

Mitchell D. Roth
Mayor

Ramzi I. Mansour
Director, Department of
Environmental Management



Georjean Adams
Chair

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: June 22, 2022
TIME: 9:00 a.m.
IN PERSON: West Hawai'i Civic Center
Community Meeting Hale (Building G)
74-5044 Ane Keohokālole Highway, Kailua-Kona
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

1. April 27, 2022 – Executive meeting (related to the Kai Ala Partners LLC appeal)
2. May 25, 2022 – Volume I – Regular meeting agenda¹
3. May 25, 2022 – Volume II – Kai Ala Partners LLC appeal – Adoption of Findings of Fact, Conclusions of Law, and Order²
4. May 25, 2022 – Executive meeting (related to the Kai Ala Partners LLC appeal)

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 testifier requests.

¹ II.2: May 25, 2022 minutes, Vol. 1: <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=116509>

² II.3: May 25, 2022 minutes, Vol. 2: <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=116510>

V. UNFINISHED BUSINESS

1. Status report on 2022 EMC Commissioner Priorities – Each commissioner may provide a *brief* update, if applicable.
2. Discuss EMC developing priority topics for the expected new Public Education & Information Specialist.³
3. Proposed Components of an Integrated Wastewater Master Plan.⁴
4. Recommended areas for EMC focus on new code/rule changes. See Hawai‘i County Code on sewerage⁵, solid waste⁶, and DEM admin rules⁷
 1. 2019 proposed DEM Article III, Rule 20 re sewer laterals⁸
 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
5. Bill No. 167 – Amends 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.⁹ (Amended to Draft 2 with the contents of Comm. 771.1¹⁰ and approved by the Council on second reading on June 15, 2022).

VI. NEW BUSINESS

1. Enforcement of DEM rules: Who issues citations for violations, and how?

VII. REPORTS/CORRESPONDENCE

Director’s Informational Report.

1. Legislative update
2. Budget issues update
3. Solid Waste Division Projects and Updates
4. Wastewater Division Projects and Updates
 1. Pāhala & Nā‘ālehu Administrative Order on Consent

VIII. FUTURE AGENDA ITEMS

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

IX. ANNOUNCEMENTS

The next meeting is scheduled for July 27, 2022, at the Puna Conference Room of the Hawai‘i County Building, 25 Aupuni Street, Hilo, and via Zoom. Please contact the Secretary for the

³ V.2: Topics for Public Info/Ed Spec. <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=116547>

⁴ V.3: Integrated Wastewater Master Plan Components Draft 2

<http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=116511>

⁵ V.4: HCC Chapter 21 <https://www.hawaiicounty.gov/home/showpublisheddocument?id=46>

⁶ V.4: HCC Chapter 20 <https://www.hawaiicounty.gov/home/showpublisheddocument?id=301310>

⁷ V.4: DEM Admin Rules <https://records.hawaiicounty.gov/weblink/1/doc/109446/Page1.aspx>

⁸ V.4.1: Prop. Rule No. 20 <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=115746&cr=1>

⁹ V.5: Bill No. 167 (Draft 1): <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=0&id=1034782>

¹⁰ V.5: Adopted amendment to Bill No. 167:

<http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=0&id=1037616>

Department of Environmental Management or review the agenda posted on the County Calendar within six days of the next meeting.¹¹

X. 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 Kekūanāo‘a Street, Suite 41, Hilo, Hawai‘i 96720, or emailed to cohdem@hawaiicounty.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.

¹¹ Hawai‘i County Calendar: <https://www.hawaiicounty.gov/our-county/county-calendar>