

**ENVIRONMENTAL MANAGEMENT COMMISSION**

**COUNTY OF HAWAII**

**MEETING MINUTES**

**Wednesday, September 28, 2022**

**9:03 a.m. to 12:02 p.m.**

**Hawai'i County Building (Hilo) and Zoom**

Commissioners present:

Georjean Adams, Chair  
Rick Gaffney, Vice Chair  
John Burns  
Melissa Cardwell  
Lee McIntosh  
Jon Olson  
Elyse Robinson

County staff present:

Ramzi Mansour, Director  
Sanne Berrig, Recycling Specialist  
Peter Sur, Secretary  
Keyra Wong, Deputy Corporation Counsel  
Kelly Hartman, Planner  
Tim Richards, Council Member

Others present:

Jerome Warren, Cory Harden, Deborah Winter, Jennifer Navarra, Katrina Zavalney, Ellen Okuma, Jana Smith, unknown others

**I. CALL TO ORDER**

Chair Adams called the meeting to order at 9:03 a.m.

**II. APPROVAL OF MINUTES FOR AUGUST 24, 2022<sup>1</sup>**

**Motion, second, and vote:** Vice Chair Gaffney made a motion, to which Commissioner Cardwell seconded, to approve the minutes with the amendment of removing the highlights and the notes in red text on page 15. Ayes 7 (Burns, Cardwell, Gaffney, McIntosh, Olson, Robinson, Adams); Absent 1 (Fulton). Motion carried.

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<sup>1</sup> Agenda item II: <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=117803>

### **III. STATEMENT FROM THE CHAIR**

It's been a crazy summer, Chair Adams said. Welcome to the fall. There's a lot of energy that's built up. We'll hear perhaps some interesting testimony today, as well as presentation. And the most exciting thing of all, a new solid waste division chief. She was really looking forward to meeting Michael Rivera.

### **IV. PUBLIC STATEMENTS ON ITEMS ON THE AGENDA**

Jerome Warren: I will read my written testimony. Also printed in the Kona newspaper. Item VII.2.2. Here's the letter. The Nā'ālehu sewer meeting was well attended. The Community Center and the ballpark parking lot were full. However, the major two-lane access road is still locked off by a makeshift fence. This barricade was constructed a long time ago by a disgruntled property owner after the County disconnected him from their sewer line. Nobody will tear down that fence. Several County vehicles were in the parking lot that night, but none of those salaried officials work on emergency access, public access, or public safety. It's nobody's job. At the gang cesspool meeting the possibility of a wastewater package plant for the plantation subdivision was finally revealed, but nobody said where the discharge water will go. Now they have a bigger can to kick down the road – the package plant. Emergency vehicles need to get in and out of the Nā'ālehu ballpark, and the treated water needs to come out of the package plant, too. Nobody has these solutions. Sadly, Mayor Kim's 2004 plan for Ka'ū has disappeared. Nobody can find his original promise to us homeowners. All of these nobodies stick together. That, they can do. Mayor Roth: Please tear down the makeshift fence at the Nā'ālehu ballpark and clubhouse – open the road. It's the least you can do.

Cory Harden: So I'm with Sierra Club Hawai'i Island group and speaking on the recycling infrastructure grant. I first want to thank you folks for your service on the Commission. These are very long meetings and I really appreciate your time and effort. And I hope for this grant that you'll build on the tremendous efforts of the Zero Waste Working Group and do all you can to ensure the County succeeds in obtaining this grant. I hope you'll recommend to County Council that they fund a grant writer to prepare an application if it turns out that the county departments don't have the resources to do the application. And I hope you also urge Council to fund a facilitator to organize meetings with stakeholders so the stakeholders can have coordinated efforts when the request for application comes out in a few months. As you know, we got garbage dumped in gulches and junk cars overflowing landfills and instead we really need a system that honors traditional cultural values that will work for residents even if they don't have cars and they're really pressed for time. And we need something that contributes to the local economy. This seems like a really do not miss opportunity and it could create a model system not only for Hawai'i, but areas elsewhere. Thank you.

Roy Kadota: This is kind of impromptu for me as usual. I just learned about this grant a couple of days ago and I apologize because I am kind of doing a lot of things, but I know this is very important to the community of Hawai'i. So I thought I joined in. Whether I was late, I don't know, there was other things going on before this meeting. But I just, as a recycler in Hawai'i, on the Big Island, I thought I'd come to testify that it is for recycling and I do recycling, so I kind of do pretty much everything at this time, I mean, from HI-5 to metals to batteries to plastics to

electronics. So I thought I better come to encourage the Committee to help to get this passed because I think I'm pretty sure it's going to pass anyway. But it would be crazy not to get this grant, you know what I'm saying? It's from the federal government, so it's crazy not to get the grant. And there's a lot of things that we need it for, such as the plastics. We're burying the plastic right now in our Pu'uanahulu site and that takes a lot of trucks to get there. So we need to get that figured out and the grant money would help us get it off the island, if not do something to have it worked out somehow with some other companies who do that sort of thing. But we do need the grant and we also need it for cardboard. I mean, the cardboard is – there's no money in cardboard. So we need a grant to get that off the island or at least- but it should stay on island anyway. But the point is, yeah, we need money for some kind of recycling on that, as well as, there's a lot of things. And we just need to pass this. We need to get the grant money is what I'm trying to say. I do electronics and we just passed the law. So that part is, I think we are all right for next year. Thank God that we got this law passed. So there's a lot of tonnage that's going to be out of Hawai'i, Big Island, so that's good. It's not the perfect law, but we can still fix it. So that's good about that, I just want to inform you about what's going on. And then we're trying to partner up with- as you know, I'm trying to help out the community as much as I can nowadays. I kind of took, took, took, now I'm trying to help the community in any way I can. Grants for this law is for also reuse, but we need more grants anyway. But I think I'm trying to partner up with people in Kona to get a site there so they can collect at least every week or once a day. Our site in Hilo is fine, so I think that electronics are fine for next year, but to get back to the main course, yeah, we do need that grant and that's why I'm here. Thank you very much.

## **V. UNFINISHED BUSINESS**

Status report on action items from previous meeting

### **1. Pretreatment rule update**

Chair Adams asked for a status report on the pretreatment rule.

Director Mansour said the rule is still awaiting the green light from EPA and the Department of Health. Once they review it, they give us the green light, and we can share it, he said.

### **2. EMC Chair and Secretary's comments provided to the Cost of Government Commission.<sup>2</sup>**

We told you last time that we would share the comments we sent to the Cost of Government commission, that's the attachment 2 in the reference file, Chair Adams said. And if anybody wanted to add comments, according to Keyra Wong, we still have some opportunity to provide more information.

Commissioner Robinson asked DCC Wong whether she could chew on that a little bit more and email the comments, or do we need to present it at this meeting.

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<sup>2</sup> Agenda item V.2: Responses to Cost of Government Commission:  
<http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=117677>

DCC Wong said commissioners can email their individual comments to her. The Commission also meets every Thursday from 2:00 to 4:30 p.m.

Vice Chair Gaffney said he read through the list. And the one thing that it didn't make clear is that this Commission was created by a vote of the citizens of Hawai'i County. Unlike most of the boards and commissions in the County. The question about the value of these various reports and commissions has been bandied about by this administration. And it's important to note that there are a few commissions at the County level which are established in statute and they're not just a bunch of people needing to talk. So we need to remind the Administration and the Council with our comments on this, that this is basically one of the commissions that stands no matter what.

Chair Adams said maybe she and DCC Wong could come up with some language just to get that on the record, to which Ms. Wong nodded in assent.

## **VI. NEW BUSINESS**

1. Review and recommendation on Bill No. 200, Draft 2, pursuant to Hawai'i County Code Section 2-207: An Ordinance amending Chapter 20, of the Hawai'i County Code 1983 (2016 Edition, as amended), relating to Vehicle Disposal. Received from the Regenerative Agriculture, Water, Energy, and Environmental Management Committee on September 9, 2022; recommendation due by October 24, 2022.<sup>3</sup>

Chair Adams asked if the Director would like to provide comment on the bill.

