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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. The legislature finds that communities where  
2 landfills are located bear a disproportionately heavy burden in  
3 addressing the effects of solid waste on individuals in the  
4 community. Odorous emissions, dust, and other health and noise  
5 hazards pose health and safety concerns for the community. The  
6 legislature further finds that violators of environmental health  
7 laws must adhere to the laws, or face fines or other penalties  
8 for violating the laws.

9           The purpose of this Act is to ensure that communities where  
10 landfills are located receive a portion of collected solid waste  
11 pollution fines and penalties.

12           SECTION 2. Section 128D-2, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "**§128D-2 Environmental response revolving fund; uses.** (a)

15 There is created within the state treasury an environmental  
16 response revolving fund, which shall consist of moneys  
17 appropriated to the fund by the legislature, moneys paid to the  
18 fund as a result of departmental compliance proceedings, moneys



1 paid to the fund pursuant to court-ordered awards or judgments,  
2 moneys paid to the fund in court-approved or out-of-court  
3 settlements, all interest attributable to investment of money  
4 deposited in the fund, moneys deposited in the fund from the  
5 environmental response, energy, and food security tax pursuant  
6 to section 243-3.5, and moneys allotted to the fund from other  
7 sources.

8 (b) There is established within the environmental response  
9 revolving fund a separate account, to be known as the community  
10 response account, into which shall be deposited one-half of the  
11 finances and penalties pursuant to section 342H-10.5. The moneys  
12 in the community response account shall be used for pollution  
13 prevention, pollution reduction, environmental restoration and  
14 protection, and environmental assessment initiatives directed  
15 specifically to communities where landfills are located. The  
16 awarding of moneys to communities shall be based on criteria as  
17 determined by the department.

18 [~~(b)~~] (c) Moneys from the fund shall be expended by the  
19 department for response actions and preparedness, including  
20 removal and remedial actions, consistent with this chapter;  
21 provided that the revenues generated by the environmental



1 response, energy, and food security tax deposited into the  
2 environmental response revolving fund:

3 (1) Shall be used:

4 (A) For oil spill planning, prevention, preparedness,  
5 education, research, training, removal, and  
6 remediation; and

7 (B) For direct support for county used oil recycling  
8 programs; and

9 (2) May also be used to support environmental protection  
10 and natural resource protection programs, including  
11 energy conservation and alternative energy  
12 development, and to address concerns related to air  
13 quality, global warming, clean water, polluted runoff,  
14 solid and hazardous waste, drinking water, and  
15 underground storage tanks, including support for the  
16 underground storage tank program of the department and  
17 funding for the acquisition by the State of a soil  
18 remediation site and facility."

19 SECTION 3. Section 342H-10.5, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 **"§342H-10.5 Disposition of collected fines and penalties.**

22 Except as otherwise provided in this section, fines and



1 penalties collected under sections 342H-9 and 342H-10 shall be  
2 deposited into the environmental response revolving fund  
3 established by section 128D-2[~~-~~], of which one-half of the total  
4 finances and penalties collected under sections 342H-9 and 342H-10  
5 shall be deposited into the community response account  
6 established within the environmental response revolving fund.  
7 Where a county individually, or the State and a county jointly,  
8 initiates and conducts an investigation resulting in the  
9 imposition and collection of a fine or penalty, pursuant to  
10 section 342H-30(c), the fine or penalty shall be distributed as  
11 follows:

12 (1) [~~One-half~~] One-third to the department of the county  
13 whose officers or employees initiated and conducted  
14 the investigation; [~~and~~]

15 (2) [~~One-half~~] One-third to the environmental response  
16 revolving fund established in section 128D-2[~~-~~],  
17 exclusive of the community response account  
18 established within the environmental response  
19 revolving fund; and

20 (3) One-third to the community response account  
21 established in section 128D-2 within the environmental  
22 response revolving fund."



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2012.



**Report Title:**

Solid Waste; Environmental Response Revolving Fund; Community Response Account

**Description:**

Establishes the Community Response Account within the Environmental Response Revolving Fund into which shall be deposited one-half of the fines and penalties collected from solid waste pollution violations. Specifies that where a county individually, or the State and a county jointly, initiates and conducts an investigation resulting in the imposition and collection of a fine or penalty, pursuant to solid waste control prohibitions, the fine or penalty shall be distributed as follows: (1) one-third to the county department where the investigation was initiated and conducted; (2) one-third into the Environmental Response Revolving Fund; and (3) one-third into the Community Response Account. Effective July 1, 2012. (PROPOSED HB1400 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

