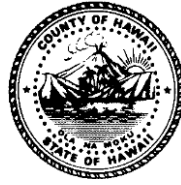


Mitchell D. Roth
Mayor



Georjean Adams
Chair

Ramzi I. Mansour
Director, Department of
Environmental Management

Rick Gaffney
Vice Chair

County of Hawai'i

ENVIRONMENTAL MANAGEMENT COMMISSION

345 Kekūanāo'a St. Suite 41 • Hilo, Hawai'i 96720 • Ph: (808) 961-8083 • Fax: (808) 961-8086

MEETING AGENDA

Pursuant to Hawai'i Revised Statutes Chapter 92, this meeting will be online with a location available to the public. The public may attend either in person, online, or by telephone.

DATE: May 25, 2022
TIME: 9:00 a.m.
IN PERSON: Puna Conf. Room, Hawai'i County Building, 25 Aupuni St., Hilo
ONLINE: Via Zoom <https://www.zoomgov.com/j/16031058165>
(Meeting ID: 160 3105 8165)
PHONE: +1 669 254 5252 (Enter the meeting ID, see above)

To ensure timely delivery to commissioners prior to the meeting, written testimony must be submitted before 12:00 noon on the business day prior to the meeting by (1) email to peter.sur@hawaiicounty.gov or (2) facsimiles to (808) 961-8086. When submitting written testimony, please specify for which agenda item it is being submitted. Written testimony will be part of the permanent record. Oral testimony will be accepted, subject to applicable rules.

I. CALL TO ORDER

II. APPROVAL OF MINUTES OF APRIL 27, 2022

1. Volume I - EMC regular business¹
2. Volume II – Contested case hearing regarding appellant Kai Ala Partners LLC²

III. STATEMENT FROM THE CHAIR

IV. PUBLIC STATEMENTS ON ITEMS ON THE AGENDA to be provided at this time or to be scheduled at the time of the agenda item as each testifier requests.

V. UNFINISHED BUSINESS

1. Status report on 2022 EMC Commissioner Priorities – Each commissioner may provide a *brief* update, if applicable.
2. Next steps for exploring distributed composting.
 1. Discussion with Keola Aki, Kaua'i County Recycling Coordinator, on county residential composting bins. See Kaua'i Compost Survey³ and <https://www.kauai.gov/Composting>

¹ II.1: Draft minutes, Volume I – <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=116022>

² II.2: Draft minutes, Volume II – <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=116023>

³ V.2.1: Kaua'i Compost Survey: <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=116074>

2. Home composting bin distribution by Hawai'i County
3. Follow up on Michael Pierron Dec. 16, 2020, presentation to EMC⁴
4. Status of contract negotiations (HER & WMH)
3. Discuss EMC developing priority topics for the expected new Public Education & Information Specialist.⁵
4. Proposed Components of an Integrated Wastewater Master Plan.⁶
5. Recommended areas for EMC focus on new code/rule changes. See Hawai'i County Code on sewerage⁷, solid waste⁸, and DEM admin rules⁹
 1. 2019 proposed DEM Article III, Rule 20 re sewer laterals¹⁰
 2. Residential sewer fee rule changes. E.g., charge by capacity of the property's connections to county sewer mains, regardless of actual use, and eliminate the concept of "unoccupied unit."
 3. Wastewater pretreatment code draft proposal status
 4. Littering code changes.

VI. CONTINUED PROCEEDINGS REGARDING KAI ALA PARTNERS LLC'S APPEAL OF THE DIRECTOR'S DECISION

Kai Ala Partners LLC's appeal of the Director's decision to bill two wastewater accounts for TMK (3) 7-5-019:018 was upheld. The decision was found to be in violation of the code and clearly erroneous.¹¹ Appellant submitted a draft Findings of Fact, Conclusions of Law, and Order to be considered by the Commission, and Appellee was provided an opportunity to file objections.¹² In compliance with HRS § 91-12 and EMC Rule 7-12, the Commission is to adopt a final written Findings of Fact, Conclusions of Law, and Order.

VII. NEW BUSINESS

1. Comments and recommendations on Bill No. 167 – An Ordinance amending Chapter 14 of the Hawai'i County Code 1983 (2016 Edition, as amended) by adding a new article relating to prohibition of non-mineral sunscreen.^{13 14}

VIII. REPORTS/CORRESPONDENCE

Director's Informational Report.

1. Legislative update
2. Expected Budget shortfalls and impacts
3. Solid Waste Division Projects and Updates
4. Wastewater Division Projects and Updates
 1. Pāhala & Nā'ālehu Administrative Order on Consent

⁴ V.2.3: Pierron presentation to EMC <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=116075>

⁵ V.3: Topics for Public Info/Ed Spec. <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=116076>

⁶ V.4: Wastewater management plan <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=116077>

⁷ V.5: HCC Chapter 21 <https://www.hawaiicounty.gov/home/showpublisheddocument?id=46>

⁸ V.5: HCC Chapter 20 <https://www.hawaiicounty.gov/home/showpublisheddocument?id=301310>

⁹ V.5: DEM Admin Rules <https://records.hawaiicounty.gov/weblink/1/doc/109446/Page1.aspx>

¹⁰ V.5.1: Proposed Rule No. 20 <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=115746&cr=1>

¹¹ VI: See Footnote 2, page 40.

¹² VI: Contested case hearing files <http://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=1&startid=115975>

¹³ VII.1: Bill No. 167: <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=0&id=1034782>

¹⁴ VII.1: Bill No. 167 testimony: <http://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=0&startid=1035415>

IX. FUTURE AGENDA ITEMS

1. Follow up on action items determined today.
2. Other (Commissioners may suggest items to be placed on the next agenda.)

X. ANNOUNCEMENTS

The next meeting is scheduled for June 22, 2022, at the Community Meeting Hale, West Hawai‘i Civic Center, and via Zoom. Please contact the Secretary for the Department of Environmental Management or review the agenda posted on the County Calendar within six days of the next meeting.¹⁵

XI. ADJOURNMENT

Note: A meeting held by interactive conference technology shall be automatically recessed for up to 30 minutes to restore communication when audiovisual communication cannot be maintained with all members participating in the meeting or with the “in person” location identified in this agenda. The meeting may reconvene when either audiovisual communication is restored, or audio-only communication is established after an unsuccessful attempt to restore audiovisual communication. If it is not possible to reconvene the meeting as provided in this subsection within 30 minutes after an interruption to communication, the meeting will be in recess and will attempt to reconvene at 1:00 p.m. on the same day, using the same meeting ID listed on Page 1 of this agenda. If at that time a quorum of remote members and the in-person members are unable to establish and maintain at least an audio-only connection by 1:15 p.m., then the meeting shall be automatically terminated.

The regular meeting place is accessible to persons with disabilities. To request an auxiliary aid or language translation, please call (808) 961-8083 five days prior to the meeting date. Comments may be sent to the Department of Environmental Management, 345 Kekūanā‘a Street, Suite 41, Hilo, Hawai‘i 96720, or emailed to cohdem@hawaiiicounty.gov.

Notice to lobbyists: If you are a lobbyist, you must register with the Hawai‘i County Clerk within five days of becoming a lobbyist. [Chapter 2, Article 15, Section 2-91.3(b), Hawai‘i County Code.] A lobbyist means “any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.” [Chapter 2, Article 15, Section 2-91.3(a)(6), Hawai‘i County Code.] Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, 25 Aupuni Street, Hilo, Hawai‘i 96720.

¹⁵ Hawai‘i County Calendar: <https://www.hawaiiicounty.gov/our-county/county-calendar>