

ENVIRONMENTAL MANAGEMENT COMMISSION

COUNTY OF HAWAII

MEETING MINUTES – VOLUME I

View recording: <https://youtu.be/e2mrFhkHkzE>

Wednesday, May 25, 2022

9:00 a.m. to 12:29 p.m.

Hawai'i County Building (Hilo), and Zoom

Commissioners present:

Georjean Adams, Chair

Rick Gaffney, Vice Chair

Melissa Cardwell

Dee Fulton

Lee McIntosh

Jon Olson

Elyse Robinson

County staff present:

Ramzi Mansour, Director

Sanne Berrig, Recycling Coordinator

Peter Sur, Secretary

Chris Chin-Chance, Recycling Specialist

Juliana Holzman-Escareno, Recycling Specialist

Sinclair Salas-Ferguson, Deputy Corporation Counsel for EMC

Cody Frenz, Deputy Corporation Counsel for Appellee Mansour

Malia Kekai, Deputy Corporation Counsel of Appellee Mansour

Tim Richards, County Council Member, District 9

Pomai Bartolome, Executive Assistant, Office of the Mayor

Others present:

Richard "Ritchie" Henderson II, Nancy Cook Lauer, Keola Aki, Jennifer Navarra, Allison Fraley

I. CALL TO ORDER (0:00)

Chair Adams called the meeting to order at 9:00.

II. APPROVAL OF MINUTES OF APRIL 27, 2022

1. Volume I - EMC regular business¹ (1:35)

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

Motion, second, and vote: Commissioner Olson made a motion, to which Vice Chair Gaffney seconded, to approve the minutes of April 27, 2022, Volume I. Ayes 6 (Cardwell, Gaffney, McIntosh, Olson, Robinson, Adams); absent 2 (Burns, Fulton). Motion approved by voice vote.

2. Volume II – Contested case hearing regarding appellant Kai Ala Partners LLC² (2:23)

Motion and second: Vice Chair Gaffney made a motion, to which Commissioner Robinson seconded, to approve the minutes of April 27, 2022, Volume II.

Discussion: Chair Adams said that she had looked up when we were talking about sewer connections and it's not spelled as a capital Y, it's spelled W-Y-E. Chair Adams recommended correcting any reference to a "Y" connection to become "wye" connection, and for it to apply to all references in previous meeting minutes. No other corrections were made.

Revision of motion and vote: Commissioner Robinson moved to approve the minutes as amended, to which Vice Chair Gaffney seconded. Ayes 5 (Cardwell, Gaffney, McIntosh, Robinson, Adams); excused 1 (Olson); absent 2 (Burns, Fulton). Motion approved by voice vote.

III. STATEMENT FROM THE CHAIR (5:56)

We have got a lot of stuff to go through, Chair Adams said. She hoped commissioners have been looking at and thinking about the materials that have gone out in our last meeting so we have a good discussion.

IV. PUBLIC STATEMENTS ON ITEMS ON THE AGENDA (6:10)

Jennifer Navarra: I'm Jennifer Navarra with Zero Waste Hawai'i Island. Hi everyone. Today I just wanted to comment on agenda item V-2 regarding the composting and the discussion on backyard composting, which I think is great. And if we can get everyone on the island to start doing their own composting, that'd be amazing. But I think that the Commission and DEM should look to other options as well. And I'm looking forward to this discussion. I think it's possibly a great interim solution, but I want everyone to keep in mind that backyard composting might not be something that every member of the island would be able to participate in. And so we really want to look towards other options as well, perhaps in-vessel composting systems distributed throughout residential areas, maybe at a school or a farmer's market where people could drop off compost or also the Compost Hawai'i pickup service. I think that the most convenient thing is the most likely that we're going to get everybody to participate in. And so, you know, thinking about maybe many different solutions rather than one, really thinking about it in a systems context is important. Certain people, like elderly or myself, a renter who moves frequently, the backyard composting is not a super feasible solution. And if it's not managed properly, creates pest problems. I'm definitely guilty of not managing my compost properly. And if we have a lot of people backyard composting and not managing properly in a densely populated area, we might create some unintended pest consequences. I think we also could try to do some surveys to residents and see what are people already doing, what are people interested in? What would be the right solution for

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

them? Definitely what we can make as the most convenient thing is probably the best. Behavior change is such a hard thing, and just getting someone to take their organic waste out from the rest of the waste is just a big enough step in and of itself. And so that's all I really wanted to share. So thank you.

V. UNFINISHED BUSINESS

1. Status report on 2022 EMC Commissioner Priorities – Each commissioner may provide a *brief* update, if applicable. (9:33)

Chair Adams said that she would like a motion to make Commissioner Robinson a member of the Barriers to Private Recycling permitted interaction group, to replace Carrie Hoopii.

Motion, second, and vote: Commissioner Olson made a motion, to which Commissioner Melissa Cardwell seconded, to approve the appointment of Commissioner Robinson to the Barriers to Private Recycling permitted interaction group. Ayes 6 (Cardwell, Gaffney, McIntosh, Olson, Robinson, Adams); absent 2 (Burns, Fulton). Motion approved by voice vote.

Chair Adams said she had been making some calls and doing some interviewing, but she is looking forward to Commissioner Robinson helping on the east side to contact more people and see whether there are some things for which the Commission can recommend action to improve the ability of private parties to do recycling, businesses in particular.

2. Next steps for exploring distributed composting.
 1. Discussion with Keola Aki, Kaua'i County Recycling Coordinator, on County residential composting bins. See Kauai Compost Survey³ and <https://www.kauai.gov/Composting> (28:23)

Chair Adams said Kaua'i County has a lot of experience that would be interesting to hear, specifically about their new program of handing out those residential composting bins and the analysis they've done. They also did a survey which is in our record.

Ms. Berrig said she had spent the previous day with Mr. Aki. She introduced him as the Recycling Coordinator for the County of Kaua'i. He's been with them for quite some time, moved up the ranks, and he's a wealth of information and a pleasure to know.

Mr. Aki began by saying the trip the previous day was amazing, and a great all-around experience. He thanked the Chair and commission for inviting him to speak on Kauai's program. And he is glad he logged in early to hear some of the issues Hawai'i Island is facing and trying to understand where COH are coming from. Even though we're all in Hawai'i, you have a lot of different issues to deal with. He can speak to anything that may come up. But specifically, he is talking about our home composting program. We have had it for about 20 years now operating and it's highly successful for the residents we have on Kaua'i. It's a free program. We offer something that our residents can participate in. And even as a free program, it is one of our most cost-effective programs, Mr. Aki said.

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

Based on the survey you have, we estimate the cost is around \$5. It has gone up a little bit, maybe up to about \$5.26, \$5.30 per ton for each unit that they can produce in a year of processing green waste. It is not a high-volume project or process by any means, but as an individual, you can divert up to one ton a year or more if you're hyperactive on composting and you're able to get this, work the process, get the compost bin doing its job. As Zero Waste Hawai'i Island has stated, it does take work. It's not an easy process, but it is something everybody can do if they have the appropriate space to do it in. So again, it is highly successful and it is a great component to the program we have right now for our general green waste processing. Mr. Aki said he is available for any specific questions on the survey or in general, what kind of information you need on the project.

We're all in this together, Mr. Aki said. We want to find out how all the different counties are dealing with this kind of issue, because for us, the main thing is we only have five years left on our landfill, and we want to try and divert as much material as possible. You have different issues. You have a lot more landfill space, but you still want to deal with this potentially a material that can really affect your landfill in the long term.

Chair Adams asked if this is for food waste and green waste.

