

**ENVIRONMENTAL MANAGEMENT COMMISSION**

**COUNTY OF HAWAII**

**MEETING MINUTES**

**Wednesday, January 26, 2022**

**9:13 a.m. to 10:51 a.m.**

**Zoom**

Commissioners present:

Georjean Adams, Chair  
Rick Gaffney, Vice Chair  
Melissa Cardwell  
Lee McIntosh  
Jon Olson

County staff present:

Ramzi Mansour, Director  
Sanne Berrig, Recycling Specialist  
Peter Sur, Secretary  
Malia Kekai, Deputy Corporation Counsel for DEM  
Keyra Wong, Deputy Corporation Counsel for EMC  
Wendy Baez, Legislative Assistant, Council District 8

Others present:

Michelle Sorenson, Richard Henderson, Ritchie Henderson, others.

**1. CALL TO ORDER**

Chair Adams opened with a roll call and called the meeting to order at 9:13 a.m.

**2. APPROVAL OF MINUTES**

a. November 24, 2021, meeting<sup>1</sup>

**Motion, second, and vote:** Vice Chair Gaffney made a motion, to which Commissioner Cardwell seconded, to approve the minutes as written. The motion was carried by voice vote: Ayes 5 (Adams, Cardwell, Gaffney, McIntosh, Olson); Absent 4 (Burns, Fulton, Hoopii, Robinson).

b. December 29, 2021, special meeting<sup>2</sup>

**Motion, second, and vote:** Commissioner Olson made a motion, to which Vice Chair Gaffney seconded, to approve the minutes as written. The motion was carried by voice vote: Ayes 5 (Adams, Cardwell, Gaffney, McIntosh, Olson); Absent 4 (Burns, Fulton, Hoopii, Robinson).

<sup>1</sup> <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=114147>

<sup>2</sup> <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=114153>

c. January 7, 2022, special meeting<sup>3</sup>

**Motion:** Vice Chair Gaffney moved to approve the minutes. Commissioner Olson raised a point of information that he was recused from voting, and therefore a motion cannot pass. Counsel Wong recommended a deferral to the next meeting.

**Withdrawal of motion:** Vice Chair Gaffney withdrew his motion. Chair Adams announced a postponement of the minutes to the next regularly scheduled meeting on February 16, 2022.

## 2. STATEMENT FROM THE CHAIR

Holy Moly, Chair Adams said. This year is supposed to be better, and let's hope that it will be. We're off to a little bit of a rocky start here, but my watchwords for the year are resilience and kuleana. We will try as hard as we can to make this work and help bring improvements and opportunities in the environmental management field. So everybody cross your fingers.

## 3. PUBLIC STATEMENTS ON ITEMS ON THE AGENDA

(No statements from the public)

## 5. UNFINISHED BUSINESS

a. Continuation of Contested Case Hearing from January 7, 2022: Kai Ala Partners LLC appeal of the Director's decision to bill two wastewater accounts for TMK (3) 7-5-019:018 and (3) 7-5-019:026.

Chair Adams announced that we will be continuing the contested case hearing that was held January 7, 2022, with Kai Ala Partners, LLC appeal of the director's decision to build two wastewater accounts for TMK (3) 7-5-019:018 and (3) 7-5-019:026. We need to continue that hearing because we do not have enough commissioners that we think we could reach a resolution.

Part of that is to allow Richie Henderson, one of the parties, to get out of this meeting. And so we will set a new date for that hearing as soon as we can find a time when sufficient number of commissioners and the Hendersons (Appellants) can make that hearing date.

Deputy Corporation Counsel Keyra Wong asked Ritchie Henderson if there were any dates in February that Appellants are not available, to which he replied that February would be "pretty much open."

Deputy Corporation Counsel Wong then asked whether Deputy Corporation Counsel Kekai, representing Director Mansour (Appellee) were also available during that time. Secretary Sur said that the available time was limited to the morning of February 7, 2022.

