



A BILL FOR AN ORDINANCE

RELATING TO DISPOSAL CHARGES FOR REFUSE DELIVERED TO H-POWER.

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

SECTION 1. Findings and Purpose. The Council finds that with the expansion of H-POWER to include a third boiler, the waste-to-energy facility is capable of accepting 3,000 tons of municipal solid waste per day. However, because of various factors including the recent economic recession, the volume of municipal solid waste being delivered to H-POWER is much less than its processing capacity. Although H-POWER is designed to process municipal solid waste, it can accept certain processed feedstock that meets strict criteria, to protect the facility from damage. The combustion of processed feedstock, if available in sufficient quantities, will enable H-POWER to maximize its processing capacity and generate additional electricity, which will provide additional revenue to the City. The use of such feedstock is intended to provide short-term relief to the City until the volume of municipal solid waste grows to meet H-Power's processing capacity.

The purpose of this ordinance is to authorize the director of environmental services to waive applicable collection and disposal charges for processed feedstock delivered to H-POWER for a defined short-term period.

SECTION 2. Section 9-4.7, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 9-4.7 Refuse collection and disposal charges—Waiver.**

- (a) The director is authorized to waive the collection and disposal charges established by this article in cases of natural or manmade disasters and for a time period in which the director deems necessary to remove disaster debris. For the purposes of this section, a "natural disaster" includes disasters caused by fire, flood, tidal waves, hurricanes, tsunamis, volcanic eruptions, earthquakes, or other natural causes; and a "man-made disaster" includes disasters caused by enemy attacks, sabotage, other hostile actions, or disasters to individual homes, or other disasters manufactured, created or constructed by mankind.



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- [(b) For the purposes of this section, a "natural disaster" includes disasters caused by fire, flood, tidal waves, hurricanes, tsunamis, volcanic eruptions, earthquakes, or other natural causes; and a "man-made disaster" includes disasters caused by enemy attacks, sabotage, other hostile actions, or disasters to individual homes, or other disasters manufactured, created or constructed by mankind.
- (c) The director may adopt rules pursuant to HRS Chapter 91 to implement the provisions of this section.]
- (b) The director may waive any applicable collection and disposal charges established by this article that would otherwise apply to processed feedstock if the director issues a written finding that the quantity of municipal solid waste being processed at H-POWER has been, for the past 30 or more consecutive days, at least 100 tons per day below the H-POWER processing capacity of 3,000 tons per day. Upon such finding, the waiver shall be in effect for no more than the next 30 consecutive days as determined by the director and specified in the finding. The director shall transmit the finding immediately to the mayor and to the city clerk for public information.

The director shall determine the acceptability of processed feedstock for H-POWER based on certain established criteria, including but not limited to the following:

- (1) The processed feedstock is the product of a recycling operation in Hawaii;
- (2) The processed feedstock has appropriate combustion characteristics for H-POWER, including but not limited to BTU values, moisture content, inert material content, and metal content; and
- (3) The processed feedstock contains no hazardous waste, radioactive waste, polychlorinated biphenyl, or any other material or characteristic deemed unacceptable by the director.



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The determination of the director is final as to the acceptability of processed feedstock. For the purposes of this subsection, "processed feedstock" means raw materials used in the manufacture of a product that has been processed to a degree that clearly differentiates it from waste material.

- (c) The director may adopt rules pursuant to HRS Chapter 91 to implement the provisions of this section."

SECTION 3. Ordinance material to be repealed is bracketed and new material is underscored. When revising, compiling or 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 takes effect upon its approval; provided that Section 2 of this ordinance is repealed on December 31, 2016, and on such day, Section 9-4.7, Revised Ordinances of Honolulu 1990, is reenacted in the form in which it read on the day before this ordinance took effect.

INTRODUCED BY:

*[Handwritten signature]*

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DATE OF INTRODUCTION:

**JUN 25 2014**

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu

**FILED**  
**JUN 25 2016**  
PURSUANT TO RCH Sec. 1-2.4

2014 JUN 25 6M 5:20  
C & C OF HONOLULU  
CITY CLERK  
RECEIVED