

CHAPTER 340A
SOLID WASTE

Section

340A-1 Definitions

340A-2 Ownership of solid waste

340A-3 Disposal of solid waste

Note

L 2014, c 218, §8 purports to amend this chapter.

Cross References

Environmental courts, jurisdiction over proceedings arising under this chapter, see §604A-2.

Hazardous waste, see chapter 342J.

Integrated solid waste management, see chapter 342G.

Solid waste pollution, see chapter 342H.

" **§340A-1 Definitions.** As used in this chapter, unless the context otherwise requires:

"Agency" means any department, office or board or commission of the state or county government which is a part of the executive branch of that government.

"Agricultural solid waste" means the solid waste that results from the rearing of animals and the harvesting of crops.

"Collector" means any person or governmental agency which has been licensed to remove refuse in accordance with applicable ordinances and regulations.

"County" shall include each county of the State, including the city and county of Honolulu.

"Director" means the director of the department of health.

"Generator" means any person or governmental agency which generates solid waste.

"Incinerator" means an engineered combustion device specifically designed for volume reduction by controlled burning of combustible solid waste.

"Landfill" means a land area used for the disposal of solid waste.

"Operator" means any person or governmental agency which accepts solid waste for processing, disposing, or transferring at an incinerator, landfill site, resource recovery facility or transfer station.

"Owner" means any person or governmental agency which shall have title to solid waste.

"Resource recovery facility" means a facility in which solid waste is reprocessed into new products in such manner that original products lose their identity.

"Solid waste" means garbage, refuse and other discarded solid materials, including solid waste materials resulting from industrial and commercial operations, and from community activities. Solid waste does not include solid or dissolved material in domestic sewage or other substances in water sources, such as silt, dissolved or suspended solids in

industrial waste effluents, dissolved materials in irrigation return flows or other water pollutants. This definition is also intended to include liquid waste materials such as waste oil, paints, and solvents.

"Source separated waste" means recyclable waste materials which are set aside at their point of generation for segregated collection and transport to specialized waste processing sites or final manufacturing markets.

"Transfer station" means a supplemental transportation facility used as an adjunct to solid waste route collection vehicles, which facility may be fixed or mobile and may include recompaction of solid waste. [L 1976, c 184, pt of §2; am L 1979, c 151, §2]

Revision Note

Numeric designations deleted and definitions rearranged.

" **§340A-2 Ownership of solid waste.** Unless otherwise provided by county ordinance or federal regulation, the owner of solid waste shall be:

- (1) The generator of the solid waste until the solid waste is collected;
- (2) The collector until the solid waste is deposited with an operator;
- (3) In the absence of a collector, the generator of the solid waste until the solid waste is deposited with an operator; or
- (4) The operator upon acceptance of the solid waste. [L 1976, c 184, pt of §2; am L 1982, c 19, §1]

" **§340A-3 Disposal of solid waste.** (a) The county agency responsible for the collection and disposal of solid waste may require that all solid waste transported by the county agency, collectors, businesses or individuals be disposed of at facilities or in areas designated by the county agency if it is found to be in the best public interest; provided that agricultural solid waste and source separated waste transported for recycling purposes shall not be subject to the provisions of this section; and provided further that if regional transfer stations are designated, transportation to the stations shall be considered so as to minimize the operating costs of the collector.

The best public interest shall be found if disposal at the designated facilities or areas will:

- (1) Result in reusable materials being recovered from solid waste; or

- (2) Achieve the solid waste volumes necessary to meet a resource recovery facility's minimum operating requirements; or
- (3) Lessen the demand for landfill sites; or
- (4) Conserve natural resources.

(b) For a county that has a resource recovery facility in use or when the design for such a facility has begun, the director shall not grant a permit for other solid waste disposal activities including landfills, for a term extending beyond the planned operational date for the resource recovery facility unless the other disposal activity is to be used for one or more of the following:

- (1) Disposal of ash or residue from a resource recovery facility;
- (2) Disposal of solid waste which, because of its chemical or physical characteristics, is not suitable for processing at a resource recovery facility;
- (3) Provide an emergency backup or overflow capacity for a resource recovery facility;
- (4) Provide for solid waste disposal for those areas not served by a resource recovery facility as designated by the county agency responsible for the collection and disposal of solid waste. [L 1979, c 151, §3]

Revision Note

Subsection (a) designation added.