Chair Adams said she thinks we can make another call out to people saying, come on, you might need to reschedule some things in your life if you can, so that we can get this done. It's just not

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<sup>3</sup> <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=114154>

fair to the Hendersons to keep dragging this out, and we can make some accommodations, so we'll make another effort.

She was not sure that one hour would be sufficient for the special meeting, although everyone is supposed to read all the information and testimony from the last hearing date.

Mr. (Ritchie) Henderson asked Chair Adams to find out when they can have a meeting and a quorum, and then have the Secretary notify them.

Deputy Corporation Counsel Wong asked the DEM's counsel to double-check with Appellee's witnesses and with her schedule and get back to her and the Secretary with the dates she is available. Ms. Wong and Chair Adams would then work with the commissioners to encourage everyone's participation.

Deputy Corporation Counsel Kekai asked that the hearing not be on a Thursday.

b. Commissioners' individual priorities for EMC action in 2022.

Chair Adams said she personally found it to be useful for her to think about what she wants to accomplish this year on behalf of the EMC. But she is certainly open to the sentiment that, maybe it wasn't energizing enough for the rest of the crew to continue that. But if you would like to, obviously you can have your own list of priorities, but to have it as a publication for the commission, she is not sure we need to do that.

Commissioner Cardwell agreed, and said she liked the idea of that. She started off being excited about composting and was working on that, but she encountered a lot of red tape, and has not been working on it for that reason. It just seems really difficult to make any headway with that, and so she set it aside for now. But having it more public makes us a little more accountable, she said. She was not sure if she would continue working on it, it's a lot bigger than one person working on it. It's just going to require a lot of work, and she is not really sure at this point where to go with it.

Vice Chair Gaffney understood Commissioner Cardwell's concerns, adding that he has the same ones. But frankly, those concerns about the difficulty of getting anything done seem to cover the complete gamut of everything DEM does. And there are problems that we don't even expect when we start the process, and we assume that we reach out to the people involved and we get them excited about it, and they want to move forward on it, and then we run into these solid walls, some of which we can't even understand. But that doesn't make those issues that were of concern to us any less concerning.

Commissioner McIntosh said it was helpful, but he had pretty much gone as far as he could with what he was working on. He does not know what else he would be able to do in regards to the treatment plants.

Chair Adams said the idea behind it was more about when you're thinking about initiatives or information you want to find out about to bring back to the Commission, so that we can try and decide, is there something we should do? It's just kind of a reminder of what you'd like to work on and where you're going to do some offline homework individually. So you can go as hard or as soft as you wish on them. It's more your own personal to-do list and looking for different angles on how to make it work.

Commissioner Olson said it was useful. At least from his side, our solid waste issues out here in Puna, have become marginally better or are barely keeping up with our population growth. The fact of the matter is that the foundation of this organization is based in that the solid waste issues are growing with the population. We have at least 80,000 TMKs in the Puna District, and those lots are rapidly being built on. Aside from all of the other things that are going on in the world, people are still coming here in droves, and we're going to have to continue to figure out how to keep up with it. So that is one of the reasons we started this, got organized, got this on the ballot and got it voted on by the people who all agreed that this body needed to exist.

Chair Adams replied that it is definitely a worthy cause. She was more asking the question of, do you want to refresh? And it may be the same issue that you want to continue striving for, that list of priorities for 2022. And it sounds like everybody would like to. Maybe you were frustrated you didn't get as far as you'd want it to this last year. But, hey, that's life, but you're still going to strive for it. She said she would put out a request to everybody on the Commission to think about what would you like to focus your personal efforts on. And then again, we can publish it and share it. And she will ask for the monthly updates: "Is there anything you'd like to report?" You're not obligated to have done anything but gives you an opportunity to talk about things that you may have learned in the last month. So she will keep going.