Mr. Aki said it is. We leave it up to the individual. We do put out a lot of hints and tips on our website, www.kauai.gov/composting, and we have our video available. That's one thing Allison Fraley told him to make sure to tell you folks, that the process has gotten easier over our 20 years of doing this. And we've got it down to a video that was produced about six years ago. And we've updated it just on addenda to the video. So we don't have to produce a video every year. But in the video, it talks about what you can put into the bin, what you shouldn't put into the bin. So food waste definitely can go in there. There are certain products like meat and fish and some other oils and fats you may not want to put in there because it's going to make it really smelly and it's not part of the video, but he tells people if you do have this material, it's very rich in nutrients. So if you want to dig a hole and plant it in the ground, it can feed different plants just depending on what kind of nutrients they need. So you don't have to throw it away. If you want to go the extra mile and start digging holes around your yard, burying it, then it decomposes naturally. You can put in vegetables and fruits that you want to compost. The process is great. As long as you're putting the right components of your wet and dry material, it'll compost it down nicely.

Chair Adams congratulated Mr. Aki on the participation in his survey. And it certainly seems like you've got some really good public relations out of it. The people appreciate the services you provide, she said.

Commissioner Robinson asked Mr. Aki what other options for greenwaste processing his department considered other than home composting.

Mr. Aki said his county restricts green waste from our landfill for commercial entities. So businesses can't just landfill their green waste. They have to take it to a permitted composter.

His county has four permitted composters: Two on the north shore, one centrally located, and one on the west side. The west side operator's material is processed through the county. We have a contract with them. So whatever they touch actually goes through the county. They have a contract with us to take it and the billing is all wrapped up in there. For the residents, we have compost greenwaste drop off at all our transfer stations and at the landfill. And the county is responsible for hauling this material to the end destinations, whomever we have a contract with, for processing. And it is a competitive bid process. We are paying a little bit over \$800,000 to process whatever material from three of our transfer stations. That's one contract. And then we have another contract for some of our west side material – actually two other contracts for west side material because they go to different locations. But the county does handle that. That's where the bulk of the material is composted via those contracts. Our residential is super high participation in that. We don't mandate residential composting, but since they're available at all our transfer stations, all the residents come in. It's a huge program. We're hauling literal tons of material weekly to these facilities, and it is through the contract process we are paying per ton for the processing. He said he could make the contracts available. You can see the cost, the breakdown, what we require and all that other information.

Commissioner Robinson asked what the experience level of the participants was before they took the home composting product home. Were they already composting or already active with recycling?

It varies hugely, Mr. Aki said. We have some folks for whom COVID-19 was actually a big boost for our program. When everybody had to stay home, they were like, what can I do at home? I've done finished painting my house, I've done this. What else can I do? So they researched and they found our program. And so we have in the last couple of years, we have a lot of new people that have never composted before, trying it out, and we've only heard good things about it, that's something they can do at home that they want to participate in. Some people have been long time composters and they want to see how our bins work. One thing that comes up a lot is people want a little bit more convenience, like there's turning bins and a lot fancier bins. Our bins are very simple. You can watch a video on it, you pop it together. It comes in three or four different parts, super simple. We get it into your car, they can fit into those small smart cars and people haul it home, snap it together in five minutes, putting it on the ground, and they're good to go. And the feedback from the guys that are a little bit more experienced, is it's a little bit rough. You got to go in there and do a lot of work and we try to help them. We say, "well, you can try like this. You don't have to do it that way. But if you have another thing you want to do, it's whatever works for you." And we want to ensure that whatever level you're at, we're here to help you. So it does take a lot of education and we try and build in hints and tips onto our website directly. So if it's something that's already been addressed, people can look it up and try and figure it out. But you also have the guys that think, "oh well, this is free and I have 80 acres on the North Shore. It's very wet. I'm going to get 10 of these," we try and work with these guys, these customers, and say, well, that's a little bit too big for our little compost bin. So how about you try this? You grab a whole bunch of free pallets from somebody, a business that is trying to get rid of it, lash them all together, make yourself a whole bunch of nice little composting units that will do the same thing that we will with our

little composter. But I give you a lot more flexibility. So we try and work with each individual customer as much as we can. We are a small group. We have about five people that answer our general phone line, and only three of us are specialized or able to speak to composting. So it just varies. A lot of people come brand new. They see it's free, they want to try it, and that's great. We want to get their foot in the door and try and get them going and compensate as much as possible. But again, some people just know how it works and they just want to try it. And for them, they have another solution and we welcome them. And so we let them go, Mr. Aki said.

Commissioner Robinson asked how you communicate to the public about this program.

It's been around forever, Mr. Aki said. There's a lot of word of mouth on Kaua'i, so that helps significantly. We have neighbors talking to neighbors, and they're just like, yeah, you can get this free from the county. Mr. Aki was hoping when they say that they also are telling their neighbor, "okay, and this is how you do it," instead of just like, "oh, okay, well, I'm going to get it. I'm going to plant in the yard and it's just going to sit there doing nothing." And some people are like that. Some people just use it as something you throw your green waste in and just let it age. I'm going to let it mummify. It's up to you. As long as you're putting material in there, you're trying to divert material. You can do what you need to do with it. But if it's not working with you, we also offer them to give it back. The other ways we do advertising for compost bins, we have a green recycling guide that we hand out to the public. We make it available at our transfer stations. It has all our programs in there. And composting has its own little section where folks can read about it, learn about it, and just see if it's right for them. Otherwise, our website does have all the information there, and the video is up on YouTube. So if somebody types in "Kaua'i Composting," there's a chance YouTube might be able to generate a video for us on a search and people can view it.⁴ It was actually, funnily enough, somebody has another Kaua'i composting Earth Machine video that we never contracted them to make. They just did it. And that was getting a lot of hits before we uploaded our version. But at the end of the day, it's a lot of word of mouth. And once you say "free," it really starts the fire. People take it from there.

Mr. Aki said in a response to Commissioner Olson that the county's population is between 70,000 and 80,000.

Commissioner McIntosh asked whether Mr. Aki encountered problems with people mixing in regular trash. Do you have to sort it? Because that was an issue that the Big Island had and that's why they stopped doing it, he said.

Mr. Aki said that his county's greenwaste drop off is right next to where you can drop off your refuse. So it's convenient where if they have both, they can drop off their refuse first and then head over to the green waste. There are always occasions when there is contamination in the loads that go to the composters. A lot of the times it might be a lot of rocks and whatnot that

⁴ "County Composting Bin Training" https://www.youtube.com/watch?v=nQYkCi_AIUU

are picked up with the loads and sometimes it's from us as we're loading. He has not heard of specific rubbish because they have an attendant on site for most of these locations and they're watching people come in, seeing what the loads they have, and we're trying to keep it clean. There is contamination, but it's usually very minimal and we are able to catch it one way or another, he said. And again, since everything is co-located, if we find something, we can just move it to where it needs to go.

Commissioner Cardwell asked if Mr. Aki had a sense of how many people have been using it over the years. If Kaua'i's population is 70,000, the Big Island's is obviously much bigger. It seems like this kind of program, it's almost like we could have it in each district on our island.