Director Mansour said Bill No. 200, Draft 2, has great benefit to our constituents here on the island. The Deputy Director was present for the Committee discussion; the Director was there for the first reading at Council. And the intent of this bill is, currently we have disposal, we have towing, and we have the amnesty, within our budget. We set aside about \$200,000 for that program. When people call us, say, "we cannot afford moving the vehicle," et cetera, we go investigate it and we move forward with processing that vehicle with the Hawai'i Police Department. And usually that's only just covering the towing, not the disposal. So the idea with Bill 200 is to allow the towing and the disposal of vehicles outside the County right of way so we could be able to, based on the current budget, if we continue with the same budgeting practices, we probably could average additional 500 to 1,000 vehicles a year, averaging each vehicle about \$600 per vehicle. That's for both towing and disposal on average. Because as you know, we saw decentralized- some of the vehicles in Ka'u district, it may cost \$800 to dispose and tow it, versus a vehicle next to the disposal company and scrap metal company, which is about \$250 either in Hilo or the Kona side. It's going to be based on first come first serve, and availability of funding. The money, it's going to be based on if we have a surplus in the budget that particular year so we can manage it to go toward that program. As mentioned during his last presentation, just to give a heads up, \$600 would take about 50 years to collect \$600 because we only are collecting \$12 through the registration fee currently. There's no car that could last 50 years. So eventually we need to come back and re-look at the numbers down the road, not now, to be able to recoup some of those funds by increasing that rate. The last time

<sup>3</sup> VI.1: Bill 200 Draft 2: <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=117594>

that rate was increased in 2003, and it went from \$4 dollars to \$12. The Director's recommendation would be eventually we need to start including the consumer price index into these rates so the consumers and the constituents, they don't get hit with a big number all at once. Incremental increases over years are less felt than coming in and say we're going to increase it by 400 percent or so.

Chair Adams asked whether that that change is preferable now, or do we have enough money that you should be able to cover a fair amount.

It's a Catch-22, the Director said. We need to analyze it, make sure we never get into that hole, we always stay afloat. So the idea is if you draw in the curve, at one point, that curve is going to start going down. So at that point we need to come back and ask for the money to allow us to have enough. Because if it takes 50 years to generate \$600 and the average car lasts probably about 20, 25, 30 years, let's say. So that kind of tells you we at least need to double that amount. But yeah, I think we're going to monitor it this year and see how it goes. There's some expenditure that's going to go toward building a facility in Hilo for the abandoned vehicles. That's probably going to be in the design process, the Director said. We're going through the EA process currently. So the good thing is, it's true that program has a fund balance in it, but the fund balance also is committed for other projects. But we're going to try to manage and see how it works and hopefully it goes well. If the steel price goes up, scrap metal goes up. We're working with Atlas Recycling. They just invested money into new machinery. So our discussion with them is, you need that feedstock, go out there and get it. It may not cost the County money, but we may end up taking some of the residuals out at the landfill from them as alternative daily cover and other materials that could be used through their processing. So that discussion is going on. It could be a win-win to the County of Hawai'i and to Atlas if that works out. So we're going to continue working with them and if that moves forward, we don't need to spend that \$600 per vehicle.

Commissioner Robinson asked who is responsible for adding the notice to the vehicle.

That would be the Hawai'i Police Department, the Director said. HPD, they go in and they red tag the car and they call us. It's a partnership between our Department and Hawai'i Police Department. So let's say if any of the constituents, you or somebody else see a car within the right of way or now with this law, with that bill passing, eventually people will call straight to DEM and we'll call the Police Department to go and tag it, and then that's how the process goes.

In painting a picture about how the county can also reduce the expense of towing the vehicle, Commissioner Robinson said, your vision is also to partner with local businesses that have a need for the resources of an abandoned vehicle and to let them know this is an abandoned

vehicle, you can obtain it and dispose of it as you need to, instead of the County paying for the towing.

That is correct, the Director said. That's our intent, and we already started that discussion with local businesses.

Vice Chair Gaffney asked whether automobile manufacturers pay anything toward recycling. We've talked about that with electronics and other things. What does the automobile industry do in that regard?

I don't think currently any laws allow them to do that, the Director said. This morning he had attended a webinar on SB 54 for California, in which they just approved extended producer responsibility, and it passed in California. Rep. Nicole Lowen has been championing that as well. She set the first meeting with the California representative and Hawai'i - our Big Island and the State of Hawai'i representative - to see if that also could maneuver into the State of Hawai'i as well. But, Rick, to answer your question, I'm not aware of any auto manufacturing paying into the recycling of these vehicles.

Commissioner Olson asked if the Director is going to start looking at the cost of things like getting rid of an electric car with a battery still in it. Batteries can be extremely problematic to deal with, so it might be a good idea to start thinking about how we're going to deal with that when they start showing up.

Given the history for these electric vehicles, they have not been around not as long as the other vehicles, so we haven't got yet to recycling any of them, Director Mansour said. But it's a great question that may be answered between us and maybe the manufacturer of these electric vehicles. They must have protocols for how to dispose of some of their car components. In addition to that, our private businesses, such as Atlas and others, are also experienced in how to handle these different types of components as well. It's a team effort between us and the private (sector) and reaching out to these manufacturers, especially on the electric side of the vehicles.

Commissioner Olson said the Director might be able to glean some information from the insurance companies because the vehicles get crashed, and obviously, the insurance companies end up with having to pick up the tab on it. So they probably, in terms of a first engagement, probably have already garnered some information about what to do with the broken battery.

Chair Adams said it's an internationally recognized issue that is only going to blossom as more and more people buy electric vehicles, ditto on solar panels. You're going to have some growing number of really nasty but environmentally green battery issues and materials being tackled,

and then it'll be addressed at an international level. But we've got the added, "we're an island in the middle of the Pacific," and so we're going to have that extra challenge.

Council Member Richards echoed what the Director has said, having these conversations now with two points. What do we do with photovoltaic panels and rare earth metals when these come to the end of life? This is a conversation ongoing with the power grid, with HELCO, and have already had started these conversations with our federal legislators as well as our state legislators because we don't have an answer yet. But this is not an unknown. And you're exactly right. This is something people are looking back and recognizing that, yes, the energy generated is green, but what we have poses some real potential toxicity issues, and we have to come up with a plan. So it is being discussed.

Commissioner McIntosh asked whether the County pays for legally disposed of vehicles or only for the abandoned vehicles.

Only abandoned vehicles, the Director said. If it comes through the County system, we pay for it. So we have to process it. If we process it through either within the County right of way or under this new program, the County will cover both. But if it doesn't go through our process, no, we don't pay for it, he said.

So then necessarily you wouldn't need to raise the disposal fee, because out of all the vehicles registered, only a certain amount are abandoned, Commissioner McIntosh said. And instead of 50 years, it only takes 50 registrations to cover an abandoned vehicle disposal. You could raise it a little bit, but it does not need to be raised \$600 to cover the entire amount. Because when the Commissioner disposes of his vehicle, he is going to do it legally. The Commissioner is not going to leave it by the side of the road. So essentially, he is paying for someone to legally dispose of the vehicle. Already the registration is pretty high. They doubled it and never lowered it when they said they would. But his other question is for this new bill that's being passed for the County to dispose of the abandoned vehicle, are the past registration fees and interest waived? Because he has talked to some people in the past and they've said that in order to dispose of a vehicle, for whatever reason, they first would have to pay all the fees to the County so it's all paid off, and then they can dispose of it. If they are disposing a vehicle, they're not going to do that. So that was his other concern.

The intent was not to raise it up \$600, Director Mansour said. He was thinking about tying it to the consumer price index as an annual increase to the current rate, because you cannot just go and raise it to \$600. So we're looking at probably a couple of dollars here and there because it takes about 30 years for a car, probably, to be disposed of. So you have to look at the mathematics of it and analyze the potential number of vehicles that are going to be collected

and disposed of, versus new vehicles on the road. The intent is, it's more increases over the years rather than come back and do a big lump sum increase like they did in 2003.

Chair Adams asked if we just giving incentive for people to abandon their vehicles and then give you a call after a couple of years.

Well, it's not an incentive, Director Mansour said. If there are cars need to be towed and disposed of and there's some private entity that could use that scrap metal to make money out of it, it's a win-win. Get it off the roads for the sake of beautification of the island. If people have bad vehicles and it's not an operation, and it's just being an eyesore, eventually we need to get it off for the beautification of our island.

Commissioner McIntosh said while this is for abandoned vehicles, where the landowner could call it in, would this also apply to, say, if someone were going to fix up some vehicles, and they never got around to it? And so now they have three or four essentially derelict vehicles. Would they be able to call the County to remove them or do they have to go through a different process to get rid of them?

We allow two per parcel per owner a year, the Director said. The bill is very clear and the current ordinance is clear. It's two vehicles per year. But the idea is, yeah, if they call us and we go in there, investigate the car, it fits the criteria, and it's accessible to the contractor to be able to all it and tow it, yes, it could meet that criteria and that program applies to them if they want. They have to consent, they want to get rid of it. We are not going to go to private property and start picking up vehicles. That's not the intent. If people cannot afford it, if they have couple vehicles or one vehicle within their property, the County could assist them under this program.

But there's also the current amnesty program, Chair Adams said.

It's similar to the amnesty, but now the amnesty is going to be tow and dispose because currently it's only one function, not two, the Director said. So you're right, it is kind of an expansion of the current amnesty program.