- c. Status report on action items from previous meeting
  - a. Barriers to Private Recyclers Permitted Interaction Group

Chair Adams, and Commissioners Hoopii and Cardwell have been talking or thinking about how to collect information. A lot of it was about following up on the kinds of things that Mr. K's Recycling described. The Chair had developed a spreadsheet trying to track who we're contacting and what issues have been identified, and then we'll come up with some commonalities and recommendations we'll bring back to the Commission. But as with trying to hold these hearings, it's been hard over the holidays to get hold of people and to make a lot of progress. Personally, she has had a couple of interesting conversations with people, so we're working on it. Stay tuned. It's on the list, and she appreciates the effort. And it will be valuable to the group

## 6. NEW BUSINESS

- a. Election of EMC Chair and Vice Chair for 2022

We need to elect a new chair and vice chair for 2022, Chair Adams said. She would be glad to continue as Chair, but if somebody else would like to step forward, go for it.

Vice Chair Gaffney said he was willing to continue as vice chair

**Motion, second, and vote:** Vice Chair Gaffney made a motion to which Commissioner Cardwell seconded, to elect Georjean Adams as Chair of the Environmental Management Commission for 2022. The motion was approved by roll call vote: Ayes 5 (Adams, Cardwell, Gaffney, McIntosh, Olson); Absent 4 (Burns, Fulton, Hoopii, Robinson).

**Motion, second, and vote:** Commissioner Cardwell made a motion, to which Commissioner McIntosh seconded, to elect Rick Gaffney as Vice Chair of the Environmental Management Commission for 2022. The motion was approved by roll call vote: Ayes 5 (Adams, Cardwell, Gaffney, McIntosh, Olson); Absent 4 (Burns, Fulton, Hoopii, Robinson).

- b. Discussion regarding emergency closure notifications for transfer station operations: Why doesn't DEM use the County's emergency contact system to inform citizens of the closures of waste management facilities (e.g. greenwaste), especially when they are closed at the last minute due to equipment failures or employee absence? Why aren't relevant DEM websites and HawaiiZeroWaste updated with current information and day-to-day changes regarding access to solid waste facilities? (Gaffney)

Vice Chair Gaffney explained that he put this on the agenda because he was curious why DEM is not using the county's emergency notification system to let people know when a solid waste transfer station is going to be closed. He has personally run into it on many occasions. And it's frustrating because if, say, the greenwaste facility is open on a Wednesday and you get there and it's closed, and you've got a busy day, you could end up with green waste in your vehicle until Saturday. And it's just an unfortunate situation, which could be remedied if there were emergency notifications. It just seems like there is a lot of community concern about not being able to access transfer stations at the times that are posted, although even those times that are posted seem to be changed, but not changed on the website. He was requesting more regular notifications to prevent people having to drive long distances, people dumping their green waste on the side of the road, and so forth.

Chair Adams asked the Vice Chair to clarify that he was talking about the same-day closures of facilities, as opposed to ones that are scheduled.

That is correct, Vice Chair Gaffney said. What's been happening with COVID, suddenly at opening time, they discovered that they're not enough employees and they therefore can't open the facility. One thing that happened recently, also an emergency, is the machinery that's used to pack the greenwaste into the trailer had broken down, and so they couldn't operate the greenwaste as a result. Those are emergencies. And that's why it's appropriate that the emergency network be used because it's an opportunity. His phone dings and tells him that there's big surf coming or whatever, or a highway is closed or there's a fire someplace. And he is just asking that we add access to the waste system to that list of emergencies. And he presented this as an agenda item, hoping that we could get some feedback from DEM as to

whether there may be a reason why they can't do that, because if there's no reason not to do it, then he would certainly make a motion that we asked them to do it. But he needs to know if there's any issues that would prevent it.

Recycling Coordinator Sanne Berrig said yes, we already are set up under the emergency notification system. She had just started in a new position here in DEM just two weeks ago, so she has been scrambling. She wanted to do a little bit more research to fully answer the question. It's on the website<sup>4</sup> under facilities and under emergency preparations, which is a weird place, but people can sign up for notifications. What we did last week, she had one of our managers that does IT stuff and move to on the website, like under special announcements. Right now it has been placed there where it just says that you can go here and sign up for the emergency notification. The piece of information she does not know is from operations, when something happens, who in operations is responsible? Because of course, either it's going to be 6 o'clock in the morning or it's going to be Saturday or Sunday or some random time when office people are not in the office.

