



A BILL FOR AN ORDINANCE

RELATING TO DISPOSAL CHARGES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to change the discount on city disposal fees that commercial recycling companies receive for disposing of recycling residue at H-POWER or the Waimanalo Gulch Sanitary Landfill.

SECTION 2. Section 9-4.2, Revised Ordinances of Honolulu 1990, ("Disposal charges for businesses and federal, state and city agencies"), is amended by amending subsections (b), (c), and (d) to read as follows:

"(b) Minimum and Special Charges.

- (1) Minimum Charges. The minimum charge per truckload shall be equal to the unit charge per cubic yard. The unit charge per cubic yard will be assessed only in the event of a breakdown or unavailability of weighing equipment at the disposal facility.
- (2) Special Charges. All special charges will apply to businesses, and federal and state agencies.
 - (A) Landfill. In addition to the unit charges established in this section, a charge per truckload for special wastes requiring special handling or arrangements by the city's or operating contractor's employees for proper disposal at landfills shall be imposed as follows:

Special Handling Charge

\$84.25

- (B) H-POWER. In addition to the unit charges established in subsection (a), a per ton and a per hour charge for waste delivered to the H-POWER facility requiring special handling or arrangements by the H-POWER contractor's employees shall be imposed as follows:



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Per Ton Charge

| DISPOSAL AREA | Special Handling Per Ton Charge | Minimum Load Charge |
|----------------------|--|--------------------------------|
| Auger Bin | \$540.00 | \$270.00 |
| RDF Storage Floor | 440.00 | 220.00 |
| MSW Storage Floor | 320.00 | 210.00 |

The charge per ton or minimum load charge, whichever is greater, shall be assessed against each business or agency served. In addition to this assessment, there shall be a per hour charge as specified below:

Per Hour Charge

| DISPOSAL AREA | Special Handling Per Hour Charge |
|----------------------|---|
| Auger Bin | \$250 per hour or fraction thereof |
| RDF Storage Floor | \$25 per hour or fraction thereof per H-POWER contractor's employee |
| MSW Storage Floor | \$25 per hour or fraction thereof per H-POWER contractor's employee |

(c) The unit charge per ton or per cubic yard for residue from recycling operations shall be discounted to [20] 60 percent of the unit charge for businesses provided in subsection (a) for disposal at landfills and H-POWER. The aggregate dollar amount from this discount that any one recycling operation may receive during the July 1, 2011 to June 30, 2012 fiscal year shall not exceed \$500,000, and for each subsequent fiscal year, the aggregate dollar amount of the discount that any one recycling operation may receive during a fiscal year shall not exceed \$100,000. For the purposes of this subsection, a recycling operation is one that recovers post-consumer waste materials for use in new consumer products. Such residue from recycling operations shall meet all of the following conditions:

- (1) The recycling operations shall recover at least 2,000 pounds of recyclable material per month;
- (2) The recyclable material is shipped off-island or the recyclable material is incorporated into a new consumer product directly by the recycling operation;



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- (3) The residue is a maximum of 25 percent of the weight of the recyclable material recovered;
- (4) The residue is a direct result of the recycling operation only;
- (5) The residue is not commingled with other waste at delivery; and
- (6) The residue does not contain any recyclable material.

Upon submission of a written request and supporting data from the owner of the recycling operation, the director shall determine whether the residue from the recycling operation is eligible for this reduced unit charge. All residue from the recycling operation shall be transported to the disposal site in the recycler's own vehicle, or if the recycler utilizes the services of another company to haul its residue for disposal, the truck used for hauling shall be so constructed as to allow ready inspection of its load before disposal. Disposal charges shall be charged directly to the recycling operation, initially at the standard rates. The reduction in disposal charges for recycling residues shall be applied after the recycling operation submits a monthly report to the director documenting types and quantities of the materials recycled and the residues resulting therefrom.

(d) Exemption.

- (1) Any eleemosynary or charitable organization which has been determined by the Internal Revenue Service to qualify as a tax-exempt organization under the provisions of Section 501(c)(3) of the Internal Revenue Code and which recovers post-consumer waste materials for charitable use through a donated merchandise program, generating residue as a byproduct of its charitable function, shall be exempt from the disposal and special handling charges of subsections (a) and (b), the recycling residue charges of subsection (c), and the fees of subsection (f).

The eleemosynary organization shall meet conditions (1) through (6) of subsection (c). The residue shall be clearly marked at the time of disposal to indicate it as the property of the eleemosynary organization and shall not be commingled with waste from any source other than that of the eleemosynary organization. In the event that an eleemosynary organization contracts with a private business to dispose of residue in compacted form or otherwise, the private business shall be initially charged the standard disposal fees for the disposal of the residue. The exemption to disposal fees shall be applied to the private business's



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account after the eleemosynary organization submits a monthly report to the [chief engineer] director documenting dates and numbers of loads of residue dispatched to the disposal sites.

- (2) The waste collected through any one-day solid waste cleanup event or activity which results in the disposal and recycling of that waste, shall be exempt from the disposal and special handling charges of subsections (a) and (b), the recycling residue charges of subsection (c) and the fees of subsection (f). To be eligible for this exemption, the event or activity shall be:

- (A) Approved by the Department of Environmental Services;
- (B) Intended for the express, non-commercial benefit of the community;
and
- (C) Involve the collection of waste from non-commercial sources.

The waste collected through the event or activity described in this subdivision which is disposed of at a city disposal facility shall be clearly marked at the time of disposal to indicate it as waste from such an event or activity and shall not be commingled with any other waste."

SECTION 3. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling and printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material, or the underscoring.



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SECTION 4. This ordinance shall take effect on July 1, 2011.

INTRODUCED BY:

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APR 13 2011
CITY OF HONOLULU
CITY CLERK
RECEIVED

DATE OF INTRODUCTION:

APR 13 2011

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

PETER B. CARLISLE, Mayor
City and County of Honolulu

FILED
APR 13 2011
PURSUANT TO ROH Sec. 1-2.4