

BILL NO. 82  
(DRAFT 2)

**ORDINANCE NO. 18 5**

**AN ORDINANCE AMENDING CHAPTER 20, ARTICLE 4, OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO SOLID WASTE FEES.**

**BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI‘I:**

**SECTION 1. Purpose.** The purpose of this ordinance is to increase disposal fees to cover costs incurred by the Solid Waste Division of the Department of Environmental Management for services it provides to the residents of and visitors to Hawai‘i County. The County of Hawai‘i’s Integrated Resources and Solid Waste Management Plan complies with state mandates of waste reduction and provides a path to provide solid waste disposal services for all, including the operation of all transfer stations and recycling operations. The current plan requires capital improvements, new equipment, maintenance of existing equipment, as well as improved service.

The County seeks a healthy economy that requires intelligent and efficient solid waste management and disposal. Presently, the General Fund subsidy is substantial. Adoption of these changes will reduce the Solid Waste Division’s dependence on the General Fund as well as provide the groundwork for implementation of the updated plan.

**SECTION 2.** Chapter 20, article 4, of the Hawai‘i County Code 1983 (2016 edition, as amended) is amended to read as follows:

**“Article 4. Solid Waste Fees.**

**Section 20-46. Disposal fees.**

- (a) Any refuse, except for prohibited materials, delivered by a business, Federal or State agency, religious entity, nonprofit organization or private citizen to the working face of a County landfill or the East Hawai‘i Regional Sort Station shall be charged by the ton or fraction thereof at rates as set forth herein.
- (b) In addition to the per ton charge or volume charge, items which cannot be disposed in the working face of the landfill or the East Hawai‘i Regional Sort Station in accordance with usual disposal practices or which require special handling and/or arrangements by landfill or East Hawai‘i Regional Sort Station personnel shall be assessed a special handling charge at rates as set forth herein. Such items shall include but may not be limited to asbestos and confidential document destruction or other disposal requiring a witness. Tires, whether whole, cut, sliced, chipped or

shredded, will not be accepted at any County landfill[.], the East Hawai'i Regional Sort Station, or transfer station. All wire or cable must be cut to four-foot lengths prior to disposal at any County landfill, the East Hawai'i Regional Sort Station, or transfer station.

- (c) Administrative rules shall provide partial credit to commercial haulers for residential waste. The amount of the credit shall be no less than \$2 per month 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. The 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.

- (d) The mayor, with the approval of the council, may temporarily rescind the solid waste disposal fees for a specified period.
- (e) The mayor may waive solid waste disposal fees when it is in the best interest of the County. Fees may be waived for one-time events for community organizations, nonprofit organizations, or private property owners who are remediating illegal dump sites which were not of their creation. The mayor will give notice to the council when tip [~~fee is~~] fees are waived.

- ~~[(f) On or before January 1, 2004, there shall be an analysis of past and projected expenses in the solid waste division. Factors to consider include, but are not limited to, capital improvement projects and any debt service for those projects, labor rates and any contractual obligations, equipment replacement and depreciation, and diversion programs. Estimates shall also be considered for total disposal expenses for businesses, Federal or State agencies, religious entities, nonprofit organizations or private citizens as compared to expenses for single family household disposal at the island wide solid waste transfer stations. The analysis will be done on an annual basis through January 1, 2007.]~~

#### **Section 20-47. Collection of fees.**

- (a) All charges shall be collected by the solid waste division of the department. Billings shall be made monthly. Payments are due before the end of the month following the month in which charges are incurred. A finance charge of one [~~and one-half~~] percent monthly (annual rate of [~~eighteen~~] twelve percent) shall be charged on all balances which are [~~sixty or more days overdue.~~] past due. In addition to this, access to County solid waste facilities may be denied until the account is current.

**Section 20-48. Solid waste fund designation.**

- (a) There is hereby created and established a special fund to be known as the "solid waste fund."
- (b) All funds received from the collection of fees authorized by this chapter shall be deposited with the director of finance and shall be accounted for and be known as the "Solid Waste Fund" and shall be expended for the purpose of operating, maintaining, and administering the County's solid waste management, collection, and disposal systems.

**Section 20-49. Fee schedule.**

- (a) Charge rates shall be established as follows:
  - (1) Landfill disposal.
    - (A) Rate by weight: Dollars per ton prorated accordingly.

Year beginning on July 1 of each calendar year.				
[2003] <u>2018</u>	[2004] <u>2019</u>	[2005] <u>2020</u>	[2006] <u>2021</u>	[2007] <u>2022</u>
[\$45] <u>\$108</u>	[\$55] <u>\$110</u>	[\$65] <u>\$112</u>	[\$75] <u>\$114</u>	[\$85] <u>\$116</u>

- (B) When and if it is impossible or impractical due to power outage, [~~disaster related issues~~] 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 refuse charged as dollars per truck.

Year beginning on July 1 of each calendar year.				
[2003] <u>2018</u>	[2004] <u>2019</u>	[2005] <u>2020</u>	[2006] <u>2021</u>	[2007] <u>2022</u>
[\$27] <u>\$65</u>	[\$33] <u>\$66</u>	[\$39] <u>\$67</u>	[\$45] <u>\$68</u>	[\$51] <u>\$70</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 refuse charged as dollars per truck.