Director Mansour acknowledged that is a good question. He encouraged improvement is needed within our Department. DEM used to be under the Civil Defense Agency's emergency notifications. We were asked to be taken out because it has taken up their priorities. So DEM no longer can tap into that County emergency notification system, and that is why we try to get it within our website as a notification. He encouraged people to continue connecting to our website. The County is working on an app, and we're going to be part of that. Maybe we could expand on technologies and maybe expand on notification. But unfortunately, when it comes to emergency, we could continue working with Civil Defense and see if they will take us back.

Vice Chair Gaffney said it would be good and convenient for us as citizens if we could get it automatically. You don't always have access to the web when you're loading green waste. The other thing that is an important part of this, from my fairly regular review of the Hawaii Zero Waste website, is that it needs to be updated regularly. Some of the phone numbers on that website, when you call them, they just ring. No one answers them. So it's important that somebody on staff puts these notifications on the website as quickly as they're aware that something is happening, and that somebody kind of oversees the website and make sure that it's kept up to date. It's no use whatsoever if it gives you a phone number to call and you call it and no one answers the number.

Point well taken, Director Mansour said. Ms. Berrig had mentioned that sometimes even when the staff report to work at 8:00, some of these closures take place, like at 6:30 in the morning because we open at 6 a.m., and it will be two hours into it before the office people get into the office. But we're going to continue working on navigating through these challenges. But we'll find a way because the field guys start at 6 a.m., the office guys start at 8 a.m. So there's that two-hour window and a lot of people will be already on the road. But unfortunately, sometimes we don't know the day before we know it's just right before we open that something happened

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<sup>4</sup> Sign up for SWD notifications: <https://member.everbridge.net/index/482552460607505#/signup>

or somebody is out sick or cannot report to work or what have you. We will continue working on improving that.

## 7. **REPORTS/CORRESPONDENCE**

Director's Informational Report. (Note: the report is posted online<sup>5</sup> with the agenda under [www.hawaiicounty.gov](http://www.hawaiicounty.gov)>Our County> County Calendar> (Meeting date).

### a. Legislative update

Chair Adams said she hoped everyone had a chance to look through the Director's report, which included the information that was presented to the RAWEEEM committee. She asked if anyone has any questions about items in the report or in the presentation.

Director Mansour said the last year was a year of bringing awareness on the solid waste environmental issues that the Department faces. With this year, he hopes that we focus on implementation. We need now to start looking at the code changes and the Secretary started with a draft. He would love the Commission members to start participating on the code changes, anything that you foresee within your own goals that you like to accomplish from a code perspective, or policies that you would like to see. We need to start shaping up our codes so we could take them back to the Committee, and hopefully we could start. Commissioners have brought some changes that we need to do. As we move forward, when you get the draft, start adding what you would like to see changed, he said. As far as legislation is concerned, we have been working with a lot of elected officials in the island try to get that private-public Senate Bill 997<sup>6</sup>. We are also trying to introduce different bills that allow us to partner with the private sector and trying to achieve sewer services to these communities that are decentralized or are so far away from our current wastewater treatment plant, at least trying to get them some type of sewer service through private entities. We're going to continue pursuing that. It's a challenge in so many aspects of the political arena, the Konno decision and other challenges, but we're going to continue pursuing that because we don't want to be able to stay on cesspools and septic tanks if they are near wastewater treatment plants. It doesn't matter if it's private or public, but we need to start allowing that transition. We need to continue working with the Department of Health, trying to see if they could – there was discussion they could change their Hawai'i statutes and their administrative rules to allow the connection to private entities. So we're going to continue pushing that, and also try to change the county code to also allow the connection to a private wastewater treatment plant if it's nearby.

