

COUNTY OF HAWAII
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
ADMINISTRATIVE RULES

TABLE OF CONTENTS

ARTICLE I Department of Environmental Management General Rules –
Reserved

ARTICLE II Solid Waste Division

CHAPTER 1 – General Provisions

Section 1.01 – Purpose

Section 1.02 – Applicability

Section 1.03 – Definitions

Section 1.04 – Permit System

Section 1.05 – Variances

CHAPTER 2 – Convenience Centers

Section 2.01 – Definition

Section 2.02 – Permits

Section 2.03 – Acceptable Refuse

Section 2.04 – Prohibited Materials

CHAPTER 3 – Solid Waste Fees

Section 3.01 – Disposal Fees

Section 3.02 – Collection of Fees

Section 3.03 – Fee Schedule

CHAPTER 4 – Solid Waste Fund

Section 4.01 – Collection and Expenditure

CHAPTER 5 – Landfill Operational Rules

Section 5.01 – West Hawaii Sanitary Landfill

Section 5.02 – South Hilo Sanitary Landfill

ARTICLE III Wastewater Division – Reserved

ARTICLE II Solid Waste Division

CHAPTER 1 – General Provisions

Section 1.01 – Purpose. The purpose of these rules is to establish minimum standards governing the County of Hawai'i solid waste management system for solid waste refuse disposal operations, operations and maintenance of solid waste disposal and transfer station (convenience center) facilities, along with a fee structure for the system.

Such standards are intended to:

- (a) Establish a strong foundation for source reduction, composting and other similar services by creating financial incentives for diversion from landfills and other County solid waste disposal facilities;
- (b) Encourage new business opportunities in source reduction, recycling, composting and other similar services;
- (c) Minimize the need for County funding of such alternative refuse handling services by creating a favorable economic environment for business participation;
- (d) Establish a revenue source to assure compliance with new environmental regulations; to minimize dependence on general fund revenues; to fund solid waste programs such as used oil recycling and household hazardous waste collection; to better accommodate increased future demands created by population growth; to improve levels of service; to meet unanticipated refuse loads; to improve solid waste facility maintenance; and to expand internal services to minimize service dependency on other agencies of the County;
- (e) Create a special fund for user fees and revenues generated by Solid Waste Division to insure internal use of such funds; and
- (f) Achieve economic self-sufficiency in managing present and future solid waste management programs.

Section 1.02 – Applicability. These rules are applicable to all persons, as defined in this chapter, who utilize the County of Hawai'i's solid waste transfer station (convenience center) facilities or sanitary landfills.

Section 1.03 – Definitions. When used in this chapter, the following terms have the meanings given below:

“Agricultural Waste” means waste resulting from the production of agricultural products including, but not limited to, manures and carcasses of dead animals.

“Beverage Containers” means the individual, separate, sealed glass, polyethylene terephthalate, high density polyethylene, or metal container used for containing beverages.”

“Biosolids” means the nutrient-rich organic materials resulting from the treatment of domestic sewage. Biosolids are treated sewage sludge. Biosolids are carefully treated and monitored and must be used in accordance with regulatory requirements.

“Bulky Waste” means large items of refuse, such as household appliances, furniture and other oversize wastes which may be prohibited for disposal at transfer stations (convenience centers) or would typically not fit in transfer station (convenience center) chutes or refuse transport trailers.

“Business” means a sole proprietorship, partnership, or corporation.

“CFR” means Code of Federal Regulations.

“Clear and Grub materials” means materials consisting of rock, soil, coral, sand, and gravel in conjunction with a maximum of 20% vegetation which includes trees, timber, and shrubbery and plants dislodged or uprooted from the ground.

“Commercial solid waste” means all types of solid waste generated from commercial activities including, but not limited to, stores, offices, restaurants, warehouses, and non-manufacturing activities, excluding residential and industrial wastes.

“Commercial hauler” means a transporter of refuse made up of commercial, residential and industrial solid waste.

“Construction and demolition waste” means largely inert solid waste, resulting from the demolition or razing of buildings, roads or other structures, and may include material such as concrete, rock, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, plaster and minor amounts of other metals such as copper. Construction and demolition waste does not include cleanup materials contaminated with hazardous substances, friable asbestos, waste paints, solvents, sealers, adhesives, or similar materials.