Commissioner Cardwell asked if people are ever fined for illegally dumping cars on the side of the road.

No<sup>4</sup>, Director Mansour said, but there's a law that passed this year<sup>5</sup> where it's going to allow the Finance Director to go after the registered owner of that vehicle and collect the cost of towing and disposing and processing that vehicle. So hopefully that would discourage people

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<sup>4</sup> See Act 297 (2022) [https://www.capitol.hawaii.gov/session2022/bills/GM1426\\_PDF](https://www.capitol.hawaii.gov/session2022/bills/GM1426_PDF)

<sup>5</sup> See Act 229 (2022) [https://www.capitol.hawaii.gov/session2022/bills/GM1330\\_PDF](https://www.capitol.hawaii.gov/session2022/bills/GM1330_PDF)

from putting their vehicles in the County right away and abandoning them and walk away. Now they're going to be tagged with a big bill once they go and renew their driver license.

Commissioner Cardwell asked about the average number of cars that are dumped illegally every year.

We' been averaging about 2,000 vehicles on the island, the Director said.

Commissioner Cardwell asked about the number of registered owners. If it costs \$600 to dispose of a vehicle and 2,000 vehicles, are there enough registered owners to cover the cost?

Director Mansour clarified that we average about 2,000 for disposal, maybe another 1,900 to 2,000 in towing per year with the amnesty. So we're looking at \$280. So with an average between disposing, towing and the amnesty program, we're looking at 4,000 vehicles per year. Okay. Because remember, it's disposal versus towing.

Commissioner Robinson asked if the bill may not cover renters. She was thinking of a scenario where it's not the property owner that has a bunch of abandoned vehicles on their property, but the renters would not be able to apply for assistance because the owner of the property or the owner of the vehicle needs to make the call, which may not be the renter.

The owner is going to make the call, the Director said. We cannot just go around and decide which car we're going to take or not. And they're going to have to give us consent to even get into their property.

**Motion, second, and vote:** Commissioner Olson made a motion, to which Vice Chair Gaffney seconded, to provide a favorable recommendation on Bill No. 200, Draft 2. Ayes: 7 (Burns, Cardwell, Gaffney, McIntosh, Olson, Robinson, Adams); Nays: 0; Absent: 1 (Fulton)

2. Discuss tracking process for actions taken and any necessary follow-up on EMC recommendations to DEM, Council, and Mayor's office.

Chair Adams said a comment was made at the last meeting about we need to track and see and follow up on all these great recommendations that we've given to the Council, to the Mayor, and to DEM. The Commission used to have a tracking spreadsheet trying to make sure that we weren't letting things fall through the cracks. So the comment was, let's get back doing that. The Chair is willing to work with the Secretary to come up with a spreadsheet and we can have it as a routine report out on if there's anything that's been in the bin too long. So if other people have ideas, we do have a template from before that we could use if you think that's a worthwhile process. She wasn't sure if we need a motion on it, but I'd like to get some consensus discussion, or a "Yeah, we ought to do that."

"Yeah, we ought to do that," Commissioner Robinson said. It would help her to stay organized. And there's so many things that are going on and whatever is the loudest issue is where we all put our attention and sometimes things get pushed to the bottom of the stack. She is curious if,

for example, on the vehicle disposal bill, do we track that even after it goes into effect to see what comes of things after that, or do we take it off? When do we take actions off the list? Once it goes to Council or once it becomes something? Do we keep it on indefinitely to see what the results are?

Well, Chair Adams said, one of the columns that we've seen and that we need to have is follow up, and it's kind of what's the status of follow up? And if we identify upfront, we want to see that this is being implemented, or we need to check in after X number of months to see what the program is about. We could include that on the tracker. We'll say, let's do a check in. Maybe we'll ask if it's a DEM thing. We'll have a request that they include it on their Director's Report, for example.

That's a great idea, Commissioner Robinson said, and she suggested that we add names to the follow up, too.

Chair Adams said she would come up with a template and some of the issues, that she recalls during her tenure here for comment next time. And she will put a column in for who is tracking this for us.

That'd be great, Commissioner Robinson said. It shouldn't go all on your shoulders either, she said.

Chair Adams said part of it is figuring out, okay, what is the sequence? Is it six months? Is it every year? Is it every month? Is it every day? What is the follow up that we should be doing on individual items? And then not only when, but what? What is the response that we make sure we've got it as a discussion item, or set up a new PIG to deal with it? She would go ahead and work with the Secretary, because unfortunately, he will have some of the burden of describing and putting stuff up. But we will present that to you next meeting.

### 3. Identifying future meeting dates for the Environmental Management Commission.

Chair Adams said we've had challenges, in particular with Commissioner Burns teaching classes, and she is wondering if we need to move off of Wednesdays and go to Thursdays. We still had the issue of conflicts with council meetings, and we didn't want to overlap if there was likely to be anything we should be attending there.

Commissioner Cardwell wondered if we could alternate days. So, for instance, we do the last Wednesday of a month, we do the last Thursday of a month. Between the nine of us, she said, we work, and so it's hard. Thursday wouldn't work for her, for instance, because she works all day. Would that be a compromise so that Commissioner Burns would be able to come some Thursdays? That's just an idea, because it's hard with nine people to get one day that's going to work for everyone, but if we alternate-

Is that something that appeals to people? The Chair asked.

Commissioner Burns said that would work for him in the sense that he would be happy to leave it to a vote and whatever everyone agrees on. But he can only cancel so many classes. So if it's on Monday, Wednesday, Friday, again, it's going to limit his involvement. But if it can't be moved, it can't be moved. He just wanted to put it out there to see what options are available.

Commissioner Burns said he teaches Monday, Wednesday, Friday. That's the block he has. It's subject to change, but it's highly unlikely for the next few years based on the courses he teaches. He is filled in, basically, from morning through afternoon with small little breaks between those. Unless it's a Tuesday or Thursday, he can't attend without having to cancel classes and rearrange that schedule, which is limited in how many times he is able to do that per semester.

The Secretary said meetings could be on non-Council meeting Tuesdays.

Commissioner Cardwell said she could do Tuesday morning, but she wouldn't be able to stay for the whole thing because she works on Tuesday as well. And Thursday is out for her. That's why she offered up the alternating days idea, because there will always be a day where one of us can't come.

Commissioner McIntosh said he preferred to be able to pick one day and stick to that to keep it consistent, because it would be confusing to switch on different days throughout the month. It would be hard to keep up.

Chair Adams said it's nice having a routine so you don't forget or let your calendar auto fill, it and then you've blown a meeting. One question came in on, pick a non-Council week on a Tuesday, and Commissioner Cardwell might be there for part of the time.

Commissioner Robinson said that for a meeting on a Tuesday or a Thursday, she will miss the first few months of the year. We've already scheduled out things for the first quarter, but it's only the first quarter, and she can adjust after that.

It's fine, and we have new people, Chair Adams said. And unfortunately, we're going to be losing two members. And who knows when the new appointees will be able to meet as well. She suggested going offline with the Secretary and looking at every other Wednesday and Thursday, every other month, and see how that works. One of the challenges also is for the Secretary to find a room where he can book and we'll lay out a couple of proposals at the next meeting.

DCC Wong said that if the intent is to create a permanent change of the EMC schedule, then that would result in a rule change, since the rules say that the commission will meet on the fourth Wednesday of every month. If it's just a temporary thing, she is not as concerned, but if we're looking at long term or permanent change, then we have to take a look at the rules and amending them. But we can get there when and if it is decided to change permanently. We can do a pilot first to see how it works out, though.

Chair Adams noted a request for the November 2022 meeting. Our Secretary is going to be out on the date that we've got scheduled, and we could make a one-time change from November 16 to November 30, she said, to which Commissioners assented. The Chair proposed coming up with a couple of options and we'll see what might work.

## **VII. REPORTS/CORRESPONDENCE**

1. Report by Jennifer Navarra on the EPA Recycling Infrastructure Grant Working Group, submitted by Zero Waste Hawai'i Island, in response to a Request for Information from the U.S. Environmental Protection Agency.<sup>6</sup>

Chair Adams asked Jennifer Navarra from Zero Waste Hawai'i Island to discuss what she put together on behalf of an interest group for information that EPA was trying to get before they actually issued this request for grant applications.

Ms. Navarra shared her screen to begin the presentation. The intention behind this was to prepare the County to go after this EPA grant funding for recycling infrastructure, she said. For the last three years she has been either attending or listening to the meetings. And much of what she knows about what's going on with this solid waste situation in the County is because of these meetings. In and of itself, that's one of the benefits of having this commission.

