

**A BILL FOR AN ORDINANCE**

TO AMEND CHAPTER 9, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO TERMINATE RECYCLING RESIDUE DISCOUNT.

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

SECTION 1. Purpose. The purpose of this ordinance is to end financial support to private, commercial recycling companies disposing of recycling residue at H-POWER or Waimanalo Gulch Sanitary Landfill.

SECTION 2. Section 9-4.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**“Sec. 9-4.2 Disposal charges for businesses and federal, state and city agencies.**

(a) Unit Charges for Disposal. For the receipt and disposal of refuse and other solid wastes delivered to disposal facilities by any business or any federal or state agency, the following unit charges shall apply:

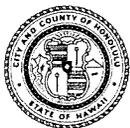
<b>Disposal Facility</b>	<b>Unit Charge (per ton)</b>	<b>Unit Charge (per cubic yard or fraction thereof)</b>
H-POWER	\$81.00	\$25.25
Transfer Stations	\$110.60	\$34.50
Landfills	\$81.00	\$25.25
Transshipment Facilities	\$81.00	\$25.25

(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



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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:

	<b>Per Ton Charge</b>	
<b>DISPOSAL AREA</b>	<b>Special Handling Per Ton Charge</b>	<b>Minimum Load Charge</b>
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:

	<b>Per Hour Charge</b>
<b>DISPOSAL AREA</b>	<b>Special Handling Per Hour Charge</b>
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 percent of the unit charge for businesses provided in subsection (a) for disposal at landfills and H-POWER. For the purposes of this subsection, a recycling operation is one that recovers post-consumer waste



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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;
- (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)](c) 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[,] for disposal at a city disposal facility, and



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(2) Any one-day solid waste cleanup event or activity approved by the department of environmental services for the express, non-commercial benefit of the community which involves the collection of litter and other solid waste from non-commercial sources and 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).] (d). The residue generated from a donated merchandise program run by an eleemosynary or charitable organization, pursuant to subdivision (1), and waste collected through the event or activity described in subdivision (2), which are to be disposed of at any city disposal facility, shall be clearly marked as such residue or waste, as the case may be, and shall not be commingled with any other waste.

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

[(e) Revocation. A recycling operation granted a reduction of disposal charges under subsection (c) or an eleemosynary organization granted an exemption from disposal charges under subsection (d) which violates any of the conditions (1) through (6) of subsection (c) shall have its discount or exemption revoked, upon written notice from the director. The notice shall explain the reason for revocation in detail. The recycling operation or eleemosynary organization may reapply for a discount or exemption after one year from the revocation date.

(f)](d) In addition to the charges outlined in subsections (a) and (b), there shall be a surcharge of 12 percent on those charges. The 12 percent surcharge shall also be applied to the charge that the city pays for disposing of refuse and other solid wastes at the H-POWER facility. Notwithstanding the above, the surcharge shall not be applied to the charges assessed against a recycling [operations which qualify for the disposal discount specified in subsection (c) and meet the conditions (1) through (6) therein.] operation. For the purposes of this



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subsection, a recycling operation is one that recovers post-consumer waste materials for use in new consumer products and shall meet the following conditions: (1) the recycling operation shall recover at least 2,000 pounds of recyclable material per month; and (2) the recyclable material recovered by the recycling operation shall be shipped off-island or the recyclable material shall be incorporated into a new consumer product directly by the recycling operation. All charges collected in accordance with this subsection shall be deposited into the recycling account of the solid waste special fund established by Section 6-49.1.

[(g)](e) Surcharge for Recovering State and Federal Fees. In addition to the disposal charges at municipal landfills, incinerators, and transfer stations delineated in this section, the department is authorized to impose a surcharge to recover the amount of any solid waste regulatory or permit fee imposed by the state or federal government together with any administrative cost to the city for imposing and collecting said fee.”

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 upon its approval.