Mr. Aki said what we found is acceptance and use over time. Based on the few surveys that we have done, there is a very minimal group of people that aren't able to keep up or they have stopped using it. It might be on a survey already, but just off of the top of his head, most people do keep it for the estimated 10 years of life on this unit. They keep it for the full time and some people keep it running longer, only coming to us if something breaks on it due to the sun beating on it, it'll break down. We do free replacements, and we talk about it. But a lot of people, once they get going, they'll use it. They may not use it exactly out of the box, go in there, turn it, water it, but they'll use it to the best of their abilities and for their area where they're living in. We do have a lot of people moving from place to place. And then they ask us, "What should I do with the bin?" We just say, well, if you can ask the landowner or whomever you're renting from, if you can just leave it there for the next renter, that's what we encourage. So somebody else might be able to use it. And then when they get to a new location, grab another bin and get it set up. And then that way they can continue using the bins. He would say on the initial uptake, you might have to work through the issues and the same issues of critters getting into the bins, of the bins breaking or falling apart. Over our 20 years, we've been able to compile all the issues and try to work through them. So people come in with fresh eyes, so we don't have people just like, "Oh, it's not working for us. It doesn't work because of this, this, and this." Have we tried all these different remedies? And through this process, we have a lot more people sticking with it or at least understanding what are the issues before they come in. So they don't just drop the program right away. They give it a good go and maybe after a few years they can't keep up with it and then they call it from there.

Commissioner Gaffney asked whether Mr. Aki has done a calculation on what percentage of the island's green waste is diverted as a result of this program.

Mr. Aki said it is part of our waste diversion rate and it's all up on our website. He can send Chair Adams the link to it where it specifies this many tons are estimated from the program. And you can see all of our tonnage there on our waste diversion rate based on all the different items, and you can see what our county is doing for green waste recycling. So what the percentage of that versus this home program? And it's all broken down so it's available. He can make it available.

2. Home composting bin distribution by Hawai'i County (50:00)

Chair Adams asked Ms. Berrig to comment about her efforts with others to get some money for these bins.

We got the pricing update and the price has gone up quite a bit, Ms. Berrig said. This is before the pandemic, actually, two years ago. Anyway, we started writing a solid waste grant. And so we're trying to put together a program that ties in education similar to a copy and paste, change the names with respect to Kaua'i's program. And she has been trying to find out during her previous tenure with Hawai'i County in 2011 for a short while, we had Earth Machines that were given out, but she doesn't remember what the educational component was, if it was just a one-off or if it was part of a bigger process. But this is something that she has been really excited about. Apparently the cost is less than she has been saying at \$7 to \$8 per ton. And Mr. Aki says it's \$5 to \$6 per ton. So she has been asking, why aren't we doing this? So this is a pretty high priority for her. But it has to fit in with all the priorities in her Recycling section.

Chair Adams asked the commission if this is a worthy thing to investigate. Certainly from a Return on Investment basis, it sounds like a no brainer, but we need to find the money just to buy the bins in the first place.

Ms. Berrig said the one aspect of this program that she loves is her belief that when people handle their own waste, their own trash, they become mindful of what they're wasting. So not only are they going to be composting this and reducing greenhouse emissions, all of sudden they start going like, "Oh my gosh, why am I throwing away six apples? So maybe I don't need to buy 12 apples a week" or whatever. So not just with food waste, but with everything when you have to literally handle it, not just put in the chute and go, "Oh, I'm throwing it away." So it's a full on, in her opinion, like an exponential educational process. Then the kids get excited about science and they're like, "oh my gosh," and they get into vermiculture. So it's not just the value of the actual \$6 per ton. It has all the educational value in that as well.

Commissioner Cardwell asked how Kaua'i County is paying for these bins. Mr. Aki introduced Allison Fraley, Solid Waste programs coordinator.

Ms. Fraley said this is one of our premier programs at the County of Kaua'i, and we have been doing it for 20 years now, and we've been able to convince our Council that this is a really good investment, as Ms. Berrig has said, that people are managing their own trash in their own backyard. So we don't have any hauling of this material. We don't have to pay for processing of it or worry what the end destination is. It is all handled in people's backyards, the hands-on program. And so we've been fortunate enough to convince our Council to pay for this service through the bins, basically through general funds. So we've gotten about \$45,000 every few years to distribute the number of bins that we're distributing on a regular basis, which is about, 300 bins a year.

Mr. Aki said it's about seven bins a week, so, 350 with a high range about 400 a year. So with one order, we're able to supply about two years' worth of bins. But that's for a mature

program. For a program first starting up, you might have a lot of throughput initially until everybody that wants one gets one.

Ms. Fraley said the County of Hawai'i has a bigger population, so you might have to buy more bins. Another success of our program is that we've distributed from our own facility. And so we have a place that everybody knows where they are because we found that with other programs like our electronic waste, if we move the location where it's being distributed, people get confused and they think 10 years later that it's being distributed from another place. So we really have been fortunate that we've had consistent funding, always have bins in stock, and always have the same location to distribute from. And we've been fortunate to work with agencies like nonprofits that want to help distribute. So we have made agreements with them so that they could do the work to distribute. And as Mr. Aki said, we have a video that's really simple. So this has evolved over time. We've learned the hard way on a lot of this stuff. So that's why we're excited to share this mature program with you, that we think that a lot of the kinks are out of it, so we can work directly with your recycling office, if you were to fund this, to make sure that your program was a success.

Chair Adams said that it seems like if you're saving a ton a year going into your landfill, you save money to easily cover how much it costs. It certainly is something we ought to look hard at the parameters to make it work here on this island. And if we need to be more formal about making that recommendation, she would entertain a motion, but keep going for it, Ms. Berrig.

Commissioner Robinson wondered what action commissioners could take to help Ms. Berrig move forward with this or help you make some progress on addressing this.

Ms. Berrig said she appreciates the support. She has been excited about this program for three years now. So this is really great news. She would talk to her bosses because she is new in this position and there's just so much going on. She has 20 plates in the air on a regular basis. So she will check her bosses and connect with Chair Adams. But she appreciates the support and whether it needs to be a formalized memorandum or something else. She will keep up with Chair Adams and talk to DEM and SWD leadership about this.

Chair Adams said it may be something that, once she has a proposal that lays out, here's what I think the program would need, then we can sign onto it

3. Follow up on Michael Pierron Dec. 16, 2020, presentation to EMC⁵ (12:43)

Chair Adams wanted to make sure people have an opportunity to look at Michael Pierron's presentation that he did two years ago, and if there was anything that people would like to highlight or focus on.

Commissioner McIntosh said the only thing that can really think of is that rather than the County trying to take everything onto itself. It should open up the barriers to private citizens

⁵ V.2.3: Pierron presentation to EMC <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=116075>

running their own business to work together to compost. The County can also pursue ideas, but it just seems everything is focused on the County rather than letting the industry and private sector do what it wants to.

Chair Adams said part of it is for this Commission. That's what our charter is, to look at how we can work with DEM. But yeah, that basically is one of the purposes of the Permitted Interaction Group that we've got, is looking at what's keeping more private people from doing it. And a lot of it is these last two years have been so bizarre. It's funding, it's staffing, and there's no money for the County, much less for the public, or private businesses, to get going on things. So at a minimum, what we're trying to look at are there things that are in the way that don't allow it. But it is, as Ms. Navarra said, it's a system. It's not just one piece. You've got to collect it, you've got to transport it, you've got to manage it once you've got it and then do something with it once you have your compost, and then keep the cycle going. That's a lot of pieces. And as Mr. Pierron told us when he made his presentation, a single company can't do that. It's a bunch of companies working together to manage the whole distribution, processing, redistribution, and continuing education for the public. And then from the government side, a concern that it's being done safely, whether it's little fire ants or other pests that are coming up, fires have happened. Every once in a while Chair Adams sees poofs over at the West Hawai'i Sanitary Landfill, that are coming up from greenwaste, even. So there are things that need to be in place to make sure people are doing it right. And probably the biggest thing she has seen from private business and public efforts is sustainability. Just keep doing it. It isn't a one-shot. It's got to be an ongoing process that's supported and maintained. It's her frustration over saying, "oh, we've got this grant, we've got this grant." Yeah, it's a one-year grant. And then what? Are you going to have enough enthusiasm, participation and funds to keep something going? So it's not easy. If it were easy, it would already be done. It's hard.

