

MAR 11 2016

SENATE RESOLUTION

REQUESTING ALL STATE AND COUNTY AGENCIES TO ADOPT PROCEDURES
REQUIRING CONTRACTS THAT INCLUDE THE DISPOSAL OF LIQUID OR
SOLID WASTE OR INERT FILL MATERIAL TO INCLUDE A RECEIPT
FROM A RECEIVING FACILITY SHOWING THAT THE WASTE WAS
PROPERLY RECEIVED AND LAWFULLY DISPOSED OF PRIOR TO MAKING
PAYMENT TO THE CONTRACTOR.

1 WHEREAS, the City and County of Honolulu conducted a public
2 survey to assess perspectives about illegal dumping and found
3 the public's frustration with illegal dumping was apparent, with
4 ninety-one percent of the residents surveyed describing illegal
5 dumping as a "somewhat or very serious" problem; and
6

7 WHEREAS, the City and County of Honolulu surveyed illegal
8 dumping prevention programs in other states and found, across
9 the board, that engaging communities affected by the problem is
10 the most effective means of cleaning up illegal dumping sites
11 and preventing recurrence; and
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13 WHEREAS, illegal dumping is sometimes a deliberate criminal
14 act, and reports of illegal dumping have led to criminal
15 investigations and reductions of dumping frequency in certain
16 areas, but culprits are difficult to catch in the act and
17 prosecute; and
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19 WHEREAS, in April 2015, Hawaii News Now reported that the
20 Department of Health fined a landscaping and tree trimming
21 company and a recycling company nearly \$40,000 for illegally
22 dumping in a former pineapple field in Wahiawa; and
23

24 WHEREAS, it was reported that much of the illegally dumped
25 trash came from the State and the City and County of Honolulu
26 (City) because the landscaping and tree trimming company was
27 hired by the Department of Land and Natural Resources to haul
28 away dredging debris from the Ala Wai Canal in 2010 and the
29 recycling company removed ash and metal debris from the City's
30 HPower plant; and
31



S.R. NO. 78

1 WHEREAS, one particular type of illegal dumping occurs when
2 people dispose of liquid or solid waste or inert fill material
3 illegally; and

4
5 WHEREAS, there is a need to help control and monitor the
6 disposal of liquid and solid waste and inert fill material at
7 permitted waste facilities or other sites authorized to accept
8 inert fill material and prevent companies from dumping waste
9 anywhere else; and

10
11 WHEREAS, sometimes liquid or solid waste or inert fill
12 material waste results from government construction projects;
13 and

14
15 WHEREAS, requiring contractors who work on government
16 projects to provide receipts that waste or fill material was
17 received at authorized facilities before payment is made for
18 those services would serve as a deterrent to illegal dumping and
19 benefit the safety, health, and welfare of residents, streams,
20 and the land and ocean; now, therefore,

21
22 BE IT RESOLVED by the Senate of the Twenty-eighth
23 Legislature of the State of Hawaii, Regular Session of 2016,
24 that all state and county agencies are requested to adopt
25 procedures requiring a contract that includes the disposal of
26 liquid or solid waste to include a receipt from a licensed waste
27 management facility showing that the waste was properly received
28 and lawfully disposed of in an appropriate, licensed waste
29 facility in order for payment to be made by the state or county
30 agency; and

31
32 BE IT FURTHER RESOLVED that a receipt from a contract that
33 includes the disposal of inert fill is requested to show that
34 inert fill was disposed of at one or more of the following
35 locations:

- 36
37 (1) Recycling facility;
38
39 (2) Facility used to repurpose material for other
40 construction projects; or
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S.R. NO. 18

1 (3) Farm lot with an approved soil and water conservation
 2 plan or construction site with a permit to grade and
 3 fill the site or stockpile fill on site; and
 4

5 BE IT FURTHER RESOLVED that receipts from licensed
 6 facilities are requested to be by weight and receipts from other
 7 facilities, such as farms or construction sites, note the
 8 following:
 9

- 10 (1) Number of truck loads accepted by the site;
- 11
- 12 (2) Type of material received;
- 13
- 14 (3) Address of the site and name of the agent authorized
 15 to accept the fill; and
 16
- 17 (4) Reference number of the farm soil and water
 18 conservation plan or construction permit number, as
 19 applicable; and
 20

21 BE IT FURTHER RESOLVED that certified copies of this
 22 Resolution be transmitted to the Governor; Administrator of the
 23 State Procurement Office, who in turn is requested to distribute
 24 a copy to each Chief Procurement Officer of the State and
 25 counties; Mayor of the City and County of Honolulu; Mayor of the
 26 County of Maui; Mayor of the County of Hawaii; Mayor of the
 27 County of Kauai; City and County of Honolulu Director of the
 28 Department of Environmental Services; County of Maui Director of
 29 the Department of Environmental Management; County of Hawaii
 30 Director of the Department of Environmental Management; and
 31 County of Kauai County Engineer of the Department of Public
 32 Works.
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 35

OFFERED BY:

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