

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

4

5 BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

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7 SECTION 1. Purpose. The Council of the County of Hawai‘i on December 19, 2007,
8 adopted Resolution No. 356-07, Draft 2, which stated the County shall embrace and adopt the
9 zero-waste philosophy of solid waste management. Waste diversion is the prevention and
10 reduction of generated waste through source reduction, recycling, reuse and composting, which
11 creates a host of environmental, financial and social benefits, including conserving energy,
12 reducing disposal costs, and reducing the burden on landfills and other waste disposal methods.

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14 The County has shown the feasibility of diverting, recycling and/or reusing waste resources for
15 certain recyclable wastes in ways that meet sustainability goals, but those markets and
16 technologies change over time. This ordinance is in accordance with Resolution No. 356-07,
17 Draft 2, and the 2019 Integrated Solid Waste Management Plan that commits the County to
18 divert, as much as feasible, commercial and municipal solid waste, including but not limited to,
19 green waste, metals, plastics, paper, paperboard, and glass, to help achieve goals related to
20 climate resiliency, renewable energy, sustainable agriculture, and zero waste.

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22 **Section 20-01-03 Definitions**

23 “Designated Recyclable Waste” is waste that is defined by department rule that is prohibited
24 from disposal in a County sanitary landfill because the director finds that a) collection locations
25 and/or services are available to designated recyclable waste generators at a price that is less
26 than the cost of solid waste disposal, [how much less? current greenwaste only 25% tipping fee]
27 b) the life cycle environmental costs are less than or the same as those of landfilling for the
28 designated recyclable waste, and c) diversion from landfill for the designated recyclable waste
29 would represent a reasonable [>5% or more?] reduction in landfill volume. The list of
30 designated recyclable wastes is expected to change as criteria situations change over time.

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

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35 “Recyclable” when used in this section includes reuse “as is” or after refurbishment as well as
36 waste that is processed to recover component parts or materials.

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

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

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

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

52
53 b) The department shall issue rules to allow small businesses and nonprofits to use recycling
54 facilities at designated county transfer stations for deposit of recyclable materials currently
55 accepted at the transfer station for residents. The department may require a reasonable fee
56 and/or license of a small business or nonprofit to use a transfer station for purposes of
57 recycling. Small businesses and nonprofits are prohibited from disposing of trash at transfer
58 stations, unless authorized by the director.

59
60 c) The department shall by rule require reporting from large commercial and governmental
61 organizations on an annual basis to document their waste reduction and/or landfill diversion
62 programs, including total volume waste and percent of each designated recyclable waste
63 generated and methods they employed to achieve waste reduction and diversion from landfill.

64 *[allow or require reports on all wastes reduced/diverted whether or not designated?]*

65 **c) Exemptions**

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

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

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

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

84

85 **Section 20-07-04 Performance Targets for the Department**

86 a. The department shall report annually to the Council its plans and progress to reduce
87 the volume [weight?] *to less than 100 ton/day disposed in county landfills by [year]*

88 b) The department may accomplish the reduction in volume accepted by county landfills with
89 various means, but is encouraged to use the following priority order:

- 90 1. reduction in the generation of waste by reducing the use of a product, as long as it
91 does not result in substituting products that would present greater net adverse life
92 cycle impact. [E.g., *Educate consumers to use only as much as they need or to use*
93 *alternate products and technologies with less impacts.*]
- 94 2. recovery and reuse of resources with lesser life cycle impact than landfill [*preferably*
95 *with the least processing and upscaling rather than downscaling*]
- 96 3. conversion to mulch or compost
- 97 4. recovery of raw materials by chemical recycling (e.g., by using pyrolysis) to be used in
98 the manufacture of other products not including fuel
- 99 5. conversion to fuel
- 100 6. *incineration with recovery of energy [WTE] CONTROVERSIAL WITHIN EMC*
- 101 7. *incineration to reduce volume landfilled should be only a last resort (e.g., if remaining*
102 *county landfill capacity will last less than 5-10 years). CONTROVERSIAL WITHIN EMC*

103 c) The department shall review and update its lists of designated recyclable wastes and
104 generators subject to the landfill prohibition and report the basis for its decisions [*that they*
105 *meet the criteria for these terms as defined in Section 20-07-03*] to the Council at least annually.

106 The department shall evaluate the following candidates that are currently accepted at transfer
107 stations as designated recyclable wastes for the first year of implementation:

- 108 1. HI5
- 109 2. Old Corrugated Cardboard (OCC)

- 110 3. NonH15 Glass (as currently accepted at transfer stations)
111 4. Greenwaste
112 5. Scrap metal

113 The department will review and report to Council at least one new additional recyclable waste
114 each year so that it will meet the reduction/diversion targets in this section.

115 *[there are many additional recyclable candidates to look at, but each has its own challenges re*
116 *markets currently - paper, paperboard, textiles, ewaste, plastics, food waste, construction*
117 *wastes. I don't think we should load code with long lists]*

118 *d) Incentives to meeting targets???*

119

120 **Section 20-07-05 Budget**

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

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

124 c) The department shall renegotiate contracts with vendor(s) so that they are not based solely
125 on landfill volumes. *[need to research municipal waste management programs that*

126 *accommodate reduced revenue from tipping]*

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

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

- 131 f) The department shall apply for applicable federal grants to assist in landfill diversion
132 programs.
- 133 g) \$\$ for county grants to organizations to develop landfill diversion programs - education
134 programs, waste audits, piloting reuse/recycle operations
- 135 i) The department will explore opportunities to provide credits to haulers and recycling
136 companies using savings from reduced landfill costs, if feasible.
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