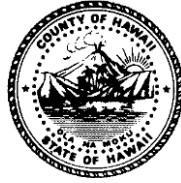


Mitchell D. Roth
Mayor

Deanna S. Sako
Managing Director



Ramzi I. Mansour
Director

Brenda Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūānāo'a Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiiicounty.gov
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Public hearing: Wednesday, July 3 – 5:30 p.m.
Attend in person: Gilbert Kahele Recreation Area (Dining Hall)
44-5400 Daniel K. Inouye Highway
Attend virtually: <https://www.zoomgov.com/j/16031058165>

Proposed Amendment to the Administrative Rules of Practice and Procedure of the Department of Environmental Management.

This amendment to the Administrative Rules is proposed pursuant to the procedures established in HRS 91-3 and DEM Admin Rule 1-3.

Material to be deleted is bracketed and stricken. Material to be added is underscored. The Department will fully consider all written and oral submissions respecting the proposed rule. The agency may make its decision at the hearing or announce at the hearing the date when it intends to make its decision.

SUMMARY OF PROPOSED AMENDMENTS

1. Amends Rule 2-8-3(1)(A), Fee Schedule: Sanitary landfill disposal fees: Rate by weight.
2. Amends Rule 2-8-3(1)(B), Fee Schedule: Sanitary landfill disposal fees: Rate by vehicle.
3. Amends Rule 2-8-3(1)(E), Fee Schedule: Sanitary landfill disposal fees: Reload Facility Disposal Fee.
4. Other non-substantive amendments for clarity.

Article II, Rule 2-8-3, Fee Schedule, of the Administrative Rules of Practice and Procedure of the Department of Environmental Management of April 19, 2023, is amended to read as follows:

“2-8-3. Fee Schedule. Fees for solid waste disposal into SWD facilities are established as follows:

(1) Sanitary landfill disposal fees.

(A) Rate by weight: Dollars per ton prorated accordingly.

[Year beginning on July 1 of each calendar year.] <u>Effective July 1:</u>	
[2022] <u>2023</u>	[2023] <u>2024</u>

[\$116] <u>\$124</u>	[\$124] <u>\$128</u>
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~~[In subsequent years the disposal fees will increase at a minimum in accordance with the fourth quarter of the calendar year prior to the coming fiscal year of the Honolulu consumer price index.]~~ Starting every calendar year no earlier than July 1, disposal fees shall be adjusted to a whole dollar amount equal to no less than the change in the Annual Consumer Price Index for All Urban Consumers (CPI-U) for the Honolulu Area (Urban Hawai'i) for the preceding calendar year as published by the U.S. Department of Labor's Bureau of Labor Statistics. In the event of a decrease in the change in the Annual CPI-U (Urban Hawai'i) there will be no decrease to the disposal fees for the following fiscal year.

(B) When and if it is impossible or impractical due to power outage, disaster, or other emergency to determine an accurate weight, rates by vehicle size and volume shall be used:

TYPE I: Light trucks or other vehicles with a gross vehicle weight of less than 10,000 pounds with no more than three cubic yards of solid waste charged as dollars per truck.

[Year beginning on July 1 of each calendar year.] <u>Effective July 1:</u>	
[2022] <u>2023</u>	[2023] <u>2024</u>
[\$70] <u>\$75</u>	[\$75] <u>\$78</u>

TYPE II: Medium trucks or other vehicles with a gross vehicle weight from 10,000 pounds to 19,999 pounds with no more than six cubic yards of solid waste charged as dollars per truck.

[Year beginning on July 1 of each calendar year.] <u>Effective July 1:</u>	
[2022] <u>2023</u>	[2023] <u>2024</u>
[\$117] <u>\$125</u>	[\$125] <u>\$129</u>

TYPE III: Large trucks or other vehicles with a gross vehicle weight from 20,000 pounds to 25,999 pounds with no more than nine cubic yards of solid waste charged as dollars per truck.