Commissioner Olson said he was involved in the redesign of the three transfer stations in Puna. The biggest hurdle we faced in the beginning was the State Department of Health, and getting their cooperation in participating in a timely manner. Beyond that, on the County side, their unwillingness to want to spend the money necessary to create an area that would be conducive to all of the different things that we believe should be happening. At this point, speaking for Puna, we need to be moving these facilities into the subdivisions. As it is now, two of the sites are buried off the grid and the other is on the highway to death (Highway 130), literally, because of the way they designed it. You get to pull out from the (Kea'au) transfer station into 45 to 50 mph traffic. No problem there. We've only killed 9 or 10 people since it opened. And of course, it's a State highway with another level of complexity dealing with the state Department of Transportation.

Commissioner Cardwell acknowledged he has said this many times, and we hear it. She uses the Kea'au Transfer Station all the time, and she personally doesn't find it unsafe. It is a yield lane, so you can sit in that yield lane. But she wanted to echo what Commissioner McIntosh said about the private sector. If we're talking about County funds, then, yes, of course, we're always going to run up against the fact that the County doesn't have enough money for this, for that, but the private sector does. And so to her, that is one of the avenues that needs to be

discussed, pursued, the public-private partnership avenue. Because the fact of the matter is that we're not reinventing the wheel here. There are plenty of examples of composting happening all across the country, and so it's a matter of figuring out what is the County responsible for? What can be done with private money, and can there be a partnership between the two? Because there are all these issues. There's the pest issue. We don't want to be attracting even more rats than we already have, and so there needs to be oversight as far as that's concerned. But there is money available. It's just a matter of figuring that out. Unfortunately, she has had a very busy month and has not had a chance to look to watch his presentation again. But she remembers Mr. Pierron making that point about about private funds. And she has had numerous talks a while ago with Chantal Chung over in South Kona, who's been doing composting, and she has a very successful program, but it's a lot of work for one person, so it does need to be tackled by multiple people, whether it's multiple companies or whether it's the same company with multiple branches.

It's definitely the issue, Chair Adams said. And again, it is about, how can you sustain the business to make sure, especially at sufficient scale, to have a steady stream of customers and suppliers and you know how to keep the process, whether it's a mechanical or physical turn the pile type of operation, and the trucks, and the other stuff that goes with it. It's not trivial.

Commissioner Cardwell added that if we look at the greenwaste program here, how successful that's been and how in demand it is, that kind of gives us an idea of- we know that compost is something that's highly valuable, especially on the Big Island. We don't have soil, it's an agricultural island, a lot of people are growing food. So in her mind, one way of it being sustainable, rather than having it be free, the County provides this greenwaste, the mulch, for free. Then there would be a fee for it. People would have to pay for it. And also, if it's done correctly, because one of the problems that she has encountered personally with the County's mulch, we don't even get it anymore because it's filled with trash. And not only is it filled with trash, but because it's not composted properly, there's tons of invasive species in it. So we have tons of weeds that we're dealing with now that we didn't have previous to bringing in the County mulch. So her point is that if this is compost that's being done correctly, meaning that the fire ants get so hot that the fire ants can't survive, the weeds can't survive, it's going to be very desirable. And people would be willing to pay for it, and I think that could be one of the ways in which it is a sustainable thing. A one-year grant is not going to do it, but if people continue to show up and pay for it, that could be part of the revenue stream.

4. Status of contract negotiations (HER & WMH) (24:39)

Chair Adams asked Director Mansour to discuss the Hawaiian Earth Recycling mulch contract. Number one, it's mulch. It's not compost, it's mulch. So it's not going to be the wonderful grow your petunias in it soil amendment. It's soil cover. We've got some contractual issues on the mulch. She does not know if the Director wants to talk about that expectations. There are also expectations, they're not supposed to allow the little fire ants and other live pests. But would you care to comment one on just the status of contract negotiations and the issue of charging for the mulch, she asked.

Director Mansour said currently the contract does not deliver the compost. And there are some issue contractually about this contract in general, but the details we cannot talk about or discuss. But everybody got the same message as you got. And we understand the challenges in this contract. They're not delivering compost. Unfortunately, it was written to pay for compost even though they don't deliver it. So it was negotiated that way. But he cannot give any more information. I hear you loud, the Director said. We've been on the same track ourselves and trying to figure this out, but we'll get there hopefully sooner than later.

Chair Adams said her understanding of that contract is that HER can charge for the mulch if they want to. Is that true?

The mulch they create, they charge the loading fees, the Director said. So they do charge loading- they own it, but maybe they cannot sell the product they created within the County. They try to bring compost from O'ahu trying to sell it here. As far as the mulch is concerned, what they create, they are supposed to give about 300 tons free to residents at the Hilo facility, plus or minus, but they charge you for loading that mulch into your vehicle.

5. Discuss EMC developing priority topics for the expected new Public Education & Information Specialist.⁶ (1:00:15)

Chair Adams wanted to discuss whether there are some other ideas to focus on if we are to get public information officer or whatever title the person receives, what kind of areas we would like the person to focus on. She shared a document on her screen (see Footnote 6). On every other page we put education, education, education, as being a need. And we've got some excellent illustration of that from Kaua'i and basically on every topic known to Hawai'i County. But these were the ones that have been developed here. And we'll discuss the idea of talking about the real costs of littering as another item. When we did the solid waste management plan, we had identified things as being high priority and medium priority. So these were the high priority ones that we dealt with. Rick Gaffney had passed on that he's still very concerned that we do not have an easy way for people to find out whether their local transfer station is taking what they want to haul over there before they leave home. And we still have a challenge there to try to find some ways to do that communication. She also just threw up some ideas on wastewater treatment, but would like to capture if anybody else has thoughts about what areas that they would like to see us focus on. This isn't going to be an order that we give to DEM, but just to give a flavor for the kinds of things that we think should ought to be on the top of the list. So if there's some other items, she would be more than happy to write them in.

Commissioner Robinson asked whether "Implement a 3 year education and social marketing program to educate the public and business community about landfill diversion initiatives and opportunities" is a description from DEM.

Chair Adams said there is a section in Chapter 5 of the ISWMP that talks about, don't just do, "Oh, I have an idea. Let's shoot it out." Have a plan. It works over a period of time. We plucked

⁶ V.3: Topics for Public Info/Ed Spec. <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=116076>

three years out of the air. But a thoughtful plan that says, here's what we're going to do first, here's what we're going to do second, just to do that planning around education and make sure you've got the budget to manage it. So there are examples in the plan as well.

Commissioner Robinson suggested the following edits:

“~~[Implement]~~ Create and implement a 3 year education and social marketing program to educate the public and business community about landfill diversion initiatives and other reuse, recycle, opportunities”

Commissioner Olson, referencing the first solid waste management plan, said this conversation is déjà vu all over again. One of the things that we found were very effective was getting the children involved. There's nothing like giving a 10-year-old a task, as you probably well know. So we got more cooperation from that group than we did from the parents. And to some large extent that's a holdover. Once embedded, it's in there. So he still sees that in the people that are around from back then, who are now adults. It is something they can do, and once embedded, it's something they continue to do.

It's a way of thinking, Chair Adams said. It's what Ms. Berrig was talking about in terms of the compost bins. As soon as you have to do it, you think about it and you say, “I don't want to do this anymore. What else can I do to avoid it?” So, yeah, it's a way of thinking. She said as soon as we feel like we've got the list, to hand it over to DEM and as soon as they hire this person, we'll haul him or her in and talk to the person at our meeting.

