

Commercial Passenger Vessel
(including Cruise lines & Airlines) **Exemption**
Recycling Program Plan Guidelines

Plans must be submitted to:

The Department of Health
Solid Waste Branch
919 Ala Moana Blvd., Suite 212
Honolulu, HI 96821

Background & Purpose:

Act 206 / HB 1015

Act 206 was passed in the 2005 Legislative Session to exempt Commercial Passenger Vessels (including aircraft) from the requirements of HRS Chapter 342G or "The Bottle Law". The State understands that due to the nature of the commercial passenger vessel industry it is not feasible for the industry to comply with the beverage container recycling requirements set forth in HRS Chapter 342G. The addition of the commercial passenger vessel industry exemption allows cruise lines and airlines to set their own recycling plans, pending Department of Health approval, to show they are making a responsible effort to recycle beverage containers. The exemption relieves operators of Commercial Passenger Vehicles from the difficulty of segregating materials consumed across state lines provided the recycling plan adopted ensures that all Deposit Beverage Containers (DBC) and Advanced Disposal Fee (ADF) glass aboard the vessel are recycled.

The amended law contains the following new provisions:

"§342G- Commercial passenger vessels; exemption. (a) Notwithstanding any other provision of this part, this part shall not apply to a deposit beverage container that is sold or delivered to an entity operating a commercial passenger vessel when the deposit beverage container is intended for use and consumption on the commercial passenger vessel. The entity operating the commercial passenger vessel shall be exempt from this part only if it has a deposit beverage container recycling plan prescribed or approved by the department.

(b) Recycling plans shall be submitted to the department and shall include the name and address of the recycling facility that is accepting the empty deposit beverage containers.

(c) Deposit beverage containers covered under this exemption shall not be redeemed for the refund value or handling fee."

Section 342G-101, Hawaii Revised Statutes, has added two new definitions:

"Commercial passenger vessel" means any domestic or foreign-flagged marine vessel or air carrier used primarily for transporting persons to, from, or within the State. The term does not include:

(1) Marine vessels authorized to carry fewer than fifty passengers; or

(2) Marine vessels for hire that do not provide overnight accommodations for at least fifty passengers, determined with reference to the number of lower berths and based on an average of two persons per cabin.

The full Statute can be accessed at:

http://www.capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0342G/HRS_0342G-0101_0005.HTM

A Commercial Passenger Vessel Exemption recycling plan submitted to the department of approval should:

1. Provide a complete description of the vessel or aircraft eligible for exemption, include:
 - Primary purpose of use (passenger or commercial)
 - Area used for transport
 - Number of passengers vessel is authorized to carry
 - Whether overnight accommodations are offered
 - Number of overnight passengers that may be accommodated
2. Indicate all aluminum, bi-metal, glass, and plastic Deposit Beverage Containers (DBC) and Advance Disposal Fee (ADF) Glass materials generated during operations
3. Describe the handling / processing of (include any plans for processing, bailing, shredding, and sorting) all eligible DBC and other recyclable materials.
4. Describe separation of glass streams ADF Glass vs. DBCs
 - ADF Materials include all non-deposit beverage glass containers imported into the State of Hawaii, for example nail polish, baby food, mayonnaise, wine, and spirit glass bottles. It does not include non-container items such as ashtrays, food bowls, or drinking glasses.
 - DBC containers include:
 - Most nonalcoholic drinks (soda, water, juice, tea, coffee)
 - Some alcoholic drinks (beer, malt beverages, mixed spirits, mixed wine)
Note: Milk, wine, and spirits are not covered under the law.
 - **Container material type** Metal, glass, or plastic
Note: Only plastics #1 and #2 are covered under the law. Look for the triangle and number symbol on bottom of the plastic container.
 - **Container size** 64 fluid ounces or less
Note: 2 Liter containers are not covered under the law.
5. Describe all measures to maximize recycling of recyclable materials for ADF Glass and DBCs.
6. Identify the ultimate destination(s) of recyclables (Include name, address, and phone number of recycling facility)
7. Provide assurance that no DBC's recycled will be redeemed for deposit (provide agreement with recycler and any other available documentation)
8. Describe the record keeping system, including methods of obtaining and archiving receipts from the recycler for audit purposes.
9. Provide agreement to notify DOH and update plan if there are:
 - Material Changes in the Plan
 - Handling / Processing Changes
 - Recycler Changes
10. Describe methods for compliance with other States' DBC recycling requirements
11. Describe process that will be used to maintain documentation of payment of ADF on applicable items (wine bottles, glass food containers, liquor bottles)

If the proposed plan is approved the operator shall implement the plan and operate accordingly until notice is provided by the operator to modify or terminate the plan. Plan approval may be revoked at any time if the department finds a failure to adhere to any portion of the approved plan.