

Mitchell D. Roth
Mayor

Ramzi I. Mansour
Director, Department of
Environmental Management



Georjean Adams
Chair

Rick Gaffney
Vice Chair

County of Hawai'i

ENVIRONMENTAL MANAGEMENT COMMISSION

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

MEETING AGENDA

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

DATE: November 30, 2022
TIME: 9:00 a.m.
IN PERSON: Puna Conference Room
Hawai'i County Building, 25 Aupuni Street, Hilo
ONLINE: Via Zoom <https://www.zoomgov.com/j/16031058165>
(Meeting ID: 160 3105 8165)
PHONE: +1 669 254 5252 (Enter the meeting ID, see above)

STATEMENTS FROM THE PUBLIC: To ensure timely delivery to commissioners, written testimony must be submitted before 12:00 noon on the business day prior to the meeting by (1) email to peter.sur@hawaiiicounty.gov or (2) facsimiles to (808) 961-8086. When submitting written testimony, please specify for which agenda item it is being submitted. All written testimony will be part of the permanent record. Pursuant to HRS §92-3, interested persons who want to provide oral testimony may do so either at the time the Commission takes public statements on items on the agenda, or at the time the specific agenda item is called, subject to applicable statutes and rules of procedure.

I. CALL TO ORDER

II. APPROVAL OF MINUTES FOR OCTOBER 26, 2022¹

III. STATEMENT FROM THE CHAIR

Introduction and welcome for new District 3 Commissioner Dell Otsuka and Deputy Corporation Counsel Sherilyn Tavares

IV. PUBLIC STATEMENTS ON ITEMS ON THE AGENDA

V. UNFINISHED BUSINESS

Status report on action items from previous meeting

¹ II: October 26, 2022 minutes: <https://records.hawaiiicounty.gov/weblink/DocView.aspx?dbid=1&id=119861>

1. Pretreatment rule update
2. Discussion on applying for the U.S. Environmental Protection Agency’s Solid Waste Infrastructure for Recycling Grant Program.² Advice to DEM on priorities for grant proposals.³

VI. NEW BUSINESS

1. Presentation and discussion with Council Member Ashley Kierkiewicz regarding award of National Endowment of the Arts Our Town grant for “Transforming Trash: Repurposing Plastics to Enhance Public Parkscopes & Revitalize Communities.” The project is a demonstration of diverting waste plastic from the landfill and creating a new plastic material to be used as functional art installations in County parks.
2. Commission-initiated review, discussion, and recommendation to the County Council on Bill 245: An Ordinance to initiate an amendment to Article VI, Chapter 10, Section 6-10.3, of the Hawai‘i County Charter (2020 Edition), relating to the Department of Environmental Management.
3. Discussion on remediation of the Old Kona Landfill site. (Gaffney)
4. Discussion on the process for following up on prior EMC recommendations.⁴

VII. REPORTS/CORRESPONDENCE

1. Director’s Informational Report
 1. Solid Waste Division Projects and Updates
 2. Wastewater Division Projects and Updates
 1. Pāhala and Nā‘ālehu AOC⁵
 2. West Hawai‘i wastewater projects
 3. Hilo WWTP upgrades
 4. Wastewater plans
 1. Addition of wastewater services for the Puna District
 2. Puakō wastewater
2. Information requests from Commissioners
 1. (Adams) Current estimates of the remaining capacity of the West Hawai‘i Sanitary Landfill
 1. Options to extend the lifetime in the short term and the long term⁶
 2. Feasibility of establishing a Construction & Demolition landfill
3. Discussion on the Final Report of the 2021-2022 Cost of Government Commission on matters pertaining to the Department of Environmental Management.⁷

² V.2: Solid Waste Infrastructure for Recycling Grant Program: <https://www.epa.gov/rcra/solid-waste-infrastructure-recycling-grant-program>

³ V.2: Draft Recommendations to DEM to pursue for Solid Waste Infrastructure for Recycling Grant Program (Adams): <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=118429&cr=1>

⁴ VI.4: EMC action tracker: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=119871>

⁵ VII.1.2.1: County AOC website: <https://www.hawaiicounty.gov/departments/environmental-management/pahala-naalehu/>

⁶ VII.2.1.1: Landfill options (Adams): <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=119838>

⁷ VII.3: Cost of Government Commission report excerpt: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=119844>

VIII. REFERRALS FOR EXECUTIVE SESSION

Legal opinion from Deputy Corporation Counsel Keyra K. Wong, dated November 30, 2022, requesting an attorney-client confidential discussion to discuss questions and issues pertaining to the Commission's powers and duties relating to the Commission's ability to make a recommendation to the Environmental Management Director on the County implementing an advanced disposal fee.

The Commission anticipates convening an executive meeting regarding the above matter, pursuant to Section 92-5(a)(4), for the purpose of consulting with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities. Requires a 2/3 vote pursuant to Hawai'i Revised Statutes, Section 92-4.

IX. FUTURE AGENDA ITEMS

1. Follow up on action items determined today.
2. Other (Commissioners may suggest items they would like placed on the next agenda.)
 1. Discussion of Planning Department's Zoning Code update and process.⁸

X. ANNOUNCEMENTS

The next meeting is scheduled for January 18, 2023, at the West Hawai'i Civic Center, Kailua-Kona, and via Zoom.⁹ 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 for confirmation.¹⁰

The Commission will elect a Chair and a Vice Chair for 2023 at its January meeting.

XI. ADJOURNMENT

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

The regular meeting place is accessible to persons with disabilities. To request an auxiliary aid or language translation, please call (808) 961-8083 five days prior to the meeting date. Comments

⁸ IX.2.1: Hawai'i County Zoning and Subdivision Code Amendments Information: <https://reasite.mysocialpinpoint.com/hawaii-county/hawaii-county-home>

⁹ X: 2023 EMC meeting schedule: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=119872>

¹⁰ X: Hawai'i County Calendar: <https://www.hawaiicounty.gov/our-county/county-calendar>

may be sent to the Department of Environmental Management, 345 Kekūanāo‘a Street, Suite 41, Hilo, Hawai‘i 96720, or emailed to cohdem@hawaiiicounty.gov.

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