Chair Adams said she knew Ms. Berrig has been participating in EPA discussions. They've got money coming out of their ears with all the money for improvement of waste and water infrastructure. So they're looking at, “What do you need?” EPA is in the process of developing public information documents that could be used by both governments, but also to hand out to the public. Our challenge is tailoring it to this island and what we can do on this island, which isn't going to be the same as the mainland, obviously, but there are some opportunities to learn from others. But having done it when we were trying to put together the initial concepts for the master recycler program, which trains volunteers from the public helping to be on site educators, it's a challenge to convert things that were prepared for the mainland to what we can handle here. And it changes all the time, too.

6. Proposed Components of an Integrated Wastewater Master Plan.⁷ (1:10:40)

Chair Adams said the Commission had talked previously about an integrated wastewater master plan and what we would like to see these kinds of high-level components in the plan, and asked Councilmember Tim Richards to make some introductory remarks.

CM Richards said he appreciated the invitation to participate. He said the Chair touched on the availability of funding for us. And when he says “us,” CM Richards is talking nationally when

⁷ V.4: Wastewater management plan <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=116077>

we're looking at our wastewater and actually all infrastructure, but specifically wastewater here. And depending on whose estimate you want to talk about for the Big Island, this Commission knows far better than most and probably than him as far as what the needs are for our wastewater management. Right now on our CIP, it's somewhere around \$800 million that we need to work on getting to start putting us in the right direction. And the only way we're really going to be able to do it is we cannot piecemeal everything together, though that has not been the direction necessarily we've been going, but it's easier to get bigger funding and make EPA happier with us, if we have a plan, and we start going toward it. We've talked about Keaukaha and the wastewater plant out there, and what needs to happen there. It's about \$150 million, \$160 million for the plant upgrade and another \$40 million for the sewerage upgrade to make that to a point where we don't have to worry about it, because it is a concern right now.

We have issues at Kealahou and what we're going to do there, CM Richards said. We have a problem with Puakō, and though there's been initiative to get going and there is some funding, it's really planning money. It's not construction money. And so the concept is to use all this money. He has had this conversation with the Director that we need a plan, so then we can know what kind of funding we need to start going after and be incremental about it. Obviously, we could easily spend \$1 billion in our County to go after wastewater, but it needs to be a concerted and orchestrated effort as we start taking things off. Generally, the concept is to fix what we have in place now so it won't come to a crisis. And then we can focus on sewerage and developing the wastewater treatments going forward. That will best be orchestrated by having a high-level plan that says we will start attacking these different challenges at these different levels. And this is the kind of funding we're going to need. And that in his mind, is what we need to start working, because CM Richards needs to know what he is funding.

Through this whole budget cycle, the Council Member has told departments, "if you just said, I want to do this, give me a number so I can start thinking about that in that concept." For wastewater, that well-articulated, and then well-orchestrated plan is what we need to go forward. And this Commission, the expertise that sits on this Commission, is second to none when it comes to discussing this. He is not a wastewater expert by any stretch, but he does know we got some issues. And he sees his job is to try and advocate for the funding that we need to take that going forward. So that's his interest in having this discussion and figuring out what direction we need to do. And then how does he advocate for that funding? In reality, it's going to be federal, because he does not see any other way to take us to where we need to go without a whole bunch of federal support.

Chair Adams shared her screen and put up her plan (Footnote 7).

Chair Adams said she and the Vice Chair had started with the idea of a pyramid concept. At the top, it is: What's your vision? You're looking at something that's an integrated plan that isn't just a staple of individual facility plans, but it's got ties back to, what are we trying to accomplish here at different levels? So we were looking at other county plans across the nation to see if there were some outlines so kind of put together this flow. These were just kind of

starting places, not meant to be the words that get accepted, but to have a vision statement. Last meeting, Director Mansour talked about having some visioning work that they've been doing in DEM on what they are all about. This is what was captured in the minutes, but her impression is that the Department is still having that dialogue within the group. But we figured that EMC should throw in our two cents as well. DEM's focus had been on energy and agricultural sustainability and focusing on materials recovery, which is certainly what we've been talking about, and have sent letters into Council as well that think about it as resource management, not as waste treatment. But you'd have a vision statement. Every program should be able to directly tie back to lay out some guiding principles. Chair Adams said she thought a lot about what the Director had talked about the last time. There are a lot of personnel and how they treat each other in the Department. That's really important for you and we certainly don't want to denigrate that, but we're looking at more of the issue directly on a wastewater management plan.

Guiding Principles

1. "Apply Life Cycle Assessment principles to minimize adverse impacts to health, safety, and financial security short and long term for all affected stakeholders and the environment."

Chair Adams is a lifecycle thinker, so some sort of language like that would be cool in her mind.

2. "Think water resource management vs wastewater management. Preserve water resources through reduction of use, reuse and recovery of treatment byproducts."
3. "Affordable and reliable (don't over-engineer)"
4. "Sustainable for communities and expected growth"

Again, the resource management versus waste management, we can't overengineer, we can't afford it no matter how much money gets thrown at us, especially when it's one time money, Chair Adams said. It has to be sustainable, it has to deal with the communities we both have right now and in the future. We do listen to Commissioner Olson when he talks about Puna's population exploding, we've got to be able to provide necessary services.

5. "Flexible to new technologies"
6. "Continuous improvement toward vision"
7. "Work with public and private entities to achieve goals."

Another one that is important is that we're flexible in new technologies, Chair Adams said. The world is not standing still. There are new things being developed and there is definitely a tendency in any bureaucracy to stick with what the known is and tried and true. And that is not going to get us there. So she would like to see flexibility to look in and explore new technologies, not to spend whole buckets of money on it, but at least to look at it. And there is this commitment to continuous improvement. You don't build the plant and 50 years later get out the duct tape. You're looking at how are you going to continuously improve things, and then you're working with everybody, the public and private, to get yourself there. Director

Mansour said a lot of the same kinds of words in his statement and again, when that gets more firm, we certainly would like to add that in.

Strategies

The next thing is, okay, you got this vision, you got these principles, Chair Adams said. Now it's talking about, what do we got? Where is the population going? How well are we doing in training? One of our biggest challenges is jurisdiction issues and then looking at how are we going to meet today and tomorrow's needs, and some of the factors being financial, health, regulatory compliance, which is a shifting standard as well, capacity and condition assessment, a lot of which has been done. Looking at alternatives, there's the flexibility idea that you're looking at different things, and then the plan, looking right now at fixing all the broken stuff and then a 5-year, 10-year, 15-year horizon, and maybe you go even longer than that. But there is an improvement plan that you are planning and funding for the future, which is the next section, and then just some of the stuff that bogs us down and presents opportunities, and then as the appendix, the individual plants and facilities and all the gory planning that needs to be there. CM Richards had mentioned to us before that he really likes the way Mass Transit is put together, their master plan on how they're going to set up hubs and vehicles, and they kind of lay it out in a nice way: evaluate what we've got, and where we're going to go, and how it's going to change and why we're doing what we're doing. So they have a nice model that we tried to develop this on. But at this point, it's, "okay, gang, what do you think?" How would you change it? What should we provide as a recommendation?

Discussion

Commissioner McIntosh said for the 5-year, 10-year, and 15-year improvement plans, you should figure out approximately how long facilities are planned to last or exist and make that your plan, period. So if you're supposed to last 50 years, then that should be how long you plan, because you're either going to have to replace it or maintain it or something. So you need to include that in the plan. That's part of the problem with Big Island. We build it, we forget about it.