As far as the solid waste is concerned, you have seen the presentation, he said. There are a lot of challenges and priorities that the Department is dealing with, especially the solid waste. The staffing has been always an issue. We have contractual agreements, which have been a challenge. Even some of the design-build contractual obligations we have on some of these transfer stations. We look into these contracts, trying to figure out how we're going to redirect the work or expedite the work and what have you. The Wai'ōhinu Transfer Station is one of them. It's been under construction for two years, and we need to figure a way of get our hand

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<sup>5</sup> Director's Report: <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=114151>

<sup>6</sup> See also SB3362: [https://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=SB&billnumber=3362](https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=3362)

on doing better planning as we move forward, rather than having contractors and the designers tell us what their plan is. So we requested this year's budget to add more staff to be able to allow us to deliver the services that you and the constituents would like to see happening. Your support to our budget will be greatly appreciated. We also requested for the financial consultant and for both solid waste and wastewater. I know your Commission also assisted in that last year by sending letters to Council members requiring that we get a consultant on board, he said. So this year we added some money. We're going to do a budget supplement to ask for this consultant again. Hopefully this year it will get accepted so we could at least start moving forward for better planning financially and operationally through some experts that could come in and figure a way that we could generate revenue to become sustainable, because I think that's our challenge, It's just the funding, he said.

Chair Adams said that last year the Commission sent in a recommendation for wastewater treatment funding and whether or not we should do the same thing for solid waste funding. Are you looking at two different consultants or one that would cover both, she asked.

Two different consultants, the Director said. It's two different area of expertise. Sometimes you may find a financial strategic type of consultant who does both, but the way we budget them is two different budget keys. So different budgets.

Chair Adams asked whether she could get a copy of the proposed budget, then we could write something specific to, "We particularly recommend the following pieces be budgeted very strongly." Hard to do that in generic terms, which is kind of what the wastewater letter that we sent was. So she was just trying to figure out what would be the most effective, to go to Council to say, we support these budget proposals from DEM, particularly on these issues.

Director Mansour said the budget is going to go before the Committee or Council in March.<sup>7</sup> So commissioners will have the opportunity to join in and testify to these meetings. He would check with the Business Manager to see at what point we can start sharing the draft. It has not yet been assembled, but the Director is giving the heads up where we go on with the budget. But once we have a draft, yes, definitely.

Chair Adams asked if any other commissioners have thoughts on you want to send something in now, or if they want to wait until they see what the proposed budget is. Give us information as soon as you can so that we can prepare to provide official comment. I think we all are supportive in general of, yeah, you need sustainable funding for both of your divisions, the solid waste and wastewater. And the more specific we can be in supporting proposals, the more effective I think we can be.

Regarding the legislative update, there are a whole bunch of bills that are being introduced now at the state level, Chair Adams said, and whether there are particular bills that you want to support or not support, it would be helpful for us to know what those are, what the issues are, to be able to throw our two cents in about what we think would be advantageous or absolutely

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<sup>7</sup> Correction: Finance Committee, April 15, afternoon

horrific if they went through. So that would be appreciated. One example, there is a bill in both the House and Senate to increase the glass advance deposit fee. I think we all have heard and understand and support. That's a good idea, whether that's something that EMC would want to specifically comment on. But it'd be nice to get that priority list from you of where you want to make sure support happens, or for us to tell DOH who's going to be sending in the comments just to make sure we can. It's a lot of information, a lot of reading crazy bills to try to work on detail. But if we can get some focus, it would help.

Director Mansour introduced Ms. Berrig as our Recycling Coordinator. She comes in with the wealth of knowledge, and she's going to be the go-to person for some of these state bills that is going to go through our desk when it comes to recycling, anything that has to do with recyclables, diversions, reducing your waste generation. Maybe the next meeting we could work with staff and Sanne to present to you more updates on our thoughts of these bills. There are so many of them, and sometimes some of them make sense, but some of them make you just kind of shake your head and say, okay, what should I do? But there are a few bills that we are out there and saying we're going to support for sure, that could be beneficial to the entire County when it comes to diversion, recyclable partnering and joint ventures with the private sector, and expand the involvement of the community. So when we look at these bills, we really look at it as, what is the impact of this bill to our constituents and to our programs? So we kind of brainstorm it with staff and the people that are being contacted for comment.

