

JAN 27 2016

S.B. NO. 3087

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# A BILL FOR AN ACT

RELATING TO COMMERCIAL ORGANIC WASTE.

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

1           SECTION 1. The legislature finds that food waste is the  
2 second largest component in the State's waste stream and  
3 accounts for twenty-five per cent of all materials sent to  
4 landfills. The United States Environmental Protection Agency  
5 has determined that landfilling and incineration of food waste  
6 are the lowest priority disposal methods, with livestock feed,  
7 composting, feeding the hungry, and source reduction of food  
8 waste rated as higher priorities. The legislature further finds  
9 that food disposed of in landfills rots and contributes to  
10 producing methane gas - a potent greenhouse gas with twenty-one  
11 times the global warming potential of carbon dioxide. The  
12 State's municipal landfills continue to have reduced available  
13 space as the population increases, forcing the counties to  
14 aggressively seek alternative landfill sites to support this  
15 critical infrastructure. Recycling food waste and turning it  
16 into compost has high environmental benefits such as improving  
17 soil health, increasing drought resistance, and reducing the



1 need for supplemental water, fertilizers, and pesticides.  
2 Additionally, applying compost and organic matter to soils  
3 sequesters carbon from the atmosphere, mitigating climate  
4 change.

5 The legislature also finds that effectively reducing  
6 greenhouse gas emission in Hawaii through food waste diversion  
7 will move Hawaii towards the Aloha+ Challenge commitment of  
8 seventy per cent waste stream reduction by 2025. The unique  
9 geography of the Hawaiian islands requires thorough analysis of  
10 the infrastructure and funding necessary to accomplish food  
11 waste reduction.

12 Accordingly, the purpose of this Act is to prohibit  
13 generators of commercial organic material from disposing of  
14 commercial organic material waste at landfills and waste-to-  
15 energy facilities and specify means by which the generators  
16 shall dispose of or transfer the material.

17 SECTION 2. Chapter 342G, Hawaii Revised Statutes, is  
18 amended by adding two new sections to be appropriately  
19 designated and to read as follows:

20 "§342G-A Disposal of commercial organic material waste;  
21 prohibition. (a) Notwithstanding any law to the contrary,



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1 beginning January 1, 2020, a generator of commercial organic  
2 material shall not dispose of any commercial organic material  
3 waste at any landfill or waste-to-energy facility, or by  
4 incineration, in the State.

5 (b) Commercial organic material waste prohibited from  
6 disposal pursuant to subsection (a) shall be disposed of or  
7 transferred by the generator by means of donation, compost,  
8 biofuel production, anaerobic digestion, thermal combustion of  
9 organic materials, or animal feed.

10 (c) The prohibitions of this section shall not apply to  
11 special waste or waste created as a result of a natural  
12 disaster.

13 (d) For the purpose of this section, "commercial organic  
14 material" means any food material and vegetative material from  
15 any entity that generates more than one ton of those materials  
16 for solid waste disposal per week, but does not mean any  
17 material resulting from a residence or centralized dining  
18 facility.

19 §342G-B Solid waste infrastructure advisory committee.

20 (a) The office of solid waste management of the department of  
21 health shall establish a solid waste infrastructure advisory



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1 committee by January 15, 2017, to review the current solid waste  
2 management infrastructure in the State, evaluate the sufficiency  
3 of existing solid waste management infrastructure, and recommend  
4 development or construction of new solid waste management  
5 infrastructure in the State to meet the requirements of section  
6 342G-A for eliminating commercial organic material waste from  
7 the municipal solid waste stream.

8 (b) The solid waste infrastructure advisory committee  
9 shall be composed of the director of health or the director's  
10 designee and the following members, to be appointed by the  
11 director of health:

12 (1) One representative from each of the solid waste  
13 management divisions of the city and county of  
14 Honolulu, the county of Kauai, the county of Maui, and  
15 the county of Hawaii;

16 (2) One representative of a solid waste collector that  
17 owns or operates a material recovery facility;

18 (3) Two representatives of solid waste commercial haulers;  
19 provided that one of the commercial haulers shall  
20 serve rural or underserved areas of the State;



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1        (4) One representative of recyclers of food residuals or  
2        leaf and yard residuals; and

3        (5) One Hawaii generator of commercial organic material  
4        subject to the requirements of section 342G-A.

5        (c) The solid waste infrastructure advisory committee  
6        shall:

7        (1) Review the existing systems analysis of the State  
8        waste stream to determine whether the existing solid  
9        waste management facilities operating in the State  
10       provide sufficient services to comply with the  
11       requirements of section 342G-A, and meet any demand  
12       for services;

13       (2) Summarize the locations or service sectors where the  
14       State lacks sufficient infrastructure or resources to  
15       comply with the requirements of section 342G-A,  
16       including the infrastructure necessary in each  
17       location;

18       (3) Estimate the cost of constructing the necessary  
19       infrastructure identified under paragraph (2);



1        (4) Review options for generating the revenue sufficient  
2        to fund the costs of constructing necessary  
3        infrastructure; and

4        (5) Review and determine additional needs for enforcement  
5        of food waste diversion from the municipal solid waste  
6        stream.

7        (d) On or before January 15, 2018, the solid waste  
8        infrastructure advisory committee shall submit to the senate and  
9        house standing committees with jurisdiction over solid waste  
10       management a report that includes the information and data  
11       developed under subsection (c)."

12       SECTION 3. This Act does not affect rights and duties that  
13       matured, penalties that were incurred, and proceedings that were  
14       begun before its effective date.

15       SECTION 4. In codifying the new sections added by section  
16       2 of this Act, the revisor of statutes shall substitute  
17       appropriate section numbers for the letters used in designating  
18       the new sections in this Act.

19       SECTION 5. New statutory material is underscored.

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1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Commercial Organic Material; Waste; Disposal; Transfer;  
Landfills; Solid Waste Infrastructure Advisory Committee

**Description:**

Prohibits the disposal of commercial organic material waste at landfills or waste-to-energy facilities in the State, beginning January 1, 2020. Requires all generators of commercial organic material to use alternative means of disposal of waste, such as donation, compost, biofuel production, anaerobic digestion, thermal combustion of organic materials, or animal feed. Establishes the solid waste infrastructure advisory committee.

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

