

## ACT 184

H.B. NO. 3075-76

A Bill for an Act Relating to the Ownership of Solid Wastes.

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Purpose.** The purpose of this chapter is to define the ownership of all solid waste generated in the State. The Legislature finds that with the decreasing supply of natural resources, manufacturers look to recover and re-use solid waste as a source of needed materials and as a result the value of solid waste is increasing. The anticipated competition for solid waste and recovered resources may result in legal complications. This situation can be avoided by the declaration of ownership of all solid waste.

**SECTION 2.** The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
SOLID WASTE**

**Sec. -1. Definitions.** As used in this chapter, unless the context otherwise requires:

- (1) “Collector” means any person or governmental agency which has been licensed to remove refuse in accordance with applicable ordinances and regulations.

- (2) "Generator" means any person or governmental agency which generates solid waste.
- (3) "Incinerator" means an engineered combustion device specifically designed for volume reduction by controlled burning of combustible solid waste.
- (4) "Landfill" means a land area used for the disposal of solid waste.
- (5) "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.
- (6) "Owner" means any person or governmental agency which shall have title to solid waste.
- (7) "Resource recovery facility" means a facility in which solid waste is reprocessed into new products in such manner that original products lose their identity.
- (8) "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 materials 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.
- (9) "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.

**Sec. -2. Ownership of solid waste.** Unless otherwise provided by any county ordinance, 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."

SECTION 3. This Act shall take effect upon its approval.

(Approved June 1, 1976.)