

Honolulu, Hawaii

Feb 9, 2011

RE: H.B. No. 874
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 874 entitled:

"A BILL FOR AN ACT RELATING TO SOLID WASTE,"

begs leave to report as follows:

The purpose of this bill is to protect Hawaii's environment and address the issue of illegal dumping by establishing a minimum fine of not less than:

- (1) \$2000 for felony disposal of solid waste; and
- (2) \$500 for petty misdemeanor disposal of solid waste.

The Department of Health (DOH) and a concerned individual testified in support of this bill.

Hawaii is an island state dependent on its natural beauty as a driving force for its most important industry, tourism. However, its fragile environment is oftentimes severely impacted by illegal solid waste disposal. Establishing minimum fines for illegal disposal of solid waste will provide a stronger means for deterring this illegal conduct and addressing violations.

Still, more can be done. According to DOH, prior to 2005, criminal penalties also existed for the unauthorized operation of solid management waste systems. Unfortunately, it is believed that these provisions were inadvertently omitted when the criminal



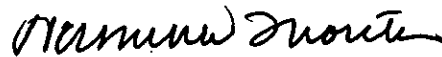
and civil penalties for illegal dumping were reorganized. Reinstating these criminal provisions would provide DOH with greater strength to enforce regulatory provisions regarding the operation of solid management waste systems.

Accordingly, your Committee has amended this bill by inserting language reinstating the petty misdemeanor offense of unauthorized operation of a solid waste management system and establishing penalties therefor.

Technical, nonsubstantive amendments have also been made for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 874, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 874, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



HERMINA MORITA, Chair