Ms. Navarra said this particular grant opportunity is a new grant program that is coming from the Bipartisan Infrastructure Law funding that was recently passed by the Biden administration. Money will be doled out, \$55 million per year over five years starting this next fiscal year, and \$275 million total. Hawai'i County is in a good position to receive these funds because 40 percent of the funding will go towards rural and socioeconomically disadvantaged communities. And we meet those criteria. Hawai'i County has one of the highest levels of poverty in the country, and we also have the majority of our population living in rural areas. So just to give background on how this report that we put together for the EPA came together, as the Chair was saying, it was kind of a unique thing that EPA put out a Request For Information to determine how to design this program that best meets the needs across the nation in terms of improving recycling infrastructure. Ms. Navarra and other community members started to meet informally with Department of Environmental Management, with the Recycling Coordinator and the Deputy Director Brenda Iokepa-Moses to talk about the Department's capacity to go after this funding.

And through that process we learned about the RFI and decided that we didn't only want to include the information or the knowledge that we had as a group, but to put that out as a question to the community. And so we developed a survey. DEM was involved with the development and approved that survey, but because of staffing issues, they weren't involved with the final drafting and approval of the report, so we removed them as an author. This survey that we did went out in June 2022 and it loosely followed the questions that the EPA was asking for that request for information. We had a pretty good turnout of respondents to

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<sup>6</sup> VII.1: County RFI report: <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=117674>

the survey. Seventy-six individuals responded. Responding entities included businesses, some nonprofits, educational institutions, individuals, community associations such as the homeowners association types from housing developments mostly down in the Puna area, state and local governments, some farmers, and the military installation.

One of the questions that the EPA was asking is, what are our barriers that are preventing recycling and reuse in the county? “Facilities” was number one. Specifically, warehouse and storage space is a real barrier that we have on our island to reusing and recycling materials. Also, we're no stranger to the fact that our collection systems are pretty inadequate within the County. That's a huge barrier, a lack of end markets both locally and internationally, and then policy and staffing also came in pretty high rate.

We also found in the responses to the survey some social justice and equity issues around our current systems in Hawai'i County, in particular our collection systems in disproportionately rural, low income and houseless communities. Our systems are very inconvenient. There's limited availability and a lot of times long distances to facilities to drop off recyclables, especially for people living in rural areas and also for people that don't have vehicles, it's a real challenge and time, as Ms. Cory Harden was mentioning earlier in her testimony. The other thing is that there isn't a hauler that offers a recycling service for the commercial industry. There's only one hauler on the whole island that does offer recycling pickup services. And they do not service the commercial industry, they just do for residents on the west side. And so that's a huge barrier. Also, the responses to the survey showed that landfills and other waste management systems are often located on Hawaiian Homelands and lower income communities. And also concerns were raised around the unlined Hilo landfill and the potential for that leachate to contaminate groundwater and marine environments.

Ms. Navarra showed a graph that displayed the types of materials that we are currently recycling, which mirrors the availability of those programs that are in place. Our HI-5 program for beverage containers is really well run and available to people. There's also that deposit that incentivizes people to turn in those materials. And so that was the most utilized program, as well as cardboard and glass, which are our County programs where we collect recyclables at the transfer station.

We put out a couple of questions to gauge the interest of different stakeholders and working with the county. We asked if businesses would be willing to change their practices if they could make money from recycling. Sixty-six percent were willing to change and 18 percent were willing to change depending on the cost of transition. Some organizations that filled out, it wasn't really applicable to what they do, but it's encouraging to see that people are willing to change their practices. Also, we looked at asking if individuals or respondents would be interested in receiving a contract from the County to divert materials. And a pretty good response rate, 40 percent would be interested or 26 percent potentially interested. And then we also asked about interest in collaborating with the county to apply for this EPA grant funding. Seventy-two of respondents were interested in some capacity with collaborating on this opportunity.

There's a really long section of the report that goes into the different types of waste that we're dealing with here in Hawai'i County. This was based on her knowledge and that of Ellen Okuma, primary authors on this document. Some of it came from the responses to the survey, so it's really a launching point for discussion. We evaluated greenwaste and food waste, single use plastics, construction and demolition debris, textiles, single use glass, slaughterhouse waste, agricultural waste and abandoned vehicles. And part of the document looked at how can we create local end markets for a lot of these materials. As Chair Adams was mentioning, and we hear all the time, we are an island out in the middle of the Pacific Ocean. And so as much as we can shift toward local end markets, that's better for the environment and better for us to utilize these resources.

We also highlighted a vision of how we might get to a future where we're diverting more waste in Hawai'i County. The idea of a circular economy is becoming relatively mainstream in the states, and really looking at how do we redesign, how do we reduce and reuse and recycle so effectively that we're not really land filling much with all. And one way that we could potentially get there is through creation of resource recovery parks. This is a model that's being done in other parts of the world and it's really kind of a one-stop shop where materials can be dropped off and processed. There's a place for construction and demolition materials, there's a repair and reuse center. We could have a place for recycling textiles and plastic or whatever that would be built out. In terms of what we need and what makes sense. It probably makes sense to have at least two of these facilities on the island, one on the east and west side, and we go from there to figure out the details.

There's also interest expressed on workforce development opportunities, especially for youth and justice involved. And also interest in this vision of a waste to wealth initiative, which has been done in other parts of the country where waste is essentially used as a resource that generates revenue, and that those monies can go back into the community for social programs, which is a huge need here in Hawai'i County.

We also talk a little bit about policy and the document. Here in Hawai'i County, a majority of our waste is getting landfilled. And if you look at where our budget is set up, it is set up where the majority of funding does go to landfilling. So it's not any surprise that that's what we are doing with it. There's a lot of conversation in these meetings over the years on how we can better fund our diversion programs. And we talked about pay as you throw and collecting point of purchase disposal fees. And those are good ideas. But Ms. Navarra wanted to highlight a stop waste program out of Alameda County in the Bay Area of California. They set this policy up to take money directly out of the tipping fees and then funneling that into different diversion programs. And she does have a contact there if the commission has any interest in learning more about this policy, she can connect Chair Adams with that person. And then the other issue of policy that we need in Hawai'i County is some diversion requirements. Right now there are no requirements, even for very toxic things. There is no ban on landfilling those materials. And so what we've seen out of California, which has led in the nation in terms of really good solid waste management programs. The policies precede and incentivize the move toward creating

better diversion programs. And that's something we really need to think about doing here in Hawai'i County.

Finally, Ms. Navarra said, how do we get toward this vision of zero waste, diverting the majority of our resources? The discussions that we've been having in these meetings that we haven't talked about are the need for public-private partnerships and also the need for stakeholder engagement and bringing together survey participants to start hashing out, what do we really want to do, and how do we achieve that? Also, she wanted to highlight that the EPA is really looking for a coalition type approach to fund. They're seeing a lot of consultants doing feasibility studies, and then those programs are not actually being implemented. And so having a coalition approach here in Hawai'i County will be a benefit to us in creating a proposal and actually getting funded and just finally wrapping up. It's been a pleasure to work on this document and work with the people to put this together. But she does feel that we've kind of taken this as far as we can without the County's involvement. Our main ask is to hire a facilitator, and we have identified a person that's well qualified and experienced to do this. The county has to be the applicant. It can't be a nonprofit. The County or the State has to be the applicant for this opportunity. So we would love to see the County take a leadership role in this, coordinating and doing it ahead of the request for applications coming out this fall. If we wait until that Request for Application comes out, we probably won't have that much time to really coordinate and get a proposal together. So we would love to see County Council, if they can come up with funding to hire a facilitator. We have identified a person that is qualified to do so as she's familiar with this report and also with solid waste management issues. And then also, if there is a need and a lack of capacity with DEM or with Research and Development to apply for this funding on their own, that perhaps the County Council could fund a grant writer for this opportunity. She opened the floor to questions.

Chair Adams thanked Ms. Navarra. A lot of work went into that report and there is a lot of valuable information in it. Chair Adams clarified that Ms. Navarra is asking about hiring a facilitator for public meetings to get ideas, not once we get the grant. A public facilitator is to get public input.

Just as a starting point, Ms. Navarra said, we feel like one meeting to get these respondents to the survey together, to kind of start brainstorming, coming up with goals and objectives ahead of it, would be good. And then obviously, further stakeholder engagement would be necessary. If you look at the report, she kind of was like, oh, we need to do a lot of planning, she said. This is something that you talk about all the time. There's a lot of planning that goes into doing something new, but we don't know. Maybe the EPA is going to allow that type of funding or fund that type of work, but we won't know until the request for information or applications comes out. So to answer your question, it would be nice to have some in person meetings ahead of the request for applications coming out, and then further funding for more coordination with the coalition would be helpful.

Second question, and anybody can jump in, Chair Adams said. This fall is next week. Any clue on when they're going to issue this grant solicitation?

All Ms. Navarra has heard is that they're going to start doing some webinars coming up in the next few weeks, but when the actual RFI comes out, we don't know. It's vague. It's this fall.