INTRODUCED BY:

Todd Apo (BR)

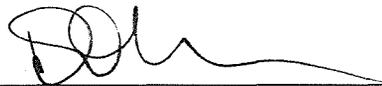
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DATE OF INTRODUCTION:

August 17, 2010  
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel

APPROVED this 31<sup>st</sup> day of May, 2011.



PETER B. CARLISLE, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
C E R T I F I C A T E

ORDINANCE 11-6

**BILL 47 (2010), CD2**

Introduced: 08/17/10 By: TODD APO (BR)

Committee: PUBLIC WORKS AND SUSTAINABILITY

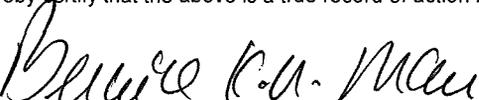
Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 9, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO TERMINATE RECYCLING RESIDUE DISCOUNT.

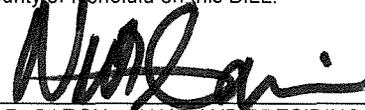
Links: [BILL 47 \(2010\)](#)  
[BILL 47 \(2010\), CD1](#)  
[BILL 47 \(2010\), CD2](#)  
[CR-82 \(2011\)](#)  
[CR-137 \(2011\)](#)

COUNCIL	09/22/10	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PUBLIC INFRASTRUCTURE.
ANDERSON Y	APO Y	CACHOLA Y
GARCIA Y	KOBAYASHI Y	OKINO Y
		DELA CRUZ Y
		DONOHUE Y
		TAM Y
PUBLISH	10/02/10	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
PUBLIC INFRASTRUCTURE	10/05/10	BILL DEFERRED IN COMMITTEE.
		NOTE: EFFECTIVE NOVEMBER 2, 2010, COUNCILMEMBER DONOVAN DELA CRUZ, REPRESENTING COUNCIL DISTRICT II, RESIGNED FROM OFFICE. (Refer to Communication <a href="#">CC-192</a> )
		ON NOVEMBER 8, 2010, THE APPOINTMENT OF REED MATSUURA WAS APPROVED (Refer to <a href="#">RES10-313</a> ) AND HE WAS SWORN INTO OFFICE AS A MEMBER OF THE HONOLULU CITY COUNCIL REPRESENTING DISTRICT II TO FILL THE REMAINING TERM OF FORMER COUNCILMEMBER DONOVAN DELA CRUZ.
		NOTE: EFFECTIVE NOVEMBER 8, 2010, COUNCILMEMBER TODD APO, REPRESENTING COUNCIL DISTRICT I, RESIGNED FROM OFFICE. (Refer to Communication <a href="#">CC-193</a> )
	12/28/10	CC-212 BILL RE-REFERRED FROM PUBLIC INFRASTRUCTURE TO PUBLIC WORKS AND SUSTAINABILITY COMMITTEE.
		NOTE: COUNCILMEMBERS CHANG, GABBARD TAMAYO, HARIMOTO AND MARTIN TOOK OFFICE ON SUNDAY, JANUARY 2, 2011.
		NOTE: COUNCILMEMBER BERG TOOK OFFICE ON WEDNESDAY, JANUARY 19, 2011 FILLING THE VACANCY FOR DISTRICT I.
PUBLIC WORKS AND SUSTAINABILITY	03/28/11	CR-82(11) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN <a href="#">CD1</a> FORM AND SCHEDULING OF A PUBLIC HEARING.
PUBLISH	04/09/11	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.

COUNCIL/PUBLIC HEARING	04/20/11	CR-82(11) ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PUBLIC WORKS AND SUSTAINABILITY.							
ANDERSON	Y*	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD TAMAYO	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y*		
PUBLISH	05/02/11	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
PUBLIC WORKS AND SUSTAINABILITY	05/02/11	CR-137(11) - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN <u>CD2</u> FORM.							
COUNCIL	05/11/11	CR-137(11) ADOPTED AND BILL 47 (2010), CD2 PASSED THIRD READING AS AMENDED.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD	A
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
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 BERNICE K. N. MAU, CITY CLERK

  
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 NESTOR R. GARCIA, CHAIR AND PRESIDING OFFICER