“Container” means a device used for the collection, storage or transportation of solid waste, including, but not limited to, reusable containers, disposable containers, detachable containers, and tanks, whether fixed or detachable.

“Contaminated soil” means excavated soils impacted by the introduction of any physical, chemical, biological, or radiological substance or matter that has an adverse effect on the environment.”

“Convenience center” means waste handling facilities performing limited transfer station operation located at convenient areas and receiving less than 40 tons/day of only household or residential solid waste.

“Cover material” means soil or other suitable material that has been approved by the Department of Health as cover for wastes.

“Department” means the Department of Environmental Management.

“Director” means the Director of the Department of Environmental Management or his/her designated representative.

“Disposal facility” means a solid waste management facility or part of one at which solid waste is intentionally placed into or on any land, and at which solid waste will remain after the facility closure. A disposal facility may also be termed a landfill.

“Facility” means all contiguous land, including buffer zones and structures, other appurtenances, and improvements on the land used for handling solid waste.

“Garbage” means, but is not limited to, putrescible solid waste including animal and vegetable wastes resulting from the handling, storage, sale, preparation, cooking or serving of food. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.

“Hazardous Waste” means regulated hazardous waste as defined in 40 CFR 261 or the State of Hawai‘i’s rules or statutes, whichever is more stringent.

“Household waste” means any solid waste, including garbage and trash, and sanitary waste in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campground, picnic grounds, and day use recreational areas.

“Industrial solid waste” means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under subtitle “C” of RCRA. The waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer or agricultural chemicals; food and related products or by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; non-ferrous metals manufacturing or foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic

products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

“Liquid” means a substance that flows readily and assumes the form of its container but retains its independent volume at ambient temperatures.

“Liquid waste” means any waste material that is determined to contain “free liquids” as defined by the Paint Filter Liquids test.

“Medical waste” means all infectious and injurious waste originating from a medical, veterinary, or intermediate care facility.

“Municipal solid waste landfill” means a discrete area of land or an excavation that receives household waste. A municipal solid waste landfill may also receive other types of RCRA subtitle D wastes, such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste.

“Permit” means written authorization from the Director to dispose of any solid waste material in a County landfill, other County facility for specific wastes or any component of a solid waste disposal system.

“Person” means any individual, firm, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

“Prohibited materials” means, but are not limited to, paint thinner or solvents; oil base paint waste; automotive waste oil, antifreeze or lead acid batteries; pesticides, herbicides or rodent and insect control chemicals; household cleaner, polish or wax; contaminated soil; medical waste; propane, oxygen or acetylene tanks; diesel, gasoline or alcohol; and liquids or sludges in containers of five gallons or larger, including liquid cooking oil or grease unless mixed with a bulking agent so that it is solidified, and hazardous waste as defined in 40 CFR 261 or the State of Hawaii’s rules or statutes, whichever is more stringent.

“Putrescible waste” means solid waste which contains material capable of being decomposed by micro-organisms.

“RCRA” means the federal Resource Conservation and Recovery Act, 42 U.S.C. sections 6901 to 6992k.

“Recycling” means the collection, separation, recovery, and sale or reuse of secondary resources that would otherwise be disposed of as municipal solid waste, and is an integral part of the manufacturing process aimed at producing a marketable product made of post-consumer material.

“Recycling drop-off facility” means a structure or site designated for collection and small scale (low technology) segregation of recyclable materials. The manned or unmanned site will receive and temporarily store recyclables “dropped off” and no payment is made to the participants depositing recyclables.

“Recycling processing or materials recovery facility” means a facility that collects and bales, shreds, crushes, melts, sorts or otherwise treats, temporarily stores, and brokers, or transports recyclable materials for reuse or re-manufacture.

“Refuse” means anything putrescible or non-putrescible that is discarded or rejected.

“Salvage” means the incidental removal of solid waste for reuse under control of the facility owner or operator.

“Scavenging” means the removal of materials at a disposal site, or interim solid waste site without the approval of the owner or the operator and the Department of Health.

“Single family household” means a dwelling unit of two or more rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and dining.