Chair Adams said that the Solid Waste Advisory Commission had spent two-plus years writing up the Integrated Solid Waste Management Plan, which was a public process, and although we didn't get a lot of public participation, we had some and the committee was made up of the public. We made 82 recommendations. Tailoring which things to work on within that plan, to this particular orientation on the grant, could work pretty well. Starting the ISWMP process all over again does not appeal to her, but there are, at least from her viewpoint, a couple of good suggestions that track with what's in the ISWMP, and in particular, the ones that she leans toward are somewhat represented in the grant application. We put it in the Reference folder, part of the BBB grant effort. So a grant application did go in, and as we understand it, did not get accepted. Also for everybody, this infrastructure recycling infrastructure grant is up for every county in the country. So a lot of competition here because everybody wants free money. Chair Adams asked Ms. Berrig to talk about what she had pulled together already for an EPA grant.

Thanks for the presentation, Ms. Berrig said. It was good. You have done a lot of really good work on this. Back in January, when she first started her position as Recycling Coordinator, she was invited in to participate in DEM's part of the coalition for the County of Hawai'i. They in 2021 had applied for and got Phase 1 of the Build Back Better. It was like 60 out of 350 or 400 applicants around the country. So the County of Hawai'i was awarded Phase 1 and a pot of money with that. And there's been some work that's been ongoing now with respect to organics recycling. In January, she was invited into work on looking at what the needs are from her perspective in the community. So we put together our proposal. There were eight or nine members in the coalition of the Build Back Better submission from the County. One of the asks for Ms. Berrig, most importantly, is a database and a database manager, someone to initiate and develop a database, because the only data that we track currently is the data from our County programs. Years back, there used to be some mechanism in place that businesses and private recyclers reported to us so we would have accurate data on how much we're recycling. Because when you look at our programs, our diversion rate is maybe 21 percent or something. And a lot more than that is being recycled. Data-driven decision making is important. Also, reporting metrics. When we apply for grants, if we don't know where we are, how can we look at where we're going and reporting by having data metrics in place. So that was one of the asks. Another ask was a position for that because these were big grants and staffing was allowed a position for that. There's an outreach position. It's similar to Sarah Freeman's position in food security, a resource coordinator who networks and ties in what Ms. Navarra has been doing in an unpaid position, someone who pulls together and sees what's out there, whether it's connecting C and D from here to go there, whether it's talking about grants and holding monthly meetings just to keep the community and government and NGOs all talking about the same thing, and so we're all moving toward the same goals. We have some differences, but the same goals. We want to divert materials from landfill and reduce production in the first place. So that was another position. Another position was kind of a smaller database, but that was

more literally people posting things kind of like the freecycle. There's some website that's kind of managed like a freecycle. And there's some on Facebook, but this would just be a bit higher level because there is an existing database out there that would work well. There was one other position that she needed to recall.

There was the resource exchange network coordinator, Chair Adams said. We have been talking about upgrading the Kea'au and Hilo reuse centers and the concept that was presented in Ms. Navarra's presentation about the resource recovery parks is a wonderful model to see if we could pull that off, and we could do it in a phased way, and improve the resource center in Kea'au, for example, and start building it out, with this person who knows how to make connections, as a recovery park. We need money for land, building, and to make it safe to drive through, but to work on it over time to see how we could manage a recovery park and plunk it in the poorest neighborhoods that we've got on the island. So it would meet a lot of those criteria that we believe are going to be in this grant. There are some ideas that have already been developed. They could be put into this next grant application, but certainly there are plenty of wish list things to do.

Ms. Ellen Okuma introduced herself. In her retirement, she said she has spent a lot of time working on projects and this is one of her absolute- it's really a labor of love working with Ms. Navarra and Ms. Berrig and the others who helped get this going. She would advise that the report be read. There is a lot of information already in there. It's as of now, it's not in the past. We need to get the 76 stakeholders together. They spent a lot of time in giving their feedback and telling us what they need. We've got farmers on volcanic soil that have no amendments unless they purchase things, and that's just crazy. We need to be diverting food and organic waste, cardboard – all of that can be kept on island. That's just one example. So please, we really need to get the stakeholders together. At some point in the future, it would be fine to open it up to the public, but we owe it to our 76 responders and many of them were farmers and small business owners that took the time to fill out the survey and give us ideas and lots of comments. And they're not undoable. If you follow the Northeast Recycling Council, the northeast rural states have an excellent coalition of member states and counties that are participating in all kinds of resource recovery endeavors. And some of us have been attending those webinars and getting good information. So it's not that it's not being done, but we cannot afford to wait. We are an island state. We need to start keeping our resources here on the island. So rather than shipping cardboard, keep it on the island, reuse it here. So please. And she did submit a letter, a testimony in support of recommending EMC to ask the County to hire a facilitator, just to get the stakeholders together and come to some agreement, and to hire a grant writer specifically for this grant. It doesn't have to be a full-time grant writer forever for this specific grant. A lot of work has already gone into the research.

Commissioner Cardwell said what puts us in a good position to receive this grant despite the competition is that 40 percent of this money is going to go towards rural and lower socioeconomic areas. We fall into that category. She asked Council Member Tim Richards what it would take to hire someone- or where do we have the money to fund the facilitator who they've already found? Do we have the money to fund a grant writer? And if so, how do we get

that ball rolling? Because we have a limited amount of time. Fall is right around the corner. We don't know exactly when this grant is going to be made available. So it seems like we really need to get the ball rolling. ask, What are the steps we need to take to make this happen?

Council Member Richards said it would probably need to be a contract hire as opposed to employee hire, and that is possible through the Department of Finance, but this would have to be supported by the Department of Environmental Management and the DEM Director would need to weigh in on that. The question is, do we have the funds to do that? And it depends what the cost is, but he thinks funding is there because we are in between budget cycles. This is not a budgeted item; however, there are some funds available from our budget because we tried to cut the collections, but we didn't get that done. What kind of dollars are we talking about? Because this is hiring a grant writer specifically for this grant?

Yes, Ms. Navarra said. It would be a temporary position. She wasn't sure about the dollar amount but it would depend whether if it's just one meeting or if a series of meetings. We are looking at less than \$5,000.

Council Member Richards said he believes there is funding available to get this done, because that's very modest. It would have to go through DEM and Finance for a contract hire. He can advocate for them to get this done, but we need to have the exact plan as quickly as possible, because we're going to be out of time to submit this if that's what we want to do. And then it would have to go through Finance. He would talk to Finance and see if we can use the budget of \$5,000 or less.

If we are talking about a grant writer, it might be more than that, Chair Adams said, separate from a facilitator holding a couple of meetings. She asked Director Mansour to talk about the availability of grant writers and how much that's likely to cost.

Director Mansour said the Department of Research and Development was given that task to hire grant writers for the County to chase grants. Sarah Freeman has been working with Ms. Navarra. Maybe Ms. Berrig needs to talk about the process with R&D, and Dig Deep. They are grant writers and are very familiar with the process of how to chase money and get money. We requested to continue having to Dig Deep to do so. But the Council Member is right. We need to work with Finance and possibly R&D to make sure that they focus on that grant and pay extra attention, so we don't lose it. If not, maybe we could branch out and contract Dig Deep consulting to finalize the process. But Ms. Berrig and the Deputy Director have been working on the grants and chasing grants. Any updates?

Ms. Berrig said the last she had heard, the Mayor had wanted to allocate "X" amount of money for grant writing. There was some grant writing capacity available to us. How much it would be, she does not know and would have to reconnect with the Deputy Director on that one. And this is through R&D.

Mr. Kadota asked to make a comment: I know you guys try to use this grant money for things like central location, like a resource recovery park, he said. When he was in school in 1975 in Oregon, what they did was pretty good and they had a tipping fee. People are not into tipping fees, but there is an alternative where we used to drive into the location, maybe drop off the cardboard, and the tipping fee was \$10 at that time. So now it's probably going to be \$15-\$20. But you go to the first place, you drop off your cardboard, then you go next place, you drop off your mattress, the next place you drop off your lumber, and then so on and so on, like glass or whatever. And then after all that, at every place you go, they give you a piece of paper and that would lower your tipping fee, he said. And at the very end, you throw your rubbish and then you go to pay. And at that point, sometimes you don't pay anything or you pay a small fee, but that's an incentive for not having to pay a fee. Is the County into trying to do a tipping fee to save some of this material that's being thrown away? Or would you just have the grant and just have it for free?

Chair Adams said we've talked before in this commission about people recognizing and trying to be more accountable for the actual cost of disposal and incentivizing recycling. We've got the challenge of moving from free transfer stations for residents, and how do we make that transition? She personally likes the idea, but that's just her.

