

DRAFT COUNTY BILL LANDFILL BAN FOR RECYCLABLES

6/16/23 GEORJEAN ADAMS

BILL TO ACT ON THE PHILOSOPHY OF ZERO WASTE TO REDUCE GENERATION OF WASTE AND DIVERT WASTE FROM HAWAII COUNTY LANDFILLS BY REQUIRING REUSE AND RECYCLING WHERE FEASIBLE.

WHEREAS, on December 19, 2007, the Council of the County of Hawaii adopted Resolution No. 356- 07, Draft 2, which stated Hawaii County shall embrace and adopt the zero-waste philosophy of solid waste management; and

WHEREAS, waste diversion is the prevention and reduction of generated waste through source reduction, recycling, reuse and composting, which creates a host of environmental, financial and social benefits, including conserving energy, reducing disposal costs, and reducing the burden on landfills and other waste disposal methods; and

WHEREAS, the County has shown the feasibility of diverting, recycling and/or reusing waste resources for certain recyclable wastes in ways that meet sustainability goals, but that markets and technologies change over time,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAII that the County shall work to divert, to the extent feasible, commercial and municipal solid waste, including but not limited to, green waste, metals, plastics, paper, paperboard, and glass as a means to achieve Hawaii County's climate resiliency, renewable energy, sustainable agriculture, and zero waste goals.

An ordinance amending THE COUNCIL OF THE COUNTY OF HAWAII CHAPTER 20, ARTICLE 3, OF THE HAWAII COUNTY CODE 1983 (2016 EDITION AS AMENDED), RELATING TO PROHIBITION OF LANDFILLING OF DESIGNATED RECYCLABLE WASTES

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII

Section 20-01-03 Definitions

“Designated Recyclable Waste” is waste that is defined by department rule that is prohibited from disposal in a County sanitary landfill because the director finds that a) collection locations and/or services are available to designated recyclable waste generators at a price that is less than the cost of solid waste disposal, b) the life cycle environmental costs are less than or the same as those of landfilling, and c) waste diversion from landfill represents a reasonable reduction in landfill volume. The list of designated recyclable wastes is expected to change as criteria situations change over time.

“Designated Recyclable Waste Generator” is any person or entity that is subject to department rules issued under this section [20-07-03(a)] that discards designated recyclable wastes.

Section 20-03-01. Disposal of solid waste. Every owner or occupant of any residence or business or premises within the County shall dispose of solid waste in a County approved SWD facility in accordance with department rules, unless prohibited by department rule.

Section 20-07-03 Prohibition of Landfill of Designated Recyclable Wastes

a) Persons identified by department rule are prohibited from intentionally disposing [or causing to be disposed] of designated recyclable wastes in Hawaii County landfill(s).

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1) The department shall identify categories of persons that can reasonably be expected to be able to access collection locations and/or services for designated recyclable waste generators at a price that is less than the cost of solid waste disposal. Categories of persons and effective dates shall be modified as feasibility conditions warrant. Categories of persons subject to the prohibition of this section may include large businesses, multifamily subdivisions, county facilities, schools, nonprofits, small businesses, and residents who have access to transfer stations and/or curbside collection.

b) The department shall issue rules to allow small businesses and nonprofits to use designated county transfer stations for deposit of recyclable materials accepted at the transfer station for residents. The department may require a reasonable fee and/or license of a small business or nonprofit to use a transfer station for purposes of recycling. Small businesses and nonprofits may be prohibited from disposing of trash at transfer stations, unless authorized by the director.

c) The department shall by rule require reporting from large commercial and governmental organizations to file annual reports to document their waste reduction and/or landfill diversion programs, including total waste generated and volumes of designated recyclable wastes and methods employed.

c) Exemptions

1) Undue hardship. Undue hardship includes, but is not limited to, situations unique to the designated recyclable waste generator that generally do not apply to other persons in their category. Application for undue hardship may be made to the director - *mirror that for polystyrene HCC Ch 20-05-03(b)*

2) Occasional, small volume contamination of solid waste with designated recyclable wastes disposed in routine trash intended for landfill is considered exempt if the generator can show that it maintains an active program of education and makes collection services available for those who contribute to their trash. *(Require education and collection programs by large businesses and subdivisions in HCC?)*

3) Subsets of designated recyclable wastes that are not suitable for recycling as approved by the director. *(examples – contaminated, with hazardous materials, hard to clean, presenting physical handling characteristics – although this can be part of the definition of the designated recyclable)*

4) temporary exemptions may be published by the director when collection facilities or transport are not available or other short term market disruptions arise that are not under the control of the designated recyclable waste generator. *(eg, emergencies, weather, labor shortages, equipment breakdown, eruptions, 3rd party recyclers go out of business or become subject to local bans.)*

Section 20-07-04 Performance Targets for the Department

a) The department shall report annually to the Council its plans and progress to reduce the volume [weight?] according to the following targets:

1) 2025 10% reduction by volume[weight] disposed in the WHSL

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- 2) 2030 25% reduction by volume[weight] disposed in all county landfills
- 3) 2035 50% reduction by volume[weight] disposed in all county landfills
- 4) 2040 70% reduction by volume[weight] disposed in all county landfills

b) The department may accomplish the reduction in volume with various means, but is encouraged to use the following priority order:

- 1) reduction in the generation of waste by reducing the use of a product, as long as it does not result in substituting a product that would present a greater life cycle impact. (Education to consumers to use only as much as they need or to use alternate products and technologies with less adverse life cycle impacts.)
- 2) recovery and reuse of resources with lesser life cycle impact than landfill (preferably with the least processing, upscaling rather than downscaling)
- 3) conversion to mulch or compost
- 4) conversion to fuel
- 5) incineration

c) The department shall review and update designated recyclable wastes and generators subject to the landfill prohibition and report its decisions to the Council at least annually. The department shall evaluate the following candidates as designated recyclable wastes for the first year of implementation:

- 1) HI5
- 2) Old Corrugated Cardboard (OCC)
- 3) Glass (as currently accepted at transfer stations)
- 4) Greenwaste

d) Incentives to meeting targets???

Section 20-07-05 Budget

a) Additional staff for landfill diversion program TBD (including education and technical assistance staff for designated recyclable waste generators)

b) \$\$ is allocated to the department to implement this ordinance

c) The department shall renegotiate contracts with vendor(s) so that they are not based solely on landfill volumes. [need to research municipal waste management programs that accommodate reduced revenue from tipping]

d) The department shall establish and/or renegotiate contracts with organics recycling vendor(s) to reduce costs to the county.

e) The department shall encourage private vendors to collect and process designated recyclable wastes

f) The department shall apply for applicable federal grants to assist in landfill diversion programs.

g) \$\$ for county grants to organizations to develop landfill diversion programs - education programs, waste audits, piloting reuse/recycle operations