

**DIRECTOR'S INFORMATIONAL REPORT  
TO THE ENVIRONMENTAL MANAGEMENT COMMISSION**

**July 27, 2022  
Agenda item VII**

**1. LEGISLATIVE UPDATE**

1. County Council (Since last report posted on 4/21/22)

ITEM	DESCRIPTION	CURRENT STATUS
<i>Completed items</i>		
Bill 126 & 127	Operating and Capital Budgets for FY 22-23 (see also amendments below)	5/19, 6/2: Approved by Council Ord. Nos. 22-63, 22-64
Comm. 645.42	Amends Op budget to provide funding for Wai'ōhinu Transfer Station hours (\$524,507)	6/2: Budget amendment approved
Comm. 645.61	Amends Op budget to provide funding for Ocean View recycling (\$30,548)	6/2: Budget amendment approved
Comm. 663.10	Amends Cap budget to reappropriate Pāhoa Sewer Feasibility Study (\$300,000)	6/2: Budget amendment approved
Res. 436-22	Authorizes 59-month lease of office space at 75-5706 Kuakini Highway, Suite 101	6/15: Approved by Council
Bill 178	App. \$220K to Recycling Programs account	6/1, 6/15: Approved by Council Ord. 22-75
Bill 167, Draft 2	Prohibits sale or distribution of non-mineral sunscreens. Effective Dec. 1, 2022.	5/18: Pos rec CRNRMC 6/1, 6/15: Approved by Council Ord. 22-81
<i>Active items</i>		
(None)		
<i>Future items</i>		
	Amends Chapter 21 related to wastewater and sewage pretreatment.	Draft bill undergoing review by Department of Health.

2. Legislature (Since last report posted on 4/21/22)

<p><b>Act 9</b> (HB 2147 HD1)</p>	<p>Reinstates the Department of Health's authority to permit federal municipal solid waste landfills. (HD1)</p>
<p><b>Act 12</b> (SB 2998 SD1)</p>	<p>Requires the Department of Health to implement the Auditor's recommendations for the Deposit Beverage Container program, including developing a risk-based selection process to select reports submitted by certain distributors and redemption centers for audit. (SD1)</p>
<p><b>Act 87</b> (HB 1806 HD2 SD1)</p>	<p>Requires cesspools in the State to be upgraded or converted to a wastewater system approved by the Director of Health before 1/1/2050. (SD1)</p>
<p><b>Act 131</b> (HB 1992 HD2 SD1 CD1)</p>	<p>Permits composting and co-composting operations in agricultural districts, under certain conditions. Establishes and appropriates funds for one full-time equivalent permanent environmental health specialist IV position in the solid and hazardous waste branch of the department of health. (CD1)</p>
<p><b>Act 151</b> (HB 1640 HD2 SD1 CD1)</p>	<p>Changes the Electronic Waste and Television Recycling and Recovery Act to the Electronic Device Recycling and Recovery Act. Establishes electronic device manufacturer recycling goals and record keeping and reporting requirements for manufacturers and collectors. Requires collectors to register with the department of health. Expands the recycling and collection requirements of televisions to all electronic devices. Requires the electronic device recycling and recovery program to include, among other things, a description of the methods for the convenient collection of electronic devices. (CD1)</p>
<p><b>Act 152</b> (HB 1644 HD1 SD1 CD1)</p>	<p>Bans the manufacture, sale, or distribution for sale or use of wraps and liners, plates, food boats, pizza boxes, and firefighting foams that contain perfluoroalkyl and polyfluoroalkyl substances, in certain circumstances. (CD1)</p>
<p><b>Act 153</b> (HB 2195 HD2 SD1 CD1)</p>	<p>Establishes a cesspool compliance pilot grant project to assist low- and moderate-income property owners, including lessees on Hawaiian home lands, with the costs of upgrading, converting, or connecting certain cesspools. Appropriates funds. Sunsets on 6/30/2028. (CD1)</p>
<p><b>Act 227</b> (HB 1411 HD2 SD1)</p>	<p>Requires that the transferee's and transferor's address be provided on the certificate of ownership when the title to a motor vehicle is transferred. Clarifies that the signature of the transferee and signature of the transferor each serve as an attestation by that respective party as to the validity of the information on the certificate of ownership. Imposes a fine on a party who provides false or fraudulent information. Takes effect 7/1/2023. (SD1)</p>
<p><b>Act 228</b> (HB 1412 HD2 SD1 CD1)</p>	<p>Requires the counties to provide a minimum distance a vehicle must be moved within a specified timeframe after a vehicle is initially inspected for abandonment to avoid an official classification of abandonment. Requires that, before a vehicle can be classified as being abandoned, notice be provided that the vehicle must be moved the specified distance within the specified timeframe or be subject to removal. (CD1)</p>