Ms. Okuma said she was pulling up two URLs for Northeast Recycling and put it in the chat.<sup>7</sup>

Commissioner Cardwell said this seems like this is a specific grant. Does R&D have the ability/resources/time to write for this specific grant? She also wanted to clarify and reiterate that this is money for a grant writer potentially, but also for a facilitator to gather these stakeholders and the survey respondents. So it would be money for the grant writer and money for facilitator. So they'd be two different positions. What are the steps that are needed to take to fund these two positions if R&D doesn't have the resources or the time to do this?

Council Member Richards said to do that, a contract hire must go through the Department of Finance and it has to have council approval. So it has to be put on the agenda. It comes through as a resolution, so it goes through committee. Two weeks later, it goes to Council for resolution, one reading. You can get it waived through committee if it's real time sensitive and Chair agrees to it, but it'll have to get council approval for what he understands is the ask.

Commissioner Olson said much of what was discussed was in the buildout plan for the Kea'au Transfer Station, which was tied to a successful civil rights complaint and the State's long range surface transportation planning process at the time. Based on the buildout number existing in the already created subdivisions, we have all the numbers there. You know what the buildout population is going to be. You can project what the services that will be required are going to be based on that. You can go to the Planning Department and get all of that information that you were just talking about. It should be on the shelf, and if not, he probably knows somebody

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<sup>7</sup> Northeast Recycling Council <http://nerc.org>; and the Northeast Resource Recovery Association <https://www.nrrarecycles.org/news/resource-recycling-collective-action>

who does have it on their shelf still. Puna has just recently been identified as the most populous district on the island.

Chair Adams agreed with the Commissioner, that if we've got stuff that's already designed and data to support it, it is an awful lot easier to get a grant than having something that's squishy and general. We do have a fair amount of work that has been done on the concept of a resource recovery park. EPA claims they have a five-year dole out of money. So you could have a longer project plan that might allow us to do some more work toward a fulsome resource recovery park. It's an idea.

Commissioner Cardwell noted that the people who sent in the 21 pieces of public testimony were asking the Commission to ask the Council to do this. Would the next step be to write a letter to the Council or get this on a Council agenda so that these positions can be funded? What would Ms. Navarra like from us as the commission?

Ms. Navarra said that if you support this idea of a need for stakeholder engagement to prepare for this opportunity and just generally, there is a need in the County, then a letter of recommendation to the Council would be fine. Or however you decide, it's really up to you.

Commissioner McIntosh said the Department needs to follow up on some work that they were looking at doing or working toward what has already been discussed. He said the Commission trying to take an action would be premature until we hear back from the Director on where the Department is because that's exactly what the Council is going to want to know. Because you don't want to duplicate efforts within the County. He also noted that Ms. Navarra's presentation referenced Alameda County, California. They have eight times our population, but we also have six times their land mass. So any program that they implement would fall flat if we tried to mirror such a program. We're really going to need to focus on looking at our circumstances, where we are and what best would work for us rather than just jumping on the California bandwagon.

Commissioner Robinson asked what the Director thought.

Director Mansour said the Materials Recovery Facility system is usually when it first started in the 1990s. Back then there was no waste collections and things start changing. Talking about California and other states within the country when they went start doing curbside collection, controlling the stuff at the source. The MRF is a labor-intensive process. Because everything comes in, you have to sort it out, it has to go through conveyor belts and you have to sort it out with safety issues, concern to the workers, and what have you. So that by itself kind of evolved to think outside the box and they start doing more about controlling the source. That's why the collection house, curbside collections took place. And as you bring it to these facilities, it becomes cleaner because you don't want to expose your workers to whatever comes in the waste stream. We are a population of 200,000. We're not one of these big cities or counties in California. Everything needs to be analyzed based on site specifics. So we cannot just jump on the wagon and say, this is what we're going to take without analysis and pros and cons and

costs and what have you and how it's going to be funded, et cetera. The Division Chief comes in with a great experience in that field as well. Mike Rivera, the Division Chief, is an expert in that field. He comes in with a lot of years in solid waste.

Chair Adams said she is overjoyed that the Chief is there. But for this issue, she is being advised by the Deputy Corporation Counsel that we cannot do an official response and make recommendations because we need to further agendaize that. We need some more homework done by DEM. And it sounds like from a process standpoint, it's DEM that needs to go to R&D to find out, do we have a dedicated grant writer available to us, or no? And if the answer is no, you need to go to Council and Finance and say, "we need somebody so that we can get this money to take some action on and then we would come in and support it.

For purposes of Sunshine Law, DCC Wong said, she wants to be mindful of the notice that we provided to the public, which was not to take any action formally to support DEM or R&D to do something, whether it's to seek funding for a facilitator or seek funding for a grant writer. The agenda item was specific to the report. So the commissioners have considered the report and we are discussing it, but if there's any action that the EMC wants to take, it needs to be on the next month's agenda so that the public has enough opportunity and notice of what the EMC intends to do.

Commissioner Cardwell said the only issue with that is that's a month out now.

The EMC can call a special meeting if it wants, DCC Wong said. If you want to meet next week, you have the ability to do that. For purposes of Sunshine Law, that really prompts notice to the public. It would be prudent to have DEM follow up with R&D to do some of that homework that the Chair is talking about. And then report back to the Chair and the Secretary to see if it's necessary to schedule a special meeting. This can be the only thing on the agenda if that's the case. But it's kind of premature at this point, so she left it to the Commission to you to decide.

Director Mansour said it would be good to submit an official request detailing exactly what you are seeking from DEM. Do you want us to look into the MRF system as a potential operation or are we just asking to chase the grant? But the grant has to be tied up to a project and we need to know the project, so we need to have a clear direction.

Chair Adams said the point she was trying to make before is that we have an EMC-approved, Council approved, Integrated Solid Waste Management Plan and priorities, and there are large sections about recycling, reuse, reduction. So we've got things. The issue is yeah, what do you see as most important? One of the places that she recommended we put into our folder was the previous BBB grant application where you identified the kind of people and the processes that you wanted to see put in place. We are not at a stage right now to order which projects you should work on. You have the report that came from the Zero Waste Group as well as the ISWMP, and you've got this opportunity. Our biggest question right now is, are you going to be able to exploit the opportunity and is it something where you need money and you need EMC

to say yeah, go get somebody who's going to write up that grant and come back through to us with, "These are the things we are proposing to support with that grant"?

Vice Chair Gaffney said it's important to remind the EMC that No. 1, DEM has already asked for a grant writer and been turned down by the administration. That request went in and it was denied. Secondly, the way the County has been operating for a long time and it seems to be firm on this, is that if you want a grant written you go to R&D. The problem with that is that R&D is dealing with every issue on this island, and they don't necessarily prioritize that well, particularly from the point of view of DEM, because DEM wouldn't have asked for grant writer if they thought that they could get their grants taken care of through R&D. And he also knows from raising the question with the Mayor directly that this is a point of great overwhelm by the administration, right now. When you ask whether or not a grant writer would be available for something, the Mayor seems to lose it basically because there is so much pressure on the grant writing system currently in place for the County. So that being said, he understands that we have reservations in terms of what we can do, but the bottom line is that if we need a grant writer quickly to pursue this opportunity, it doesn't sound like we're going to be able to get that even if we have a meeting next week, directly from the County. And perhaps where we need to do is to go to private industry, or to eleemosynary and NGOs to get the grant writer necessary to get this done. Because we've just heard another review of all of the issues that are facing DEM in terms of pursuing this huge tranche of money that goes way beyond this particular grant. But to the best of his knowledge, there is no grant writer working in pursuit of any of the federal money that's available in the largest tranche of money that's ever been available to the counties in this country. If we want to get this done quickly, we need to pursue it through private funding.

Chair Adams asked the Director to verify that DEM has been told, "No, you have no grant writer resource" for this particular grant.

That's my understanding, Ms. Berrig said.

The Director said we did add it in the budget last year and we were told R&D is the lead for the whole County. So from a prioritization point of view, it's really R&D and Finance that determined the hiring and getting the contractual agreements with R&D. We were told that we could assist R&D by providing the technical support to them as part of the application and that was the role of DEM. But the Vice Chair is right, he hit it right on.

Commissioner Robinson recalled the comment by Ms. Navarra that the grant has to come from a government agency, and neither a nonprofit nor a for-profit entity. Can the Commission or an outside group support R&D with a specific grant like this for technical support?

Technical support, yes, Director Mansour said. Anybody from the outside who can fill out the technical information – Ms. Navarra's report was excellent. She's shown some of the technical presentations. Great job, he said. We've got a lot of openings within our department, so definitely we would love to have you on our team. Technical information could be provided by

the private sector as we work with them. But he confirmed it has to be from a government entity. That's why R&D are the face for the entire County when it comes to grants.