Chair Adams says if we got a chunk of money, we spend it and then move on, because who knows if any more money is ever going to show up and we can't do that. We need to figure out, okay. One portion of our effort has got to be continually looking for the money. And the Director has talked about we need to have more sewer hookups so they can get more fees, more customers to help support the facilities we have. It's not the "build it and they will come" Field of Dreams. It is, figure out how you're going to sustainably manage the facilities.

Vice Chair Gaffney said it's important that at some place in this planning process we need to create a priorities list. There are some obvious priority areas that need to be taken care of sooner rather than later, because their impact on the environment is critical to the future of the island. Puakō is a good example. Puakō has the oldest reef on the island, and it has been maximally impacted by the presence of nearshore cesspools. So he is not exactly sure where in

this plan outline that we have included- it may be in the appendices. But we need to say that certain areas are- Keaukaha is an obvious one. The Kealakehe Wastewater Treatment Plant, R-1 upgrade is an obvious one. Puakō is an obvious one. There are others, and first shot planning in Puna would be another priority. Implementation is going to be probably a lot further out. But if we aren't planning something for Puna's future, it's never going to be financed. The Vice Chair wants to make the point that we are at the point of *in extremis* in so many places on this island that we need to begin to prioritize those so that the Department and the Council have some direction.

Director Mansour said we got so many balls in the air currently as we negotiate with EPA on a possible consent decree or it could be an AOC county wide. So that priority list will be addressed and driven by EPA as well and the Department of Health. As we negotiate these priorities with them, that will give us the final priority list moving forward. We had shared our priority list in prior Council meetings, so we had identified projects and we did condition assessment analyses for the wastewater treatment plant. So currently we targeted the priority of our current system, because we need to stop the bleeding somehow prior to start looking into sewer collection expansion and what have you. Our main goal initially is to stop the bleeding, and so we can start focusing on expanding the customer base and what have you. As we move forward with EPA on that countywide priority and finance negotiation with them, that will give us technically the roadmap as he shared in the last meeting. We had done our mission, vision and objectives and goals and how we're going to tackle all of these objectives.

We asked for positions, Director Mansour said. Council Member Richards is very supportive of the staffing level that we need to have, and the Director appreciates his continuous support on making sure that we get the right staffing to deliver on these objectives that we set forward to achieve the 15 to 20 years planning to get out of that reactive maintenance mode, rather than a proactive maintenance mode. So that's also being rolled in as we move forward. The Director is still working with our Finance Department, on some of the positions we asked for. Some of the positions were not approved. So he is trying to see what we could do at least to get some priority position approved prior to this budget hearing. And he will keep you updated and posted on that as well. So, yeah, there's a lot going with the master plan, integrated waste management plan as a whole. So we had secured funding for the Puna area and also the Puakō community. The Director had spoken with CM Richards and CM Heather Kimball as well, and Rep. David Tarnas. He is trying to see how we could take that funding we got from the State with matching funds from the County and trying to create a more west side comprehensive wastewater treatment master plan. So at least it looks at how we're going to connect some of the communities. We're in the process of selecting a consultant as we speak. We need to create a task force at least to initially be a part of that scope of service that we're going to try to hand to the consultant, so we make sure that the community and we are on the same track moving forward. So hopefully that ends up giving you an indication where are we going. In addition to that, we created a master plan once the priority projects are identified. So we're going to have a master schedule. The master schedule is going to identify all the tasks and milestones for each individual project from A to Z, from conception to completion. So we're going to have a major master schedule. It could be an inch thick, but it's going to have all these priority listings

with all the milestones. So once it's assigned, hopefully it doesn't fall through the cracks, especially if we're going to end up getting some type of consent decree. So that way at least somebody will continue keeping an eye on the schedule

As we talk more about it with EPA, maybe it's too late for this year, but next year or maybe mid-year, the Director may go before Council and ask to include a capital improvement project manager position, he said. And it creates a section of four employees just to keep an eye on all these \$800 million or \$1 billion projects, so they don't fall through the cracks, because we cannot afford delays. We cannot afford anything falling through the cracks because eventually we'll be hit with a major violation from EPA if we do so. Once that roadmap is created, hopefully we'll have a structure to make sure it doesn't fall through the cracks and somebody needs to follow through with it to the end, even beyond this administration. So that is our look at it, at least for the next 20 years, if we could be able to successfully negotiate stretching these projects out, due to the financial constraint with EPA, up to that many years moving forward.

Commenting on other items on the agenda (Agenda V.2), Director Mansour said one of our goals regarding composting is that home composting definitely is an option. We are doing the food organic study currently to figure out how much we have on the island. We're going to look at decentralized composting as well. All these options will be looked at just from an in-house point of view. So when we come back to you guys, at least you have more than one option to look at. As we move forward with any selection, at least we looked at multiple options, not just one.

Chair Adams said there is no single option that will work. It is a system, as Jennifer Navarra said. You need to look at all the different ways that we work together to meet our goals. And by the same token, that's what we're wanting to see for a master plan. We've got all these pieces and there isn't one plug-in facility that works for every place on this island. And just like the variety that you're setting up as a solution for Nā'ālehu and Pāhala, it's piecing it together. Holistically, the thing works and gets you further toward your system. So it sounds like you're doing that kind of thing. The purpose of us wanting to lay this out is just to make sure these components are in your plan somewhere and somehow, and that you're thinking of it, even though you're so buried in the minutiae that you've got to get through and EPA beating you up every day, that there is a larger plan and vision on where you're going to go. And you're constantly re-evaluating, are we heading in the right direction, or are we just digging a deeper hole for ourselves? And she personally would support the idea of getting yourself a project manager. All he does is Gantt charts, and knows where things are, and says "you guys are two weeks behind here." It's amazing how they keep you on track.

Director Mansour said it's very helpful to have that project management individual or that section just to keep an eye on progress, because sometimes you start a project and you find out 20 years later that it was never completed. One good example is the Hilo Wastewater Treatment Plant, because we are in the process of design. We have at the 30 percent design process, and we just found out we don't even own the property because back when they built it, somebody dropped the ball on chasing that executive order to secure that property. So now

we're trying to go back. If that were under the Gantt chart and schedule, maybe somebody could have been held accountable. Accountability is very important just to make sure that we will continue to deliver on the tasks they have been assigned to deliver on. The Director is going to push that position forward. It may be too late for this year. But as we negotiate with EPA, that will give them the level of comfort as well, because now we are fully committed and we're not going to fall behind anymore.

Regarding the correction to the minutes for the "wye connection," (Agenda II.2) Director Mansour said the reason they called it a wye, because actually it's a Y. It's the shape of a Y. So you pronounce it as "Y" and spell it W-Y-E. And the intent for that wye is to give you a smoother connection to a house or to a unit to a building. So as these plumbers come in, do the connection, you know, definitely don't use a tee, use a wye because it's either to smooth or fish the line through, if you have sewer clogging. That's where the wye came from, for plumbers to understand, don't use a tee or any other 90-degree connection. Go get a wye and connect the house. So it's actually the letter Y, because it looks like the letter Y for the angle that it's designed for. And that's why they call it wye connection.

Commissioner Olson said, referring to the integrated wastewater master plan, that Puna remains the gorilla in the closet with the 80,000-plus TMKs that are rapidly being built upon. You've been out there and you're seeing what's going on. Commissioner Olson said he grew up in Los Angeles and saw its buildout. This is all too familiar. And to say that our infrastructure to support this is inadequate is a massive understatement. The highways are backed up morning, noon, and night. All of these private roads are falling rapidly into disrepair with no structure for financing their repair, and that becomes a public safety issue. He wishes everybody would go home. Personally, he was happy with the way it was, but that isn't going to happen. If he could make it all go away, he would.