Chair Adams said that timeliness is always a challenge with the once-a-month meetings. So as soon as you can share it with us, then we can start deciding what kind of positions we might want to take.

Vice Chair Gaffney said what he has just described is valuable to him. But the other thing that he thinks is really important that we be made aware of, and that is what is the Roth Administration is requesting of the Hawai'i Island legislative caucus prior to the legislative year. So from my experience, that basically boils down to a very small percentage of the bills that the Legislature is going to consider in a given year. But they're the ones that the administration thinks are the most important, and likely they would be the most important to us as well. And we can help support that effort by reaching out to the Hawai'i Island legislative caucus, to our individual legislators, or even legislators that we may know from other islands that we think are going to be supportive and would appreciate having our expertise on the subject. So the bills that are coming up in the Legislature over time, a lot of them are junk. A lot of them are never going to pass. A lot of them aren't really worthy of our time. But the ones that the Roth Administration takes to our legislative caucus and ask for their specific support of, I think those are the ones that we need to be made aware of, probably as early as they are defined by the County administration so that we can be helpful.

Director Mansour said maybe we could invite Steve Bader, who's our legislative person under the Roth Administration, and maybe he could guys give you updates because he's the contact person for the administration to deal with such issues. He asked the Secretary to make sure that we include him to give us updates. The one that comes from Mayor Roth's Administration is really now the strong one that we're trying to push for the second year, which is trying to find

a public-private partnership. And this one was a high priority, and we've been working on it with Council members and elected officials in Legislature, trying to figure out what we could do to improve on that legislation. But definitely we could have Mr. Bader attend the next committee meeting and give you an overview.

Vice Chair Gaffney said that would be very useful. He understands that this year the County's legislative package was late. It wasn't delivered until literally the opening moments of the Legislature. And ideally in future years, that won't be the case because that's not how the other counties handle it. They reach out to the legislative caucus early on. There's some discussion back and forth, decisions made, and so ideally, if we can hear from Mr. Bader next October or November instead of February or March, that pushes our ability to be supportive, and also asks for our input to that process rather than just telling us that that's where the process is going.

Director Mansour said this makes sense. Unfortunately, this is an election year. A lot of people don't want to put some legislation on their plate because of that election. But the point is well taken. And Mr. Bader could be an asset as we move forward. He was right – maybe next year by October, rather than waiting until the 1130 send a barrier when it may come.

Recycling Coordinator Berrig said she was glad the Vice Chair brought that up, because the good news is there are a lot of environmental bills, and the bad news is there are a lot of environmental bills. And you start trying to read them and what's good, what's bad and stuff. And then Ms. Berrig and her colleagues on the different islands are we're trying to stay organized and read all this, but then all of a sudden things start dropping away really quickly. She thinks it is a great idea to get more organized about this because it moves so quickly. And the next meeting of the EMC is too late because they're already starting the hearings.

Vice Chair Gaffney understands all that. He is talking about the future, but the Environmental Management Commission can be an asset to the County in supporting the County's strong wishes with the Legislature. But if we don't know until too late, then we're just like every other citizen in the state, we're just sitting there waiting to see if that massive body – the truth is, they get something like 3,500 bills in the front end and fewer than 300 out the back end. So it's a really dynamic process and there are lots of politics involved. But his experience in having been around the Legislature for a really long time suggests that if we persevere, and bring a lot of weight on these issues on a regular basis, that we can win that battle. But it's a very difficult process.

Chair Adams added that Commissioners are also interested people and can individually provide comment to our representatives and she would encourage that, too. A lot of the stuff that gets proposed are kind of an opening gamut for your ideas, to ask, what do you think, it'll be further developed in the next year or two. So all is not lost if we miss a particular window on a bill that a lot of those ideas are going to carry over. So again, let us know as soon as possible so that we can get information.