“Sludge” means any solid, semi-solid, or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, industrial process, or air pollution control facility exclusive of the effluent from a wastewater treatment plant.

“Special waste” means any solid waste which, because of its source or physical, chemical, or biological characteristics, requires special consideration for its proper processing or disposal, or both. This term includes, but is not limited to, asbestos, used oil, lead acid batteries, municipal waste combustion ash, sewage sludge that is non-hazardous, medical waste, tires, white goods and derelict vehicles.

“Storage” means the holding of solid waste materials for a temporary period.

“Transfer station” means a permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off site into a larger transfer vehicle for transport to a solid waste handling facility. Transfer stations may also include recycling activities.

“Waste reduction” means reducing the amount or type of waste generated.

“White goods” means electrical and mechanical appliances made primarily of metal parts such as refrigerators, clothes washers, dryers and stoves. Appliances of less than 3 cubic feet in volume before crushing shall not be included in this definition.

Section 1.04 – Permit system. (In accordance with Hawai'i County Code, Chapter 20, Article 3, Section 20-35 except as amended herein.)

(a) Requirement. No business, federal, state or county agency, religious entity or not-for-profit organization shall dispose of refuse at any county solid waste facility without first obtaining a disposal permit issued by the Director and making payment of the permit fee as required herein.

(b) No person shall dispose of refuse at any county landfill, or other County waste facility without first obtaining a disposal permit issued by the Director. Persons not representing any business, federal, state or county agency, religious entity or not-for-profit organization, need not obtain a permit to dispose of refuse at a county transfer station.

(c) Application. An application for a disposal permit shall be submitted to the Director on a form furnished by the department. Incomplete applications shall not be considered by the Director.

(1) For businesses, federal, state or county agencies, religious entities, and not-for-profit organizations, the following information is required:

(A) Name, mailing and street address, telephone number and e-mail address (if available) of the business, federal, state or county agency, religious entity or not-for-profit organization.

(B) Make, model, tare weight, carrying capacity in cubic yards and license number of the vehicle(s) which would be used to dispose of refuse.

(C) Approximate volume and frequency of refuse to be disposed.

(D) Origin and type of refuse to be disposed.

(E) Other information as deemed necessary by the Director.

(2) Persons not acting as or on behalf of any business, public agency, religious entity or not-for-profit organization shall provide their name, residence and mailing address, and e-mail address (if available), residence and employer telephone numbers, drivers license number, and any other information deemed necessary by the Director for billing, collection and monitoring purposes.

(d) Duration. The disposal permit shall be effective for a period of one year from the date of issuance.

(e) Compliance. The Director may suspend or revoke a disposal permit for the following reasons:

(1) Failure to pay disposal charges or special handling fees when due.

(2) Failure to comply with the provisions of these rules.

(3) Failure to comply with disposal procedures and/or conditions established by the department.

(4) Altering a permit or falsifying any information submitted to the department.

(5) Failure to comply with Landfill Operating Rules.

(f) Suspension or Revocation of disposal permit. The suspension or revocation procedure shall be as follows:

(1) A thorough investigation shall be conducted and a written report completed prior to action being taken against a permit holder. If warranted, the Director may request a third party investigation. If, upon review of all reports, including a statement from the permit holder, the Director determines that sufficient reasons exist to suspend or revoke a disposal permit, the Director shall inform the permit holder by registered mail of his/her decision to suspend or revoke said permit.

(2) The letter shall also inform the permit holder of the effective date of the suspension or revocation and the specific reason(s) for the suspension or revocation of the disposal permit.

(3) The permit holder shall be given a period of ten (10) working days to cure the complaint. At the end of the ten day period, the County shall advise the permit holder in writing either that the complaint has been remedied or that the permit is to be revoked or suspended, and if to be suspended, for how long. In addition, said letter shall describe the process by which the permit holder may request a hearing before the Director, within ten (10) working days. If no request for a hearing is made during that period, suspension or revocation shall become final.

(4) If the permit holder requests a hearing before the Director, a date shall be set within two (2) working days of the request and notice provided as required by Section 91-9 of the Hawaii Revised Statutes. The decision of the

Director shall be considered the final decision of the County and shall be subject to such judicial review, as is determined by law.

