

JAN 19 2007

A BILL FOR AN ACT

RELATING TO FOOD WASTE RECYCLING.

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

1 SECTION 1. The legislature finds that waste disposal is an
2 issue of critical importance throughout the islands. Section
3 226-15, Hawaii Revised Statutes, declares that "it shall be the
4 policy of this State to . . . promote re-use and recycling to
5 reduce solid and liquid wastes and employ a conservation ethic."

6 The legislature further finds that state facilities,
7 including state hospitals and public schools, are among the
8 largest institutional generators of food waste, in spite of
9 current recycling efforts. Despite statewide policies,
10 recycling efforts still reduce only a fraction of the solid and
11 liquid waste generated. Landfills on all islands are
12 approaching or have already reached capacity, and both expansion
13 of current landfills and relocation efforts are meeting
14 widespread community opposition.

15 Food waste recycling falls within the program elements of
16 the integrated solid waste management plans under chapter 342G,
17 Hawaii Revised Statutes. Moneys to implement and administer



1 this important state effort will come from the environmental
2 response revolving fund.

3 The purpose of this Act is to include a program for
4 recycling food waste as part of the State's integrated solid
5 waste management plans under chapter 342G, Hawaii Revised
6 Statutes, and to mandate food waste recycling at state
7 facilities.

8 SECTION 2. Chapter 342G, Hawaii Revised Statutes, is
9 amended by adding a new part to be appropriately designated and
10 to read as follows:

11 **"PART . FOOD WASTE RECYCLING**

12 **§342G- Definitions.** As used in this part, unless the
13 context otherwise requires:

14 "Agency" means any department, office, board, or commission
15 of the State, the University of Hawaii, or any quasi-public
16 institution that is supported in whole or in part by State
17 funds.

18 "Composting facility" means an establishment that conducts
19 either major or minor composting operations through a process in
20 which organic materials are biologically decomposed under
21 controlled conditions to produce a stable humus-like mulch or
22 soil amendment. The composting process includes but is not



1 limited to receipt of materials, primary processing,
2 decomposition activities, and final processing for sale and
3 marketing. This term does not include bioremediation of
4 fuel-contaminated soil.

5 "Major composting" includes the composting of mixed solid
6 waste, including solid waste facility residues (rubbish), sewage
7 sludge, waste from animal food processing operations, and
8 similar materials. Major composting operations involve more
9 complex controls to manage odors, vectors, and surface water
10 contamination, even if, in some cases, on-site odors may not be
11 able to be completely mitigated.

12 "Meal" includes any food item or items served as an entree
13 at breakfast, lunch, or dinner, but excludes beverages and
14 desserts, if the beverages or desserts are served by themselves
15 and not part of a breakfast, lunch, or dinner.

16 "Minor composting" includes the composting of clean,
17 source-separated organic materials, including greenwaste, animal
18 manure, crop residues, and waste from vegetable food processing
19 operations. Minor composting operations involve relatively
20 simple management and engineering solutions to control odors,
21 vectors, and surface water contamination.



1 "Prepared meal" means a meal that has been cleaned, cooked,
2 or otherwise prepared on the premises of the food establishment,
3 and excludes prepackaged meals that are cooked or otherwise
4 prepared elsewhere and only sold on the premises of the
5 establishment. Prepared meals include meals a portion of which
6 have been precooked or prepared off the premises of the
7 establishment.

8 "Recycling facility" includes a composting facility, waste
9 bioconversion facility, rendering facility, pig farm, or other
10 agricultural facility that uses food waste as animal feed or for
11 other agricultural use, or any other facility that recycles food
12 waste and is approved by the department for that purpose.

13 "Recycling service" means a service or collection of
14 services that includes the collection and transportation of food
15 waste to a department-approved recycling facility by a refuse
16 hauler or other company that collects the food waste, and the
17 recycling or reuse of that food waste by a department-approved
18 recycling facility, which may be operated by the company that
19 collects and transports the food waste.

20 "State facility" means a building or buildings or similar
21 structure owned or leased by, or otherwise under the
22 jurisdiction of, an agency.



1 "Waste bioconversion facility" means a facility where food
2 and other organic waste are converted into useable by-products.

3 **§342G- Recycling requirements.** An agency that serves
4 prepared meals in a state facility shall arrange and provide for
5 the separate collection of a minimum of fifty per cent or more
6 of the total food waste generated, and for its recycling by a
7 recycling facility; or separate a minimum of fifty per cent or
8 more of the total food waste from all other solid waste
9 generated by the food establishment and deliver the food waste
10 to a recycling facility.

11 **§342G- Suspension of requirements.** The department may
12 suspend the requirements of this part as follows:

- 13 (1) During the period of a work stoppage or any other
14 interruption of recycling collection service to a
15 state facility; or
- 16 (2) When the department determines that there are
17 inadequate recycling facilities or that there is
18 inadequate recycling capacity to dispose of the food
19 waste being collected pursuant to this part.

20 **§342G- Implementation.** The department shall adopt rules
21 in accordance with chapter 91 to implement this part.



1 **§342G- Inspection authorized.** Upon presentation of
2 proper credentials, the department or the department's duly
3 authorized representative may enter at reasonable times any
4 building or premises of a state facility and inspect the books
5 and records to determine compliance with the requirements of
6 this part; provided that:

- 7 (1) The entry and inspection shall be made in such a
8 manner as to cause the least possible inconvenience to
9 the persons in possession of the property; and
10 (2) An order of a court authorizing the entry and
11 inspection shall be obtained prior to entry or
12 inspection if the entry or inspection is denied or
13 resisted.

14 **§342G- Reporting requirements.** Effective January 1,
15 2006, and quarterly thereafter, each waste recycling facility
16 shall report to the department for the quarter preceding:

- 17 (1) The total volume of food waste being recycled, and the
18 average dollar amount the facility is charging per
19 unit of weight or volume, if the facility both
20 collected and disposed of food waste from a food
21 establishment; and



1 (2) The amount of food waste, measured either by unit of
2 weight or volume, which the facility recycled during
3 the previous quarter.

4 **§342G- Donations of food.** Nothing in this part shall
5 preclude a food establishment from donating leftover or unsold
6 food that is safe to consume to a food bank.

7 **§342G- Dissemination of information.** The department
8 shall ensure that a copy of this part, and any related
9 ordinances or rules adopted pursuant to chapter 91, are made
10 available to all agencies."

11 SECTION 3. There is appropriated out of the environmental
12 response revolving fund the sum of \$, or so much
13 thereof as may be necessary for fiscal year 2007-2008, and the
14 same sum, or so much thereof as may be necessary for fiscal year
15 2008-2009, for the establishment and staffing of the food waste
16 recycling program.

17 The sums appropriated shall be expended by the department
18 of health for the purposes of this Act.

19 SECTION 4. This Act shall take effect on July 1, 2007.

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INTRODUCED BY:

[Handwritten signatures: Ana Mercedes, Mike Gubler, and Bill Hernandez]

Report Title:

Food Waste Recycling; Solid Waste

Description:

Establishes a food waste recycling program. Makes an appropriation.