<b>Act 229</b> (HB 1413 HD2 SD1 CD1)	Allows the director of finance of a county to require payment of outstanding charges and fines owed to the county relating to the disposition of an abandoned vehicle within the county by the registered owner of the abandoned vehicle before issuing a certificate of registration or completing a transfer of ownership, except under certain circumstances. Requires the county directors of finance to notify the appropriate county examiner of drivers of individuals who have outstanding charges and fines owed to the county relating to the disposition of an abandoned vehicle for the purposes of suspending, revoking, or prohibiting the renewal of their driver's licenses. (CD1)
<b>Act 297</b> (HB 1414 HD1 SD1 CD1)	Makes a person who is the registered owner of a vehicle that was deemed abandoned or derelict subject to a tiered fine system. (CD1)
<b>Act 304</b> (SB 3004 SD1 HD1 CD1)	Establishes and appropriates funds for a compost reimbursement program within the Department of Agriculture and for one full-time permanent compost reimbursement program manager position. Requires an annual progress report to the Legislature prior to each regular session. (CD1)

## **2. SOLID WASTE DIVISION**

### **1. Solid Waste Division Chief update**

DEM interviewed candidates for this position on June 28 and June 30, 2022. A final decision has not been made. Seven candidates were interviewed and we look forward to making additional announcements regarding progress in the future.

### **2. Waste Management Hawai'i contract negotiations**

Following a hiatus in June, the County resumed negotiations with WMH on July 19, 2022. While DEM cannot disclose details, the dialogue has been productive and additional meetings are scheduled in August 2022.

### **3. Glenwood Transfer Station status**

In an effort to minimize the disruption caused by the Glenwood Transfer Station closure, Solid Waste Division has increased the days of operation for Volcano Transfer Station from three days to six (Thursday through Tuesday, closed Wednesday). Solid Waste Division has posted a Request for Quotes for partial demolition of the Glenwood Transfer Station structure, which was struck by a falling tree on June 19. Once a contract is awarded and work is under way to ensure the safety of the public, a partial reopening is anticipated between late August and early September 2022. DEM is thankful for the public's understanding as a result of this disruption. We have an aggressive schedule to reopen operations and are continuing to push for full resumption of services to the public.