[Year beginning on July 1 of each calendar year.] <u>Effective July 1:</u>	
[2022] <u>2023</u>	[2023] <u>2024</u>
[\$209] <u>\$223</u>	[\$223] <u>\$230</u>

TYPE IV: All other trucks or vehicles with a gross vehicle weight of 26,000 pounds including commercial solid waste hauling trucks or all other vehicles not qualifying as a Type I, II, or III:

1. Compacted. Dollars per cubic yard.

[Year beginning on July 1 of each calendar year.] <u>Effective</u> <u>July 1:</u>	
[2022] <u>2023</u>	[2023] <u>2024</u>
[\$38] <u>\$41</u>	[\$41] <u>\$43</u>

2. Not compacted. Dollars per cubic yard.

[Year beginning on July 1 of each calendar year.] <u>Effective</u> <u>July 1:</u>	
[2022] <u>2023</u>	[2023] <u>2024</u>
[\$23] <u>\$25</u>	[\$25] <u>\$26</u>

(C) Special handling: Shall be twice the amount per ton listed in (1)(A) above.

(D) Residential credit: Commercial haulers of residential waste shall be eligible for a partial credit for each single-family household from which the hauler collects refuse, provided the hauler’s account is current. The annual credit shall be equal to the landfill disposal fee multiplied by one and one-half tons per year per single-family household. An additional credit for the (1)(E) Reload Facility Disposal Fee equal to the amount charged for one and one half-tons per year per single-family household may also be claimed. The total residential credit shall not exceed the total landfill tipping fees charged to the residential hauler for the month for which the credit is being claimed. Commercial haulers who claim this credit shall provide documentation to the solid waste division including customer name, mailing address, and service address for each credit claimed. Claims for the residential credit must be submitted on or before the last day of the month following the month for which the credit is being claimed and the hauler’s account must be current for the credit to be applied. Names, mailing addresses, and service addresses of customers of residential haulers are subject to the disclosure limitations in section 92F, Hawai’i Revised Statutes, as disclosure would cause substantial harm to the competitive position of the person from whom the information was obtained.

(E) Reload Facility Disposal Fee: A Reload Facility Disposal Fee of ~~[\$25]~~ \$26 per ton shall be charged for each load delivered to the Reload Facility. This fee is in addition to the disposal fees in (1)(A) above and is for costs related to SWD handling and hauling of commercial refuse from the Reload Facility to the

Sanitary Landfill. This fee shall be [~~effective July 1, 2023, and will be~~] subject to periodic review.

- (2) Lost item fee: If SWD personnel are able to search for a customer’s lost item within an hour of arrival at the landfill, the fee will be calculated for the total time SWD personnel removes a trailer from a station, delivers the trailer to the landfill for item recovery, and returns the trailer to the station from which it originated.

Lost Item Fee for first hour
\$500
Additional Lost Item Fee for the second and third hour
\$250 per hour (Maximum search time 3 hours)

Customers wishing to retrieve a lost item will be responsible for the full cost as noted in this table, not to exceed a maximum of 3 hours, of the scheduled fees.

- (3) Greenwaste and organics facility fee.
 - (A) All clean greenwaste and acceptable organics must be delivered to a permitted County greenwaste and organics facility.
 - (B) The greenwaste and organics disposal fee is set at 25% of the sanitary landfill disposal fee as described in section [~~12-3(1)(A)~~] (1)(A) above.
 - (C) The greenwaste and organics disposal fee is set at 65% of the landfill disposal fee as described in section [~~12-3(1)(B)~~] (1)(B) above at a County greenwaste and organics facility without scales. These facilities are able to accept Type I and Type II trucks only.
 - (D) Greenwaste and organics must be separated from other solid waste in order to qualify for the reduced greenwaste and organics disposal fee.
 - (E) The greenwaste and organics disposal fee may be suspended by the director if the greenwaste and organics facilities are not operating.
- (4) Additional fee. In addition to the above fees, an additional fee of twenty-five dollars (\$25) shall be assessed for all unsecured loads at the sanitary landfill, reload station, and organics facilities.”