Until there's the next lava eruption, Commissioner Cardwell commented.

That's our saving grace, Commissioner Olson said. You have got to wait for it to cool down before you can build on it. It just slows you down a little bit. The property you bought now has an unobstructed ocean view. Once it cools down, once you can walk on it. Hey, it's worth more than it was before.

Commissioner Cardwell said she wanted to second what Commissioner Olson is saying, because Puna really gets left in the dark. And all joking aside, a lot of times because of the lava, because it's just seen as the bad kid on the island. And she does not know how many of commissioners have been to Puna recently, but there really is an unprecedented building happening. There are bulldozers everywhere, so there's more and more houses going up, and so we really are in need of infrastructure, including trash and all of that.

The transfer stations are just overwhelmed, Commissioner Olson said.

It's the cheapest land on the island, Commissioner Cardwell said. So that's another thing that needs to be taken into consideration. That's why so much of the development is happening here in Puna because you can't touch land up in North Kohala. But in Puna, it's super cheap, so anybody can build. And, it's really going to be a problem in the near future. I mean, already it's a problem.

Chair Adams asked CM Richards how this discussion fits in to the bigger picture.

CM Richards said he appreciates the invitation on the conversation because this is a huge issue for us, so along with solid waste, energy, and housing, and what are we going to do about it? That's the bigger question coming before us. The reason he likes the master plan- the Chair brought up the Mass Transit Master Plan. When he first joined the Council five and a half years ago, that was just coming out. At the time, the annual budget for mass transit was about \$10 million, and this next year it's proposed at \$30 million. Now, he is not one to spend money. Everyone knows he is a fiscal conservative. That means he wants value for the money that we spend. He is very supportive of the Mass Transit Agency because we have a plan going forward and we can articulate what's going to happen. That's why he has been a big proponent for this. And he appreciates the Director's comments, because a lot of what he is discussing has been discussed with the Director. We're not experts on wastewater. There's no way anybody on the Council is an expert, he said. However, our job is to seek the solution through the funding side. That's where a group like yours comes in place, and that's why we have someone like the Director in place to tell us what we need to get done. He was born here in the County, and the population has tripled since then. When you have a small population, you can get away with a lot of things because the sheer mass of the land itself can dwarf our solid waste problems, our wastewater problems, all that. But as we start to grow now, we have to grow up and we have to start paying attention to this. He is listening very carefully about Puna. We have to do something about Puna, but it's going to take an investment of infrastructure. And one of the things that the Director has been a big proponent of, is we have to get our funding to a place where it is maintaining what we have. He said the Chair had made the comment, we build it and forget it. This is not unique to environmental management or wastewater at all. We're seeing the same problem with our roads, our bridges. Our potable water infrastructure is in decent shape. However, we're lagging as far as getting more potable water is concerned, which is why we don't have the water meters that we need. And so we really need a master plan for all of this stuff as we're growing up. And we're crossing a threshold of going from a little rural county to a big rural county now, meaning now we have the big boy big challenges that population centers start developing. So how do we go forward with this? We're going to need grant money for the capital growth, but we also have to build in the financing to maintain and repair and build for the future and replace and build it for the future. When we talk about Puna, and this goes back to when Jen Ruggles was in office, CM Richards told her he would support an improvement district, but that means taxes are going to have to go up if we're going to do that in the Puna district. And maybe that's what we need to do if we're going to build the infrastructure. The county is not flush with cash because we're too big. O'ahu has 1,600 people per square mile and the Big Island has something like 50 people per square mile. That just shows you the difference in taxing and capability and what that will bring us from a tax

structure. So how do we go forward? The only way we can do that is to go incrementally and take case by case by case. The areas of concern in this area we're talking about environmental management, solid waste and wastewater. Okay. We need to start taking a hard swing at how we're going to solve that. As the Director pointed out, we have funding for a wastewater master plan, west side, some of that we can use the funding that came out for Puakō. But when the community of Puakō is saying, well, we need to focus on Puakō, he said no, that's a bad way to spend public money. We need to look at the big picture for the west side and we have to start taking this off at bites that we can actually accomplish something.

CM Richards said he likes the conversation of where we are going and he needs from the Commission and the Department is, give us a plan, give us a financial road map to go forward. If we have a plan to go forward, the EPA is going to be far more accommodating to us as we go forward because then (we can say) look, this is the plan, this is our plan for seeking funding. This is the plan to take this from this year to three years from now, five years from now, whatever the case may be. He does not want to get in a situation where we're saying, "well, we don't know what to do. So we're doing nothing." And we're almost to a point- and this is not saying anything about environmental management at this point. This is what we've worked ourselves into. We evaluated so much for so long that we never actually started, and we got to get things started. So that's what CM Richards is looking for from this group, and he is very supportive what the Director said about getting the staffing correct for environmental management so we can start moving the agenda forward and focus on the high priority issues, find the funding for that. We're going to have probably the best shot of getting some funding, big funding, for us within the next year or two. And that's what his desire is for this County is to find that capital improvement, to start taking a big swing at some of these problems. But it's got to start with a plan so we can kind of track it from there.

Chair Adams asked if there are any other concepts to include in the wastewater management plan document.

Commissioner Olson commented that the sale prices on the land out in Puna have more than tripled. The lot in Nānāwale Estates that you got for \$3,500 five years ago is now \$16,000. And the people that are buying them up don't even blink. That's lunch money, and that's pretty much across the board what he sees going on. So as a funding issue from the property tax rolls, that's an upside. It's a downside for the people who live there because they don't and haven't had that kind of income in the past. So we're going to have to be looking to see how we're going to manipulate that. But there definitely is going to be a far more substantial financial base there to draw from than there has been at any time that he has been here.

CM Richards said he appreciated the invitation for this conversation, and he hopes the Chair puts something in context of what will help the Council Member to move this agenda forward. He is supportive of some of the initiatives EMC has started, as well as what the Director has. But he needs a roadmap, not necessarily to the fine details, but he needs a ballpark, so he knows what we are trying to get done.

Commissioner McIntosh, referring to the Puna infrastructure discussion, said billing is at a common rate islandwide. Going back to the master plan document, he suggested adding in the need to be mindful about the volcanic eruptions because you don't want to put a \$50 million to \$80 million facility in Puna and have it covered in lava, and that's the end of it. So that might be another reason why there is resistance to building infrastructure in Puna because of the lava flow. He knows it's not an excuse, but it's something they probably keep in their back of the mind when they're making decisions.

Commissioner Robinson suggested adding to the section about "Opportunities and Challenges" an umbrella item about environmental challenges or natural disasters.

Chair Adams said she would take another whack at writing up these thoughts, try to pull out some of the things commissioners have said, and we'll talk about it again and share it with DEM.

7. Recommended areas for EMC focus on new code/rule changes. See Hawai'i County Code on sewerage⁸, solid waste⁹, and DEM admin rules¹⁰
 1. 2019 proposed DEM Article III, Rule 20 re sewer laterals¹¹
 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.

(Deferred – See Agenda item IX)

VI. CONTINUED PROCEEDINGS REGARDING KAI ALA PARTNERS LLC'S APPEAL OF THE DIRECTOR'S DECISION (1:56:34)

(See VOLUME II.)