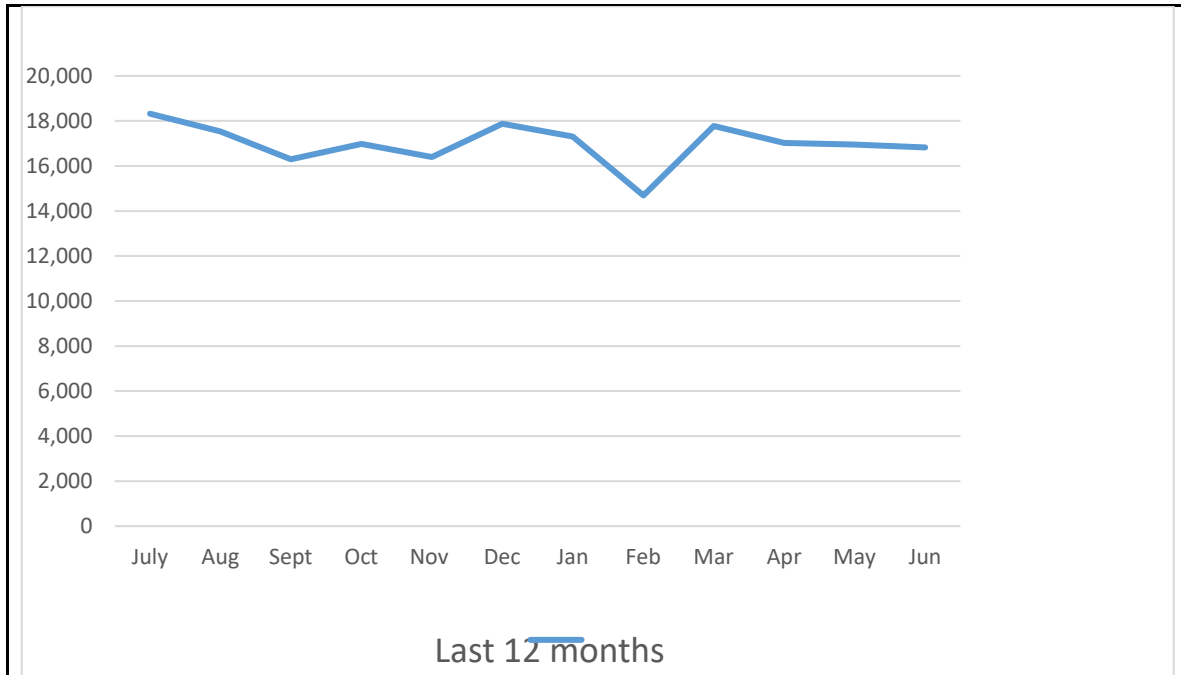
Glenwood Transfer Station

**RELOAD FACILITY UPDATE (new data shaded in gray)**

<b>Month/Year</b>	<b>Total Tons Taken to Sort Station</b>
Jul 2021	4,578.32
Aug 2021	4,445.18
Sep 2021	3,777.50
Oct 2021	4,274.84
Nov 2021	4,110.58
Dec 2021	4,412.64
Jan 2022	4,119.67
Feb 2022	3,910.66
Mar 2022	4,312.99
Apr 2022	4,066.66
May 2022	4,316.79
Jun 2022	4,141.05
<b>Totals</b>	<b>50,966.88</b>

When time permits, SWD staff removes the corrugated cardboard from the trash and places it in a roll-off for recycling.

## WHSL MONTHLY LANDFILL TONNAGES



Jul 2021	18,321.07
Aug 2021	17,538.62
Sep 2021	16,293.25
Oct 2021	16,974.05
Nov 2021	16,392.27
Dec 2021	17,782.47
Jan 2022	17,301.02
Feb 2022	14,689.88
Mar 2022	17,780.90
Apr 2022	17,020.72
May 2022	16,947.70
Jun 2022	16,821.88
<b>Totals</b>	<b>203,863.83</b>

## MONTHLY TRANSFER STATION TONNAGES

Month/Year	EHRSS	WHSL
Jul 2021	3,721.32	8,705.29
Aug 2021	3,616.26	8,567.02

Sep 2021	2,950.22	8,225.86
Oct 2021	3,456.17	8,716.66
Nov 2021	3,274.30	8,102.67
Dec 2021	3,446.27	9,097.38
Jan 2021	3,276.92	9,312.59
Feb 2021	3,086.50	7,125.42
Mar 2021	3,376.69	8,878.20
Apr 2022	3,158.53	8,183.80
May 2022	3,382.30	8,416.06
Jun 2022	3,232.58	7,559.68
<b>Totals</b>	39,978.06	100,890.63

The above table is to include data on the waste disposed in the landfill (not the greenwaste or recycling data).

### **3. WASTEWATER DIVISION**

#### 1. Ka‘ū wastewater - Pāhala and Nā‘ālehu AOC

The County of Hawai‘i and the U.S. Environmental Protection Agency have reached agreement on a proposed revision to the 2017 Administrative Order on Consent and have opened a public comment period, to continue through August 22, 2022, prior to the effective date. Pursuant to the terms of the AOC, DEM will hold semiannual public meetings to keep the public informed and will set up a public website that is updated at least monthly. **The initial public meeting is tentatively scheduled for 6 p.m. Wednesday, August 31, at the Nā‘ālehu Community Center. DEM will explain the requirements of the revised AOC, and will inform community members about progress made to date, the various ways to participate in the process, and the opportunity to ask questions and provide comment.**

The proposed AOC revision and the public notice may be viewed here:

<https://www.epa.gov/uic/closure-cesspools-pahala-and-naalehu-administrative-order-consent-county-hawaii>

#### 2. Puna wastewater feasibility study

The contract to prepare a Facility Plan to support the preparation of a Programmatic Environmental Impact Statement (PEIS) for the Addition of Wastewater Services for the Puna District for the County of Hawai‘i (COH) was executed on March 11, 2022. The contract is on schedule. The draft Project Definition Report and the PEIS Preparation Notice (PEISPN) are currently under review by the COH. Planning is underway for the Public Scoping Meeting to gather comments on the Project Definition and the development of the PEIS, on October 12, 2022, 5 p.m. to 7 p.m., at Kea‘au High School. A website will be completed in September, where project information will be shared, and the public can post comments. The publication date for the PEISPN is September 23, 2022. The 30-day comment period is September 26, 2022, to October 24, 2022. The Facility Plan and PEIS will be drafted by February 2023. Both documents will be finalized by September 2023. The Facility Plan will screen areas identified in the Project Definition Report for the following wastewater infrastructure options:

- Centralized (secondary and tertiary treatment serving larger towns or community centers)
- Decentralized (packaged plants serving smaller neighborhoods)
- Individual Wastewater Systems (examples would be septic tanks)

3. West Hawai'i wastewater projects  
(Oral report)

4. Hilo Wastewater Treatment Plant upgrades  
(Oral report)

5. Wastewater Master Plan progress  
(Oral report)

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[<https://epa.gov/sdwa>](https://epa.gov/sdwa)

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# Public Notice: Proposed Revision to the 2017 Administrative Order on Consent; County of Hawai'i, Docket No. SDWA-UIC-09- 2017-0002

## How to Comment

**Comments Due:** August 22, 2022

Comments must be submitted within 30 days of the date of this notice. Comments should include your full name, mailing address, telephone number, email address, and the Docket Number (SDWA-UIC-AOC-09-2017-0002). Electronic comments are encouraged.

**Submit comments to:**

EPA Region IX Enforcement and Compliance Assurance Division  
Attn: Jelani Shareem, Enforcement Officer  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street (ECAD-3-3)  
San Francisco, CA 94105  
shareem.jelani@epa.gov

If you need other assistance, including assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation, please reach out to Mr. Shareem via email or via telephone at (415) 972-3095.

All comments received within 30 days of the date of this notice will be considered prior to finalizing the proposed revision to the Administrative Order on Consent. If the 30th day of the comment period falls on a Saturday, Sunday or federal holiday, the deadline shall be extended to the next business day.

Learn More about the Administrative Order on Consent

<<https://epa.gov/uic/closure-cesspools-pahala-and-naalehu-administrative-order-consent-county-hawaii>>.

**Publish Date:** July 21, 2022

## Summary

In accordance with Section 1423(c)(3)(B) of the Safe Drinking Water Act (“Act”), 42 U.S.C. § 300h-2(c)(3)(B), notice is hereby given of a proposed revision to the Administrative Order on Consent between the U.S. Environmental Protection Agency, Region 9 (“EPA”), and the County of Hawai‘i.

### **In the Matter of the County of Hawai‘i, Docket No. SDWA-UIC-09-2017-0002**

The County of Hawai‘i has consented to the proposed revision. The proposed revision to the Administrative Order on Consent requires the County of Hawai‘i to close five remaining (5) large capacity cesspools (“LCCs”).

**Signatory for EPA:** Amy C. Miller-Bowen, Director, Enforcement and Compliance Assurance Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105

**Signatory for County of Hawai‘i:** Mayor Mitchell D. Roth, County of Hawai‘i, East Hawai‘i Building, 25 Aupuni Street Hilo, Hawai‘i 96720

**Facilities:** Communities of Pāhala and Nā‘ālehu on the Island of Hawai‘i

**Alleged Violations:** EPA alleges that since at least April 30, 2010, Respondent violated the Safe Drinking Water Act and 40 C.F.R. § 144.88 by owning and/or operating the following LCCs:

- 2 LCCs serving approximately 109 private residences in the community of Pāhala, Hawai‘i; and
- 3 LCCs serving approximately 161 private residences in the community of Na‘alehu, Hawai‘i.

# Applicants or Respondents


County of Hawai'i  
25 Aupuni Street  
Hilo, HI 96720  
United States

## Docket Numbers

- SDWA-UIC-09-2017-0002 <<https://www.epa.gov/uic/closure-cesspools-pahala-and-naalehu-administrative-order-consent-county-hawaii>>

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## Related Documents

-  Proposed Revision to the 2017 Administrative Order on Consent: County of Hawai'i Pāhala and Nā'ālehu Large Capacity Cesspools (pdf) <<https://www.epa.gov/system/files/documents/2022-07/sdwa-uic-aoc-2017-0002-proposed-rev-to-aoc-county-of-hawaii.pdf>> (July 14, 2022)  
Proposed Revisions to the Federal Administrative Order on Consent, EPA Docket No. SDWA-UIC-AOC-09-2017-0002, in the Matter of County of Hawai'i Pāhala and Nā'ālehu Large Capacity Cesspools.  
Signed: July 14, 2022.

Contact Us <<https://epa.gov/publicnotices/forms/contact-us-about-public-notice-us-epa>> to ask a question, provide feedback, or report a problem.

LAST UPDATED ON JULY 21, 2022