#### b. Requests for updates

a. DEM activity on its administrative rule changes and recommended County Code revisions (Adams)<sup>8 9</sup>

DEM had a hearing the previous day, and will have another one today, Chair Adams said, and asked if anybody had further comment.

i. Definition of uncovered loads

(No comments)

ii. Tipping fee credit for residential haulers

Chair Adams commented that reinstating this credit is going in the wrong direction. You need money and as a general principle, we need to pay for the services that we get. And here's another way that we've cut off. She doesn't know how much money that represents, and assumes it is not a large quantity of money, but she understands the political reason why the credit is back in there. But I think we need to, again, need to get this consultant, and you need to be looking at what are the ways that we get sustainable funding and quit giving away our services. But she doesn't think it's a position that EMC needs to take. And what she is hearing is we don't necessarily need to write up an official testimony on these changes unless somebody wants to make a motion that we write up a supporting letter.

Director Mansour said, it's a good point that we struggled with in-house about residential credit and how we're going to move forward. Everybody on the island pays for solid waste through taxes, so they already paid into that facility or are bringing the waste in. Some people opt to take their own waste so they don't pay the commercial hauler to take their waste. Some, they pay \$40 a month for somebody to come and pick up their garbage or \$20 a month. So they are already paying for somebody to carry their waste and take it to a landfill. Everybody on the island is entitled to the residential credit that because you're not commercial, you're a resident. So to charge them for that, then you are technically double charging the resident because they pay into it for their tax already. But it's per se, it's not free. This is what they pay for. We cannot penalize them because they decide to have somebody come pick up their garbage because they're already paying for that. And if you charge them, the hauler is going to end up passing that dollar to them anyway. So they'll be paying twice for the same service that everybody pays once. That is why we need to get a better understanding of where we're going to go with it. If we do countywide collection, then we need to figure out that it will be a countywide residential credit per se. But it may be worth the cost of having all these transfer stations all over the place. So in a way, you take the cost of these transfer stations and put it into the collection, and if it pans out to be zero, then it's a win-win. But that's why we need to analyze it, he said.

iii. Trailers at transfer stations

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<sup>8</sup> Proposed Admin rule amendments: <https://hawaiizerowaste.org/site-content/uploads/2022-01-26-Proposed-Administrative-Rule-Amendments.pdf>

<sup>9</sup> Notice of public hearings scheduled for January 25 and January 26 regarding proposed Admin rule amendments: <https://hawaiizerowaste.org/site-content/uploads/Notice-of-Proposed-Amendment-to-the-Rules-of-Practice-and-Procedure-of-the-Department-of-Environmental-Management.pdf>

Commissioner McIntosh said he sent in testimony, to change the 9-foot maximum length to 10 just so you get a majority of trailers in there. Six by nine is an odd dimension to use. And he has been using a 5 x 10' trailer for years at Wai'ōhinu and it worked just fine.

Director Mansour acknowledged the comment. That was the size of the trailer the safety committee used when they measured trailers. Let's first find out how many other comments we get and we could strategize on answers, he said.

Vice Chair Gaffney said he thinks state law requires a 10' wide trailer to have a wide load permit.

Commissioner McIntosh said the 9 or 10 foot limit refers to the length, not the width.

c. Solid Waste Division Projects and Updates

a. SWD presentation to Council on January 18, 2022

b. Composting presentation to Council on January 18, 2022

Commissioners discussed the comment in the presentation about the value of giving out for free home composting bins, Earth Machines, that Kauai has estimated it returns \$7 or costs \$7 per diverted ton from the landfill. And that is way less expensive than having them go to the landfill. And people appreciate it. And there's educational value as people realize what they're generating and what goes where. I guess the question is, do you have the capital to buy, Chair Adams asked, so we could get into it because it sure sounds like a no brainer.

Commissioner Olson said that we did give them away over several periods of time. The interesting thing is that they're far more successful over here on the wet side as opposed to on the dry side.

Vice Chair Gaffney said that his experience living on the west side, he has an active red worm composting system at his home. He has successfully maintained the same worms for 20 years plus now. It can definitely be done in Kona. He is at 1,000 feet, so that probably makes a difference. They definitely work well on the side.

