage container inventory**  
4 **report and payment.** (a) Beginning October 1, 2002, payment of  
5 the deposit beverage container fee and deposits as described in  
6 section 342G-110 shall be made monthly based on inventory  
7 reports of the deposit beverage distributors. All deposit  
8 beverage distributors shall submit to the department  
9 documentation in sufficient detail that identifies[+]

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

13 ~~(2) The number of these deposit beverage containers, by~~  
14 ~~container size and type, exported and intended for~~  
15 ~~consumption out of the State during the reporting~~  
16 ~~period.]~~

17 the net number of deposit beverage containers sold, by container  
18 size and type.



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

12           SECTION 2. Section 342G-111, Hawaii Revised Statutes, is  
13 amended by amending subsection (c) to read as follows:

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

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

19           ~~(2) The number of deposit beverage containers, by~~  
20           ~~container size and type, exported and intended for~~  
21           ~~consumption out of the State during the reporting~~  
22           ~~period.]~~



1 the net number of deposit beverage containers sold, by container  
2 size and type. All information contained in the reports,  
3 including confidential commercial and financial information,  
4 shall be treated as confidential and protected to the extent  
5 allowed by state law."

6 SECTION 3. Section 342G-112, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "**§342G-112 Deposit beverage container requirements.** (a)

9 Except as provided in subsection (b), every deposit beverage  
10 container sold in the State shall clearly indicate the refund  
11 value of the container and the word "Hawaii" or the letters  
12 "HI". The names or letters representing the names of other  
13 states with comparable deposit legislation may also be included  
14 in the indication of refund value. The refund value on every  
15 deposit beverage container shall be clearly, prominently, and  
16 indelibly marked by painting, printing, scratch embossing,  
17 raised letter embossing, or securely affixed stickers and shall  
18 be affixed on the top or side of the container in letters at  
19 least one-eighth inch in size.

20 (b) Subsection (a) [~~does~~] shall not apply to any type of  
21 refillable glass deposit beverage container [~~which~~] that has a  
22 brand name permanently marked on it and [~~which~~] that has the



1 equivalent of a refund value of at least 5 cents, which is paid  
2 upon receipt of the container by a dealer or deposit beverage  
3 distributor.

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

7 (d) Stickers that indicate the Hawaii refund value may be  
8 purchased from the department from November 1, 2004, to December  
9 31, 2004. Surplus stickers may be redeemed at the department by  
10 March 1, 2005. The cost of a sticker shall be equal to the  
11 Hawaii refund value.

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

15 SECTION 4. Section 342G-114, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "**§342G-114 Redemption centers.** (a) Prior to operation,  
18 redemption centers shall be certified by the department.

19 (b) Applications for certification as a redemption center  
20 shall be filed with the department on forms prescribed by the  
21 department.



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

10           (d) Redemption centers shall:

- 11           (1) Accept all types of empty deposit beverage containers  
12               for which a deposit has been paid;
- 13           (2) Verify that all containers to be redeemed bear a valid  
14               Hawaii refund value;
- 15           (3) Pay to the redeemer the full refund value in either  
16               cash or a redeemable voucher for all deposit beverage  
17               containers, except as provided in section 342G-116;
- 18           (4) Ensure each deposit beverage container collected is  
19               recycled through a contractual agreement with an out-  
20               of-state recycler or an in-state recycling facility  
21               permitted by the department; provided that this  
22               paragraph shall not apply if the redemption center is



1           operated by a recycler permitted by the department;  
2           and

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

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

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

19           (g) Consumers may request that the refund value be  
20 computed by container count only if the consumer is redeeming  
21 not more than fifty containers of each material type per visit."



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

3 **"§342G-116 Refusal of refund value payment for a deposit**  
4 **beverage container.** Redemption centers shall refuse to pay the  
5 refund value on any broken, corroded, or dismembered deposit  
6 beverage container, or any deposit beverage container that:

- 7 (1) Contains a free-flowing liquid;
- 8 (2) Does not properly indicate a refund value; [~~or~~]
- 9 (3) Contains a significant amount of foreign material[~~+~~];
- 10 or
- 11 (4) Exhibits characteristics of being previously processed  
12 and baled."

13 SECTION 6. Section 342G-117, Hawaii Revised Statutes, is  
14 amended as follows:

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

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

- 20 (1) Transported out-of-state;
- 21 (2) Received by an approved in-state company for an  
22 approved end use for recycling; or



1 (3) Received by a department-permitted recycling  
 2 facility[+];  
 3 provided that the deposit beverage container is physically  
 4 received by the redemption center."

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

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

16 SECTION 7. Statutory material to be repealed is bracketed  
 17 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *[Signature]*

*Mike Latham* *Will Egan* *Franne Chun Calhoun*  
*[Signature]* *[Signature]* *Carol Johnson*  
*[Signature]* *[Signature]* *Chenue & Dishler*  
*[Signature]*



11/11/08



**Report Title:**

Deposit Beverage Container; Penalties

**Description:**

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.

