

JAN 26 2022

A BILL FOR AN ACT

RELATING TO POLLUTION ABATEMENT.

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

1 SECTION 1. Section 342D-30, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§342D-30 Civil penalties.** (a) Any person who violates
4 this chapter, any rule, or any term or condition of a permit or
5 variance issued pursuant to this chapter shall be fined not more
6 than [~~\$25,000~~] \$_____ for each separate offense. Each day
7 of each violation shall constitute a separate offense. Any
8 action taken in environmental court to impose or collect the
9 penalty provided for in this section shall be considered a civil
10 action. In determining the amount of a civil penalty the
11 environmental court shall consider the seriousness of the
12 violation or violations, the economic benefit, if any, resulting
13 from the violation, any history of these violations, any good-
14 faith efforts to comply with the applicable requirements, the
15 economic impact of the penalty on the violator, and any other
16 matters that justice may require. It shall be presumed that the
17 violator's economic and financial conditions allow payment of



1 the penalty, and the burden of proof of the contrary is on the
2 violator.

3 (b) Any person who denies, obstructs, or hampers the
4 entrance or inspection by any duly authorized officer or
5 employee of the department of any building, place, or vehicle
6 that the officer or employee is authorized to enter and inspect
7 shall be fined not more than [~~\$10,000~~] \$_____ for each day
8 of denial, obstruction, or hampering. Any action taken in
9 environmental court to impose or collect the penalty provided
10 for in this subsection shall be considered a civil action."

11 SECTION 2. Section 342E-4, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[~~f~~]§342E-4[~~f~~] Civil penalties. (a) Any person who
14 violates any rule adopted under this chapter shall be fined not
15 more than [~~\$10,000~~] \$_____ for each separate offense. Each
16 day of each violation shall constitute a separate offense. Any
17 action taken to impose or collect the penalty provided for in
18 this section shall be considered a civil action.

19 (b) Any person who denies, obstructs, or hampers the
20 entrance to and inspection by any duly authorized officer or
21 employee of the department of any building, place, or vehicle



1 shall be fined not more than [~~\$5,000~~] \$_____ for each day
2 of such a denial, obstruction, or hampering. Any action taken
3 to impose or collect the penalty provided for in this section
4 shall be considered a civil action.

5 (c) Any fine or penalty collected shall be placed in the
6 environmental response revolving fund pursuant to [{}section[{}]
7 128D-2."

8 SECTION 3. Section 342L-10, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 **"§342L-10 Penalties.** (a) Any person who violates this
11 chapter, any rule adopted pursuant to this chapter, or any
12 condition of a permit or variance issued pursuant to this
13 chapter shall be fined not more than [~~\$25,000~~] \$_____ for
14 each individual tank for each day of each violation. Each day
15 of each violation shall constitute a separate offense. In
16 addition, any person who fails to comply with an order issued
17 under this chapter within the time specified in the order shall
18 be fined not more than [~~\$25,000~~] \$_____ for each day of
19 noncompliance with the order. Any action taken in environmental
20 court to impose or collect the penalty provided for in this
21 subsection shall be considered a civil action.



1 (b) Any person who:

2 (1) Denies, obstructs, or hampers the entrance,
3 inspection, or conduct of release response activities
4 by any duly authorized representative of the
5 department at any building, place, site, facility,
6 vehicle, or structure that the representative is
7 authorized to enter, inspect, or at which the
8 representative is authorized to conduct release
9 response activities; or

10 (2) Fails to provide information requested by the
11 representative as required under section 342L-7;

12 shall be fined not more than [~~\$500~~] \$_____ per day of
13 denial, obstruction, hindrance, or failure. Any action taken in
14 environmental court to impose or collect the penalty provided
15 for in this subsection shall be considered a civil action."

16 SECTION 4. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ _____ or so
18 much thereof as may be necessary for fiscal year 2022-2023 for
19 one permanent full-time equivalent (1.0 FTE) state biologist or
20 ecologist within the clean water branch of the department of
21 health.



S.B. NO. 3220

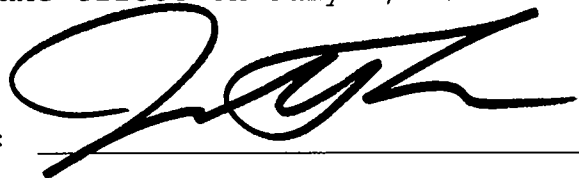
1 The sum appropriated shall be expended by the department of
2 health for the purposes of this Act.

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 2022.

6

INTRODUCED BY: _____

A large, stylized handwritten signature in black ink, written over a horizontal line.

S.B. NO. 3220

Report Title:

Pollution; Penalties; Appropriation

Description:

Increases civil penalties for the violation of various pollution provisions. Appropriates funds for one full time equivalent (1.0 FTE) state biologist or ecologist.

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