Chair Adams said that if EMC were to do anything on a rapid pace, it would be to consider at another meeting, do we want to send something to R&D to say “move it up” and this is why. And this is why it also might be that we have to do the work or create a lot of the content and they fill in the blanks and send it off, Commissioner Robinson said.

Everything in the County is a high priority as well, the Director said. They are limited as well to the resources they have. But the Vice Chair is right. This is the first opportunity we ever had under the Biden administration and the (amount of) money that it's floating, but yes, it seems like we hinder the system by tying our hands instead of chasing it.

Commissioner McIntosh understood there's a grant being offered, or soon will be offered by the federal government and the County wants to apply for it, but what would the grant exactly be used for? The report seems to have a bunch of information in it, but what do they want to do with the money?

Chair Adams said that at this point, at this meeting, we are not prepared other than to point back to the ISWMP, which has already been approved, adopted, whatever you want to call it, by EMC. We would need to have another meeting to go and say, these are the priority projects we think you should tackle in this grant.

Ms. Berrig said she knows the workings and how slow our side of this stuff is. She would hate to have a missed opportunity for these wonderful community members, who are working their butts off, who, are not being paid, and they want to do the stakeholder engagement really quickly. And the timing doesn't work to go through to get the funding. Private would be better, but just that we're partnering with them even if it's not within the ISWMP for this year. All the work that they've done, and if they can pull it together to get a facilitator, and it's less than \$5,000, maybe we can all scrape it together somehow. But she would hate to get bogged down in our governmental BS, *excusez mon français*, and lose the opportunity that the community members have worked so hard on. And even if it's not part of the ISWMP or it may not be what the County wanted to do, but if they pull this all together themselves, but it has to be done through us, is there some how that we do not lose all of this great – if they say, we got the grant written, we're all ready to go. Obviously, that has to be something we approve of, but –

That's the key that we're kind of stuck with, Chair Adams said. If DEM comes up with their list, 1, 2, 3, we're going to put this in this grant proposal. These are the projects we want money for or the hires, however you want to describe what you want, then EMC can come back and say, yes/no, or we support it as well. It's kind of trying to pick out the report that Ms. Navarra talked about, which had dozens of different things that could be done depending on what materials – are you going to do all of them? Are you going to pick a few? What can DEM make a commitment toward? And so we need you to lead that. And when you have picked which ones you want to do, and she could see how we individually or as Commission can contribute

whatever technical information for you – but maybe we are not in a position, and certainly not at this meeting because of the Sunshine Law, to tell you to do these three projects, and here's our recommendation. And the ask that was presented to us to go and find money for a facilitator and grant writer is not a timely ask of us, nor are we the right people to ask for it. At least that's my understanding, she said.

Director Mansour asked what the role of the facilitator is.

DCC Wong said she had the same thought about a potential facilitator. There's nothing that precludes any of the County departments from working with stakeholders in the community to gather information to prepare for this RFI or RFA. And if that's the case and it can be accomplished in public hearings that county agency can put forth, then, that's something that DEM and/or R&D in collaboration can look at as well. It wasn't clear to her the exact intent of a specific facilitator. It seems like it can be accomplished by a public meeting or public hearing. Having our agency representative kind of spearheading that share would cut down time too, as far as getting the information we need to potentially apply for this grant is concerned.

And maybe that could fit with what Ms. Berrig is saying, the Director said. She could be the facilitator, right?

Ms. Berrig said she would love to be able to, and agrees because she and the Chair had talked about this a little bit. As far as the timing of this, we should definitely do public hearings, et cetera for the next cycle, next year. Start planning for it in May, we start having public hearings or whatever, just depending on how it goes because the grant is a five-year process. But for this time, it's just such a short fuse on the government entity doing anything. Was the purpose of a facilitator – however you got the money – you organize the meetings and you get them out there next week or two weeks, so there's no 30-day notice. Or you reach out to all your people and then you come up with, we all show up at a stakeholder meeting, then there's five ideas, and then you come back to us and say here's five ideas, which one do you want? Because we're the technical ones applying to the grant, is that correct?

Yes, that's the idea, Ms. Navarra said. We have already reached out to R&D because we wanted them to play this role as a facilitator and the response that we got was that they were going to wait until the Request for Application (RFA) comes out. So we have already gone to R&D and it's a capacity issue. And so if the County Council can have funding to hire a facilitator, let's get ready and let's take advantage of this time that we have to put together something that's really meaningful. And we should take the Build Back Better grant decline as maybe a message of how we should approach this EPA Recycling Infrastructure grant funding because she doesn't know that they want to fund positions to do planning. And so can we come up with the money on our own to do the planning part and then get the money to put into funding the infrastructure or whatever we need?

Yes, Ms. Berrig said, with the one difference being that the Build Back Better is from the Economic Development Agency. It just comes from a completely different perspective. We just threw in, besides a lot of other elements, the environmental element and job creation.

Commissioner Robinson asked how would the outcome of having a facilitator holding meetings be different from the Department and the public hearing platform.

Ms. Navarra says it is a capacity issue. DEM may not have the capacity to organize something and maybe it's slower moving and we have the time and the energy that we already put into this and so we've already identified a person and so we put a lot of the work into it. She sees the role that Zero Waste Hawai'i Island plays is just to supplement and support the County because it's not for a lack of desire of improving our systems, it's a lack of capacity.

The component that's a little bit different is when we do the public hearings, Ms. Berrig said. First of all, we have to give a 30-day notice. And then it's not just that. It's also first getting the facility, going out and reaching out to all the facility managers, getting their calendars. It's just a long process to get the facilities. And then we have to do the publication, and for this particular one because someone started off saying "fall is here," we don't know when this is going to be coming out. It could drop next week, but would the outcome be any different if we were involved in the hearings? Does the public behave differently when we put on a hearing as compared with someone else? Possibly, she said.

Commissioner Robinson asked if there is any capacity to hold public hearings.

That's the reason the Director asked what the role and responsibility of the facilitator is, he said. Ms. Berrig as our Recycling Coordinator has been working with the group. So if they could find a way to work it through – she is a part of the government, she could run it through with the private entities to make it happen. So if Ms. Berrig feels she had the capacity with her staff, that's the division that could be helping Ms. Navarra. The Director would leave it to staff and their assignments. Ms. Berrig would need to look at her priorities. As Chair Adams asked, what is the project? And if that project becomes a high priority, then Ms. Berrig needs to sit down with her staff and figure out, should we set it as a top priority and take it on now because deadlines are approaching? so maybe more discussion needs to take place.

Katrina Zavalney addressed the Commission. As a trained facilitator and somebody who has put on a lot of different public workshops and different things to coordinate and get stakeholder input, there's definitely a process that can elicit more information, more honest information than if the County were to hold a public hearing, she said. She is also aware of the sensitivity around the time frame. And one thing she was thinking about is that the facilitation and the grant writing process can go hand in hand. It can be the same entity that handles all of that as a nonprofit that's working in partnership with the government here. It's something to consider as far as expediting the process and something that can work more hand in hand where we, through the facilitated meetings, gather the input, and then are able to put together a draft of the grant that then can go through R&D that can then be polished up and have the

government's final stamp on it. So that would her suggestion to help facilitate this forward and to bring all the pieces together that she is hearing.

Chair Adams asked whether we need to call a special meeting next week, in which case we decide whether we want to decide on our priorities for a grant.

Commissioner Robinson said it sounds like for the County to funding a facilitator/grant writer/supporter, the other side to that is the purpose of gathering input from the community can also be done through public hearings, which the Department does have the capacity to do. The timing is iffy, which would benefit funding a position right away. But if we don't really know what the requirements are yet, perhaps that's okay. And we still would need to use R&D to push the grant through, which – we don't need to have a special meeting right now for that.

Commissioner McIntosh said it's a little too murky right now for the Commission to have a special meeting to put forward any resolutions. We need more information.

Chair Adams agreed and asked the Department for more input about what they want to do.

For now, it makes sense for Ms. Berrig to continue working with Ms. Navarra, the Director said. R&D has already committed to consider the grant request. They are waiting on certain things to happen so they could consider it. We definitely, as a Department, support you and support R&D in pursuing that grant to make sure. The Recycling Coordinator and Ms. Navarra need to sit down together. Ms. Navarra needs to understand that Ms. Berrig represents the government and the County and could potentially be able to be your pathway to getting the grant. If you could accomplish it among yourself and get a strategy and plan how to lay it out, and we'll give you the support. It's like any other projects we're working on, like the grant for that Puna wastewater master plan, same concept. We got a grant to do the study, we're doing the master plan. Our staff are working with the community and the private sector and the consultant. Evaluate what you need or how you could accomplish it better with the resource that you have. And if you have difficulties, run it by us in the Department and see how we could help you out and navigate through it.

