

## **Commercial Passenger Vessel Exemption Recycling Program Plan Guidelines**

Plans must be submitted to:

The Department of Health  
Solid & Hazardous Waste Branch  
2827 Waimano Home Road #100  
Pearl City, HI 96782

**Background & Purpose:**

Act 206 / HB 1015

Act 206 was passed in the 2005 Legislative Session to exempt Commercial Passenger Vessels (including cruise ships and airlines) from the requirements of HRS Chapter 342G or “The Bottle Law”. 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 law contains the following 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 of handling fee.”

Section 342G-101, Hawaii Revised Statutes defines commercial passenger vessel:

“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](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 for approval should:

1. Provide a complete description of the vessel or aircraft eligible for exemption, including:
  - 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) generated during operations.
3. Describe the handling / processing of all DBC and other recyclable materials (include any plans for processing, bailing, shredding, and sorting).
4. Describe all measures to maximize recycling of recyclable materials and DBCs.
5. Identify the ultimate destination(s) of recyclables (include name, address, and phone number of recycling facility).
6. Provide assurance that no DBCs recycled will be redeemed for deposit (provide agreement with recycler and any other available documentation).
7. Describe the record keeping system, including methods of obtaining and archiving receipts from the recycler for audit purposes.
8. Provide agreement to notify DOH and update plan if there are:
  - Material Changes in the Plan
  - Handling / Processing Changes
  - Recycler Changes

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.