



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

H.B. 874, RELATING TO SOLID WASTE

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Acting Director of Health

February 3, 2011
8:30 a.m.

1 **Department's Position:** The Department of Health supports this measure.

2 **Fiscal Implications:** None

3 **Purpose and Justification:** This measure establishes the minimum criminal penalty for both felony
4 disposal and petty misdemeanor disposal of solid waste. The Department supports this clarification.

5 The Department recommends that the committee also consider reinstating language to allow for
6 criminal penalties for the operation of a solid waste management system without the written approval
7 from the Director. Prior to the segregation of criminal enforcement language from civil enforcement
8 language in HRS 342H-30, which occurred in the 2004 and 2005 Legislature, criminal penalties applied
9 to not only illegal dumping but also to the operation of unauthorized solid waste management systems.

10 We believe that through the reorganization of these sections, the criminal provisions for the
11 unauthorized operation of a solid waste management facility was inadvertently omitted.

12 The Department has a number of cases where administrative enforcement actions have been taken on
13 unauthorized solid waste management facilities and the operators ignore the orders. We believe that the
14 reinstatement of criminal provisions will provide the State with a greater arsenal of deterrents to achieve
15 regulatory compliance.

1 Attached is our proposed language. Thank you for the opportunity to testify on this measure.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Chapter 342H, Hawaii Revised Statutes, is amended by amending section 39 to read as follows:

2 **"[342H-39] Petty misdemeanor disposal and/or management of solid waste.** (a) A person
3 commits the offense of petty misdemeanor disposal and/or management of solid waste if the person
4 knowingly (1) discards, disposes of, deposits, discharges, or dumps solid waste, or by contract or
5 otherwise arranges directly or indirectly for the disposal of solid waste in an amount equal to or greater
6 than one cubic yard in volume and less than ten cubic yards in volume, anywhere other than a permitted
7 solid waste management system without the written approval of the director; and/or (2) operate a solid
8 waste management system without first securing approval in writing from the director.

9 (b) Petty misdemeanor disposal of solid waste is punishable by:

10 (1) A fine of not less than \$500 but not more than \$25,000 for each separate offense;

11 (2) Not more than thirty days imprisonment for each offense; or

12 (3) Revocation or suspension by court order of any contractor's license or any applicable
13 certificate of authorization from the public utilities commission.

14 Each day of violation shall constitute a separate offense.

15 (c) Each fine collected for a violation of this section shall be distributed to the authorized agency
16 that enforced the prohibition under which the fine was imposed.

17 (d) This section shall not apply to solid waste consisting solely of green waste. For the purposes
18 of this section, "green waste" means solid waste that consists solely of leaves, grass clippings, garden
19 and yard wastes, tree trunks, holiday trees, tree trimmings, and prunings, or any combination thereof".

20

21

22

23

24

coffman3 - Sean

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 01, 2011 1:11 PM
To: EEPtestimony
Cc: dne39@isp.com
Subject: Testimony for HB874 on 2/3/2011 8:30:00 AM

Testimony for EEP 2/3/2011 8:30:00 AM HB874

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Dennis Egge
Organization: Individual
Address: 2920 Ala Ilima Honolulu, HI 96818
Phone: 8088393443
E-mail: dne39@isp.com
Submitted on: 2/1/2011

Comments:

It is a relief to know the State House of Representatives is preparing to bring the City and County's circular bulky trash collection debate to an end, with this Bill.

Thank you for your valuable service,