

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.

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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 ~~going to landfill~~ through ~~source reduction~~ recycling, reuse and  
11 composting, which creates a host of environmental, financial and social benefits, including  
12 conserving energy, reducing disposal costs, and reducing the burden on landfills and other waste  
13 disposal methods. *[modified 9/14/23]*

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

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23 **Section 20-01-03 Definitions**

24 “Designated Recyclable Waste” is waste that is defined by department rule that is prohibited  
25 from disposal in a County sanitary landfill because the director finds that a) collection locations  
26 and/or services are available to designated recyclable waste generators at a price that is less  
27 than the cost of solid waste disposal *[how much less? current greenwaste only 25% tipping fee].*  
28 b) the life cycle environmental costs are less than or the same as those of landfilling for the  
29 designated recyclable waste, and c) diversion from landfill for the designated recyclable waste

30 would represent a reasonable [*>5% or more?*] reduction in landfill volume. The list of  
31 designated recyclable wastes is expected to change as criteria situations change over time.

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

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

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

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

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

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

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

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c) The department shall by rule require reporting from large commercial and governmental organizations on an annual basis to document their waste reduction and/or landfill diversion programs, including total volume waste and percent of each designated recyclable waste generated and methods they employed to achieve waste reduction and diversion from landfill.  
*[allow or require reports on all wastes reduced/diverted whether or not designated?]*

**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, 3<sup>rd</sup> 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?]* to less than 100 ton/day disposed in county landfills by *[year]*

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

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

104 c) The department shall review and update its lists of designated recyclable wastes and  
105 generators subject to the landfill prohibition and report the basis for its decisions [that they  
106 meet the criteria for these terms as defined in Section 20-07-03 ] to the Council at least  
107 annually. The department shall evaluate the following candidates that are currently accepted at  
108 transfer stations as designated recyclable wastes for the first year of implementation:

- 109 1. HI5
- 110 2. Old Corrugated Cardboard (OCC)
- 111 3. NonHI5 Glass (as currently accepted at transfer stations)
- 112 4. Greenwaste
- 113 5. Scrap metal

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

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

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

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121 **Section 20-07-05 Budget**

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

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

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

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

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

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

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

136 i)The department will explore opportunities to provide credits to haulers and recycling  
137 companies using savings from reduced landfill costs, if feasible.

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