Chair Adams said it also sounds like something that might be amenable to getting a grant to purchase them.

Director Mansour encouraged Commissioner Cardwell to continue working with Sanne Berrig. Compost is being being looked at from our Department, and we're going to continue looking at what we're going to do because Ms. Berrig did her presentation, he thought it was a great presentation, and she addressed the hierarchy of even the most recent EPA studies, kind of how it outlines where things need to be, because even EPA now they're waking up and saying, oh, well, maybe that's what we need to do because priorities have shifted. We're talking about decentralized communities and even that program of house composting. It could be a win-win

for some of the communities that they want to take advantage and start composting their own to enhance their soil or their backyard. Keep that going, he said.

Commissioner Cardwell said she had gotten one of the Earth Machine bins about 10-12 years ago at the Kea'au Transfer Station, we used it for a very long time. But it was really helpful and super easy. It just provides a space where you can put your compost, and you don't really even need to do anything, depending on how proactive you want to be with compost. It's a great container in place for it. She asked for a recording of that presentation.<sup>10</sup>

d. Wastewater Division Projects and Updates

a. WWD presentation to Council on January 18, 2022

(No comments)

**8. FUTURE AGENDA ITEMS**

a. Follow up on action items determined today.

Chair Adams said that we should be getting copies of proposed Code changes that DEM is working out (Note: Not yet ready). We will be inviting Steve Bader to join us at the next meeting so we can hear about state legislation. She will be writing a request in the meantime to everybody to update the 2022 priorities. And if you know anything right now that you want to be sure and cover at our next meeting, let her know. The budget would be the other thing that we would like to get so we can make comment if we need to. And Vice Chair Gaffney and Chair Adams had met with Council Members Tim Richards and Holeka Inaba. And we're talking with them about how we can better coordinate and make sure that we're helping to focus on priorities. And so it's an initial discussion that we can do and we'll continue. We also want to get back to them sooner rather than later on checking in on just which priorities we want to do. But it was a way to open up some dialogue so that we could be efficient at communications and timely communications. So the two of them will keep trying to accomplish that. We will still try to come up with a date for a special meeting to continue the hearing on the contested case.

b. Other (Commissioners may suggest items they would like placed on the next agenda.)

Regarding the scheduling of the contested case hearing, Commissioner Cardwell encouraged members to look at our schedules and see if we can move things around and email the Secretary some more times that we could be available.

Chair Adams instructed the Secretary to send out the request and say, be as flexible as you possibly can so that we can find a time where we can get the most commissioners that we can. We had five at the original January 7 meeting, and a couple more would be good because we did have a split vote, and that would help.

Vice Chair Gaffney encouraged using a Doodle poll to coordinate schedules.

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<sup>10</sup> DEM presentations to RAWEEEMC, January 18, 2022:  
[https://hawaiicounty.granicus.com/MediaPlayer.php?view\\_id=1&clip\\_id=2238](https://hawaiicounty.granicus.com/MediaPlayer.php?view_id=1&clip_id=2238)

Commissioner Cardwell asked if there is a link to review the information for the contested case hearing.<sup>11</sup>

**9. ANNOUNCEMENTS**

The next meeting is scheduled for 9 a.m. on February 16, 2022, and will be conducted remotely. If the Governor's emergency proclamation of December 29, 2021, which suspended the public meeting location requirement, is rescinded, the public meeting location will be at the West Hawai'i Civic Center, Building G. Please contact the Department of Environmental Management or see the next agenda for updates.

**10. ADJOURNMENT**

**Motion, second, and vote:** Commissioner Olson made a motion to adjourn, to which Vice Chair Gaffney seconded, and the motion was adopted. Ayes: 5 (Adams, Cardwell, Gaffney, McIntosh, Olson); Nays 0; Absent 4 (Burns, Fulton, Hoopii, Robinson). Meeting adjourned at 10:51 a.m.

Respectfully submitted,

Peter Sur, Secretary

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<sup>11</sup> Briefs and exhibits: <http://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=1&startid=113691>