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.^{12 13} (2:49:51)

Chair Adams said the only timely issue to discuss (rather than be postponed) may or may not be the discussion in Council committee about Bill 167. If you want to look at the record and track it, maybe Secretary could let us know the status of that thing. There were questions some of the other committee members. She does not know if it's going to be modified. This is a bill that would only allow people to use sunscreens with titanium dioxide or zinc oxide and nothing else. It also puts an enforcement responsibility on DEM to check that the stuff isn't being sold, so it

⁸ V.5: HCC Chapter 21 <https://www.hawaiicounty.gov/home/showpublisheddocument?id=46>

⁹ V.5: HCC Chapter 20 <https://www.hawaiicounty.gov/home/showpublisheddocument?id=301310>

¹⁰ V.5: DEM Admin Rules <https://records.hawaiicounty.gov/weblink/1/doc/109446/Page1.aspx>

¹¹ V.5.1: Proposed Rule No. 20 <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=115746&cr=1>

¹² VII.1: Bill No. 167: <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=0&id=1034782>

¹³ VII.1: Bill No. 167 testimony: <http://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=0&startid=1035415>

would fall under our purview insofar as DEM is being brought into it, Chair Adams said. Testimony was filed with the Council committee, and you are welcome to look at that if you individually want to have comments. Chair Adams does not know if we want to take time today, if we want to submit formal testimony as EMC.

Commissioner McIntosh said that's going to be a pretty big discussion. There's a lot to say about that. It would be better to do it next time. And if it does up for a reading, we could submit testimony individually and then tackle it.

Commissioner Cardwell said it could come up for a reading before our next reading, to which Chair Adams concurred. Commissioner Cardwell said she had not yet looked at the bill, so she does not know what it says exactly.

Chair Adams said the bill allows only sunscreens with titanium dioxide and zinc oxide can be distributed, or sold for use on the island. It doesn't ban the use, which apparently Maui did. So DEM is not going to be running around the beach grabbing sunscreen out of your hands, but it would prohibit sale and distribution of anything else unless you had a prescription from your doctor. Chair Adams noted she did not support the bill, but we just don't have time to grind through it today unless the Commission prefers.

Commissioner Robinson reiterated that commissioners could all submit individual testimony. As a commission, this might be out of our grasp today.

Chair Adams noted that it puts a responsibility on DEM to enforce a discharge to water that they don't really do and have no staff to do.

Commissioner Cardwell said it might be more of a Department of Land and Natural Resources issue than DEM. But she was not sure.

Chair Adams said she would defer discussion, and would ask the Secretary to inform the Commission about upcoming legislation so that people can have an opportunity, if they wish, to comment.

The Secretary said the bill would next be on the Council agenda on June 1.

Commissioner Olson said he does not think we have the legal authority to enforce. We (EMC members) are advisory, yes?

Chair Adams clarified the bill requires DEM to enforce the provisions.

Vice Chair Gaffney said he does not think it requires DEM to enforce it. It states a County policy. It doesn't state that DEM has to enforce it. There's a huge difference.

Read the bill, Chair Adams said.

Vice Chair Gaffney said he has provided testimony. He also suggested commissioners could communicate directly with their Council representative. You can send testimony to the larger Council, and can you also provide (individual) input to your individual Council person, so that the Council member knows how you feel as an Environmental Management Commissioner.

Commissioner Olson concurred that it had got to be gone, but how we go about that, that remains to be seen.

VIII. REPORTS/CORRESPONDENCE

Director's Informational Report. (2:46:52)

Ms. Berrig, the Recycling Coordinator, gave an update on the grants that we're applying for. On March 15 with Research and Development and a coalition of eight other members of the County applied for a massive grant for Build Back Better. And we're just waiting to hear back from that. DEM asked for three new positions and the funding to get a database. The main reason for the positions is education, a networking program to- kind of similar to the food network program out of Research and Development- is just to connect the County on a regular basis, the Big Island, as far as what's going on all around diversion-wise, and then the funding for a database and a database manager. So we can actually go out and find out what is actually being diverted. The only data that we have is our County programs. And if you look at just the County programs, it shows just a diversion number of around 20 percent. And that's just not accurate. So it's hard to argue anything when we don't have accurate numbers.

So we used to have volunteers that track that. But we identified a database that would work beautifully, and then having someone that would manage that full time and be reaching out to business in the private sector and to collect that data and make it public. So hopefully we'll find out by the end of June if we get that money, Ms. Berrig said.

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

(Discussion on remaining items postponed)

IX. FUTURE AGENDA ITEMS

a. Follow up on action items determined today. (2:56:07)

Chair Adams noted that time had run out to discuss unfinished business agenda items (Item V.7.1-4, P. 22) regarding code changes. We need more time on that. One thing mentioned as an example was unoccupied units being charged sewer bills. And let's cast that in a different way, she said. It's what gets sent to a sewage treatment plant, how much and who's going to pay for it, rather than doing detective work to take pictures inside windows of buildings.

Chair Adams also encouraged commissioners to look at the testimony we received on littering. She was sure we can get the person that submitted the testimony, Katherine Cooper, to participate in our next meeting, but littering is obviously an issue, and what the requirements are, and how we can tackle that through multiple venues is also an issue potentially for code revision. And if there's anything else that commissioners have been irritated by all these years, it is within our Charter to look at those things and to make recommendations, Chair Adams said. That will be on the next month's agenda. And she recommended parsing through the rules and regulations.

Chair Adams asked about DEM enforcement. What can they do to enforce against individuals? For example, there's regulation that says when you take something to a transfer station, your load should be secured so it's not flying off on the highway on the way. And there is an administrative penalty for violating DEM regulations. But the claim was made by a testifier that the people who work at transfer stations can't do anything, can't enforce it. They just tell people. Well, who the heck does issue citations of \$250 per violation? Can DEM enforce their own regulations?

DCC Salas-Ferguson asked if this is relating to Bill 167.

Chair Adams said her question is about rules dealing with what gets taken to a transfer station, or the landfill, or sewerage, or wastewater pretreatment, which is going to also enable some enforcement opportunities. So there are all sorts of rules on the books that say you can't violate these regulations, and here's how much a violation costs. But she does not know what the process is to issue a violation.

DCC Salas-Ferguson said the Police Department enforces all violations of criminal laws and different types of laws. Then, you have to look at the statute and see what it says. So a lot of statutes, for example Bill 167, says DEM will be an enforcement agency. So then based on that statute, DEM could go and make agency rules to talk about how they're going to do that. And they probably have to create a position and stuff like that. So you have to look at the statute and see who the statute says will be enforcing it. So it's a real fact-specific question. It's not a general question that can be answered. He said the Chair could ask the Director that question, but you have to be specific, for example, about asking who enforces a particular law. And then that will be something a lawyer or the Director could answer.

Chair Adams said she would ask the question on the side, and she hoped it would be part of the conversation we can have next time. But it is related to the issue, she said. Those were some of the comments raised at the Council committee meeting of whether DEM can do this.

b. Other (Commissioners may suggest items to be placed on the next agenda.) (3:02:02)
The budget meetings are still being finalized with the Council so we can always ask that question next time of DEM, Chair Adams said. If anyone wants to discuss additional things, let her know. At some point she will get to Ms. Berrig on the life cycle analysis.

X. ANNOUNCEMENTS (3:02:33)

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.¹⁴

Chair Adams said our next meeting is June 22 and it will be in Kona at the West Hawai'i Civic Center and on Zoom.

XI. ADJOURNMENT (3:03:10)

Motion, second, and vote: Commissioner Olson made a motion to adjourn, to which Vice Chair Gaffney seconded. Ayes 6 (Adams, Cardwell, Gaffney, McIntosh, Olson, Robinson), absent 2 (Burns, Fulton). Motion carried.

Respectfully submitted,

Peter Sur, Secretary

¹⁴ Hawai'i County Calendar: <https://www.hawaiicounty.gov/our-county/county-calendar>