(5) A request for a hearing shall not automatically act to stay the Director's decision to revoke or suspend. The Director may, at the permit holder's request, grant a stay if the violation is minor and the Director has determined that the stay will not be detrimental to landfill operations or public health and safety.

(6) Any person whose permit has been revoked will be fined \$1000.00 for the reinstatement of their permit. Multiple violations may result in a one (1) year permit revocation.

(7) Any person who is found on a County landfill site attempting to continue business with a suspended or revoked permit shall be deemed to be a trespasser and subject to prosecution.

(g) Permit Fee. There shall be a fee of twenty-five (25) dollars for the issuance of a refuse disposal permit to a business, federal, state or county agency, religious entity or not-for-profit organization, payable with the application therefor. There shall be no fee for the issuance of a permit to persons not acting as or on behalf of a business, public agency, religious entity or not-for-profit organization.

Section 1.05 – Variances. There shall be no variances or exemptions to either the permit fee or the solid waste disposal fee described and included herein.

CHAPTER 2 – Convenience Centers

Section 2.01 – Definition. Convenience centers, also commonly referred to as “transfer stations,” are an integral part of the County's solid waste disposal facilities and are situated at selected locations throughout the island. Refuse disposal at these facilities are restricted to single family household waste deposited by individuals not acting as, or on behalf of, a business, public agency, religious entity or not-for-profit organization. Fees or permits will not be required at convenience centers.

Section 2.02 – Permits. No permits for commercial solid waste, industrial solid waste or multiple residential generated household solid waste will be issued for refuse disposal at any convenience center. Permits for single family household refuse disposal at convenience centers will not be required.

Section 2.03 – Acceptance. All acceptable household refuse, including shrubbery and yard trimmings, deposited into the convenience center solid waste container shall be accepted by the County on any day during the normal posted

working hours of the center. No item shall exceed four feet in any dimension or weigh more than fifty pounds.

Section 2.04 – Prohibited Material. Prohibited material at all convenience centers shall include all commercially hauled rubbish, garbage or refuse, prohibited materials as defined by the State Department of Health and partially listed herein, refuse generated by a business, Federal, State or County agency, religious entity or not-for-profit organization, construction or demolition wastes, abandoned vehicles, white goods, animal carcasses and other similar organic waste.

CHAPTER 3 – Solid Waste Fees

Section 3.01 – Disposal Fees. (In accordance with Hawai'i County Code, Chapter 20, Article 4, Section 20-46 except as amended herein.)

(a) Any refuse, except for prohibited materials, delivered by a business, Federal, State or County agency, religious entity, not-for-profit organization or private citizen to the working face of a County landfill shall be charged by the ton, or pro-rated accordingly, at the rates set forth herein.

(b) Computerized scales, certified by the State of Hawaii, shall be operated at County landfills. A weight ticket shall be issued to the driver of each permitted vehicle after it is weighed at the landfill. The weight ticket shall list relevant information such as, date, time, permittee, vehicle I.D. number, gross, tare, and net weights, and tipping fee. In the event of a printer or other malfunction, weight ticket information shall be made available to the permittee as soon as possible.

(c) In the event of a breakdown or where computerized weighing equipment is inoperable, the County will utilize mobile truck scales from the State's Motor Vehicle Safety Office, if available. If unavailable, charges will be based on volume rates as set forth herein.

(d) In addition to the per ton charge or volume charge, items which cannot be disposed at the working face of the landfill in accordance with usual disposal practices or which require special handling and/or arrangements by landfill personnel, shall be assessed a special handling charge at rates as set forth herein. Such items shall include, but are not limited to, asbestos and confidential document destruction or other disposal requiring a witness. Whole tires are not accepted at the landfill. All wire or cable must be cut to four (4) foot lengths prior to disposal at any County landfill or transfer station. Items which a person loads, with his/her manpower, immediately back into his/her vehicle for proper offsite recycling or disposal, shall not be charged either the tipping fee or special handling fee. The person must scale out the weight to be credited.

(e) Administrative rules shall provide partial credit to commercial haulers for residential waste. The amount of the credit shall be no less than two dollars 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 1.5 (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. Customer listings and other verification documents shall be subject to audit at anytime, by the County or its representative. Refusal of an audit or falsification of information shall be grounds for immediate revocation of the disposal permit.