Year beginning on July 1 of each calendar year.				
<del>[2003]</del> <u>2018</u>	<del>[2004]</del> <u>2019</u>	<del>[2005]</del> <u>2020</u>	<del>[2006]</del> <u>2021</u>	<del>[2007]</del> <u>2022</u>
<del>[\$56]</del> <u>\$109</u>	<del>[\$66]</del> <u>\$111</u>	<del>[\$76]</del> <u>\$113</u>	<del>[\$86]</del> <u>\$115</u>	<del>[\$96]</del> <u>\$117</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 refuse charged as dollars per truck.

Year beginning on July 1 of each calendar year.				
<del>[2003]</del> <u>2018</u>	<del>[2004]</del> <u>2019</u>	<del>[2005]</del> <u>2020</u>	<del>[2006]</del> <u>2021</u>	<del>[2007]</del> <u>2022</u>
<del>[\$81]</del> <u>\$194</u>	<del>[\$99]</del> <u>\$198</u>	<del>[\$117]</del> <u>\$202</u>	<del>[\$135]</del> <u>\$205</u>	<del>[\$153]</del> <u>\$209</u>

TYPE IV: All other trucks or vehicles with a gross vehicle weight of 26,000 pounds including commercial refuse 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.				
<del>[2003]</del> <u>2018</u>	<del>[2004]</del> <u>2019</u>	<del>[2005]</del> <u>2020</u>	<del>[2006]</del> <u>2021</u>	<del>[2007]</del> <u>2022</u>
<del>[\$15]</del> <u>\$36</u>	<del>[\$18]</del> <u>\$36</u>	<del>[\$21]</del> <u>\$37</u>	<del>[\$24]</del> <u>\$38</u>	<del>[\$27]</del> <u>\$38</u>

2. Not compacted. Dollars per cubic yard.

Year beginning on July 1 of each calendar year.				
<del>[2003]</del> <u>2018</u>	<del>[2004]</del> <u>2019</u>	<del>[2005]</del> <u>2020</u>	<del>[2006]</del> <u>2021</u>	<del>[2007]</del> <u>2022</u>
<del>[\$9]</del> <u>\$22</u>	<del>[\$11]</del> <u>\$22</u>	<del>[\$13]</del> <u>\$22</u>	<del>[\$15]</del> <u>\$23</u>	<del>[\$17]</del> <u>\$23</u>

(C) Special Handling: [~~\$85~~] Dollars per truck load or fraction thereof.

<u>Year beginning on July 1 of each calendar year.</u>				
<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
<u>\$108</u>	<u>\$110</u>	<u>\$112</u>	<u>\$114</u>	<u>\$116</u>

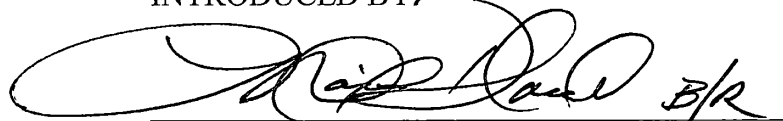
- (2) Greenwaste and Organics Diversion.
- (A) All clean greenwaste and acceptable organics must be delivered to a permitted County greenwaste and organics collection facility.
  - (B) The greenwaste and organics disposal fee is set at 25% of the landfill disposal fee as described in section 20-49(a)(1)(A).
  - (C) The greenwaste and organics disposal fee is set at 65% of the landfill disposal fee as described in section 20-49(a)(1)(B) at a County greenwaste and organics collection 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.”

**SECTION 3.** Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed and stricken material, and underscoring need not be included.

**SECTION 4.** Severability. If any provision of this ordinance, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

**SECTION 5.** This ordinance shall take effect July 1, 2018.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i  
Date of Introduction: December 20, 2017  
Date of 1st Reading: December 20, 2017  
Date of 2nd Reading: January 4, 2018  
Effective Date: July 1, 2018

REFERENCE Comm. 606.5

OFFICE OF THE COUNTY CLERK  
 County of Hawai'i  
 Hilo, Hawai'i

COUNTY CLERK  
 COUNTY OF HAWAII

2018 JAN 17 AM 9:38

Introduced By: Maile David (B/R)  
 Date Introduced: December 20, 2017  
 First Reading: December 20, 2017  
 Published: December 30, 2017

REMARKS: \_\_\_\_\_  
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Second Reading: January 4, 2018  
 To Mayor: January 12, 2018  
 Returned: January 17, 2018  
 Effective: July 1, 2018  
 Published: January 27, 2018

REMARKS: \_\_\_\_\_  
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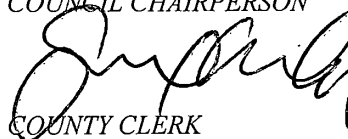
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Kanuha	X			
Lee Loy	X			
O'Hara	X			
Poindexter	X			
Richards	X			
Ruggles	X			
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung			X	
David	X			
Eoff	X			
Kanuha	X			
Lee Loy	X			
O'Hara			X	
Poindexter	X			
Richards			X	
Ruggles	X			
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I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.



COUNCIL CHAIRPERSON



COUNTY CLERK

~~Approved~~ Disapproved this 16<sup>th</sup> day  
 of January, 20 18



MAYOR, COUNTY OF HAWAII

Bill No.: 82 (Draft 2)  
 Reference: C-606.5/FC-70  
 Ord No.: 18 5