Section 3.02 – Collection of Fees. (In accordance with Hawai'i County Code, Chapter 20, Article 4, Section 20-47 except as amended herein.)

(a) All charges for landfill disposal fees shall be collected by the Department of Environmental Management. Billings shall be made monthly and payments shall be made within thirty (30) days of the billing. A ten (10) percent late fee shall be imposed on all billings which are sixty (60) or more days overdue. In addition to this, no further use of any County solid waste facility will be permitted until full payment is made.

(b) Billings shall list the tipping fee charged for each load including the weight (or volume), vehicle I.D., date, and time.

Section 3.03 – Fee Schedule. (In accordance with Hawai'i County Code, Chapter 20, Article 4, Section 20-49 except as amended herein.)

Charges for landfill disposal shall be established in accordance with County of Hawai'i Ordinance 03-102.

CHAPTER 4 – Solid Waste Fund

(In accordance with Hawai'i County Code, Chapter 20, Article 4, Section 20-48 except as amended herein.)

Section 4.01 – Collection and Expenditure. All funds received from the collection of fees authorized by Ordinance 94-87 shall be deposited with the Director of Finance and shall be accounted for and 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 system.

CHAPTER 5 – Landfill Operational Rules

Section 5.01 – West Hawaii Sanitary Landfill. General Rules – Refer to Section 5.02 – South Hilo Sanitary Landfill.

Section 5.02 – South Hilo Sanitary Landfill. General Rules

- (1) Vehicles and passengers enter at their own risk. All vehicles must check in at the weigh station.
- (2) Follow posted and verbal instructions from landfill personnel.
- (3) All vehicles must be weighed at the scalehouse before dumping.
- (4) No vehicles will be admitted into the landfill after the posted closing time.
- (5) Smoking in the dumping area and consumption of alcoholic beverages on County property are prohibited.
- (6) Loitering within the landfill site is prohibited. All persons must leave the landfill site immediately after dumping or “taring out.”
- (7) Observe all posted speed limits and traffic warning signs. Unless otherwise posted, the speed limit of all roads in the landfill site is 15 mph. Always drive at safe speeds and use low gears while driving downhill.
- (8) All children under 16 must remain in the vehicle at all times.
- (9) Tools, tailgates, etc., must be kept on, in, or under the vehicle while dumping.
- (10) Dangerous practices, such as rapid backing up to discharge loads, operating vehicles with unsecured doors, etc., are prohibited.
- (11) Load “pull off” service is not provided.

(12) Littering on local streets or roads and other areas within or leading to the landfill site is prohibited. Loads must be securely tied and/or covered to prevent spillage.

(13) Dumping is permitted only in those areas designated by signs or landfill personnel.

(14) The salvaging or scavenging of dumped material is prohibited.

(15) Tree stumps, roots, telephone poles, pilings, cables and wire fences and other similar material must be cut to lengths of 4 feet or less.

(16) Travel within the landfill is to be on designated routes only. Any vehicle unable to negotiate these routes because of faulty or malfunctioning equipment will be prohibited from entering the landfill.

(17) Vehicles must maintain a minimum distance of 25 feet from the bulldozer operations at all times.

(18) Dead animals will be accepted at the landfill. Animals require special handling; arrangements for delivery and disposal should be made prior to delivery to the landfill.

(19) Whole tires and derelict motor vehicles are not allowed at the landfill.

(20) Witness requirement for confidential document destruction must be provided by the agency or individual requesting such special handling.

(21) County employees must also follow all health and safety regulations at the landfill governing the general public. Any concerns regarding a violation of safety practices should be reported to the Director.

SEVERABILITY

In the event any portion of these rules is declared invalid, such invalidity shall not affect other parts of these rules.

BARBARA BELL
Director

Notice of Public Hearing: Hawaii Tribune Herald
West Hawaii Today

Public Hearing Date: November 17, 2004

APPROVED:

HARRY KIM
Mayor

DATE

APPROVED AS TO FORM
AND LEGALITY

CORPORATION COUNSEL

DATE

I hereby certify that the forgoing rules were received and filed in my office this
_____ day of _____, 2005.

County Clerk