Sounds like a plan, Chair Adams said. And if you decide that what you need is EMC input and a letter to whomever, come back to us and let us know. And we can try to set something up before the next meeting. If anyone has more comments or if has got ideas for what should be on the next agenda or if you want to individually send comments into Ms. Berrig, Ms. Navarra, or the Director, you may do so.

## 2. Director's Informational Report.

Director Mansour reminded the Commission about the IRONMAN World Championship closures for our solid waste facilities. There is a press release going out. Our facilities will be closed on the west side due to the road closures. Do not try to make any trips to our facilities on the west side because October 6 and October 8 (and transfer stations on October 7). So just keep these dates in mind. Watch for the press release.

## 1. Solid Waste Division Projects and Updates

### i. Introduction of Michael Rivera, Solid Waste Division Chief.

Director Mansour asked SWD Chief Rivera to introduce himself.

Good morning, Chief Rivera said. I am excited and am looking forward to having some good discussions on solid waste issues to improve our communities here on the Island of Hawai'i. Just a little bit about myself, I've worked in both the public and private sector my whole career. I only worked in solid waste. My educational background is in chemistry and biology. I grew up in Chicago, Illinois. I've worked in almost all the sectors of solid waste throughout my career here: landfills, transportation, recycling, composting, and just really excited about coming to the island and making things better. Just lastly, I also serve on the Solid Waste Association of North America's Technical Advisory Committee for Sustainability, and I'm part of that training committee, mainly focusing on recycling there. So I bring a different mindset to help the Commission here move forward on improving solid waste for our island. So thank you, and I look forward to working with everyone here, he said.

Chair Adams said she was more than happy to have him on board. We are more than happy to welcome you and encourage communication individually. She asked where he is located.

He's going to be on the Kona side, the Director said.

Okay. We are going to get together, the Chair said.

### ii. Recycling and Landfill Diversion Update

Ms. Berrig said regarding the Life Cycle Assessment study, the best guesstimate is late October. She was out for quite a while with an accident, and then had some leave time for a new grandbaby, so she is back. And there were some delays because. So late October, early November. The last day of operations for the Volcano Certified Redemption Center is September 29. We've been trying to get a contractor to rebid on that, but there's not enough money for them to make it worth their while. And as everyone knows, with everything, staffing is an issue. And then now there was another break-in recently and our vendors end up having their facilities vandalized. So they're not very interested in that. We're going to keep putting it out to bid and hopefully something will change. But for now, Volcano will not be having a CRC any longer. We're doing our best to change that, but it's all that we can do. We are reaching out to nonprofits and the community sector, but still, they have to work with the recycler.

Regarding e-waste, the manufacturers were supposed to submit a plan October 1 to the Department of Health about how they plan to collect and recycle e-waste on the different counties around different population centers, Ms. Berrig said. They requested and were given a one-month extension on the plan. However, they still are going to start collection in January 2023. We're really excited about this program. This gets into the whole EPR issue. The producers that have been profiting from this, their responsibility historically has been done as soon as that transaction is made. So now this is great for us to see that we will start having

more support. In the interim we've been redesigning our program to offer collection on the West Side as well for businesses. There are a lot of mom-and-pop shops that they can't afford to either bring it over, drive it over to Mr. K's, or they don't really have enough for Mr. K's to come and pick up one computer or something. However, we want to service their responsible disposal of their electronics. So in the interim, we are going to be providing tentatively six events, October, November, and December, in Hilo and in Kona, that will be collecting residential and commercial products, e-waste or e-materials. We're really excited about that. We are excited about having the manufacturers set up their collections and seeing how that goes and how we can be working together with them to provide the services to the community.

The drop off recycling program has been expanded to Ocean View.

Recycling Section had requested and tried to be granted permission to launch a Facebook and Instagram social media platform just for educational purposes and just to kind of lighten up whether it's a Dear Abby type or to engage the public, and also a place where they would know that they could go as a Facebook page for information related to diversion and then just offer free tips. It wouldn't have been open for the public to be posting automatically, it would have to be screened by staff, but posting questions just to engage the community and to create more dialogue. However, when she inquired with IT, she was told we need to have some archiving software in place. So that would be a subscription that has to be in place to protect us against litigation. So we will look into that and plan and budget for that, and then we will do the ask again because it's such a missed opportunity to not be using social media for at least educational purposes and information and to engage the public.

Ms. Berrig is also reaching out to Council Member Villegas' office. We were nominated to draft the administrative rules for the sunscreen law. So that's just something that, when we talk about capacity, somehow that fell on us. So that's something that we will be starting. She doesn't know when but we reached out to her.

Chair Adams said she had a draft email to send to Chief Rivera about updating progress on the ISWMP and some of the other interests that she and the EMC have.

## 2. Wastewater Division Projects and Updates

### i. Pāhala and Nā'ālehu AOC<sup>8</sup>

We had our public meeting in Nā'ālehu on August 31, Environmental Planner Kelly Hartman said. Our deadline to submit the feasibility study is coming up on October 21. Our legal and engineering teams have been working on finalizing that. We don't anticipate any issues completing that by the deadline. We developed the website, so if you would like to visit DEM's website, you can get updates on the project there. And the preliminary engineering review contract was kicked off this Friday. So we're getting organized with our contractor and developing schedules for that. They're going to be working on the preliminary engineering report concurrently as we do the feasibility study.

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<sup>8</sup> VII.2.2.i: County AOC website: <https://www.hawaiicounty.gov/departments/environmental-management/pahala-naalehu/>

Chair Adams asked how the public meeting went.

Brenda did an amazing job, Ms. Hartman said. She's a great presenter. Ms. Hartman learned a lot. We took down all those public comments and so we'll be integrating that in everything we do.

Chair Adams commended her for putting up the website and having public meetings. Communication is always key. It takes a lot of time and coordination effort, but it will help avoid some problems in the future.

#### ii. West Hawai'i wastewater projects

We just bid out and awarded one of our projects for the roof at the Pump Station 19. Construction costs are coming in at least 20 percent, 30 percent, sometimes 40 percent higher than anticipated because the construction market is just crazy right now. A lot of people are giving us warnings that if we put a project out, we need to consider at least another 40 percent potential increase. So that project has been awarded. Our consultants are working on the sand filter and the headworks for the Kealakehe Wastewater Treatment Plant units. They're working with the Office of Housing and Community Development as well on the Kaloko Wastewater Treatment plant units. These units are going to be replaced with a different unit, a membrane bioreactor system. So that's going to go out. It probably already went out as designed/built for that community. It's a rehab of the entire treatment system for that community. They are also working with Sean Naleimaile from State Historic Preservation Division on getting the process moving for the R-1 grade recycled water with the sand filter. And they are working with the consultants on getting commitments and pushing North Kona Pump Station as well. Ms. Hartman is working with our staff to collect all these deadlines and timelines and milestones so she should be able, by the next meeting, give as good of an update as she did for Pāhala-Nā'ālehu on the other projects moving forward.

#### iii. Hilo WWTP upgrades

Director Mansour said they recently met with the consultant. They submitted the 50 percent design, so that's good news. The pressure is on. We met with them, gave our comments. We are staying on track for this project. Our intent to award the contract by June 2023. So it's going to be bid out probably January to March 2023. So we're hoping that we get 100 percent design by the end of the year. So we got three months to see the 100 percent. So that's moving very fast, which is good news for Hilo.

#### iv. Wastewater master plans

##### 1. Puna wastewater feasibility

Ms. Hartman said the Puna Wastewater Programmatic EIS and Facility Plan project was executed in March. We have the U.S. Economic Development Administration grant. Their report is coming due this week. AECOM, our consultant, submitted the final project definition report. We're continuing to gather information on the development of the Facility Plan. The programmatic EIS public notice was submitted and published to the state environmental review

program last week on September 23.<sup>9</sup> Our letters have been sent from our distribution list, so EMC will be getting a public notice as well. But we're in the 30-day comment period until October 24, so you might want to look at our website. The draft environmental impact statement will be filed March 6, 2023, and public review and participation, we have a public scoping meeting that's being held October, 12 5-7 p.m. at Kea'au High School, and we'll be trying to solicit public comment on the project definition and ways to anticipate and adding to the programmatic environmental impact statement. Our website is up, and so we will be also using that. Just keep people updated on the project, but also you can make public comments through the website. We used a new technology called SmartComment. And so there's a link on the website. It's a pretty cool website.<sup>10</sup> You guys should check it out. We did it with a GIS story map. So kind of as you scroll down, pictures and maps change, it gives you a nice narrative about the project. And then there's a link to a form where you can submit your public comment. It makes it easier for us to manage on the back end.

If anyone does have comments, Chair Adams said, make sure you're sending them in as individual comments. She thanked the Department for getting Ms. Hartman onboard as a planner.

## 2. Puakō area wastewater study

For Puakō and the South Kohala Regional Wastewater Master Plan, the project was executed in July and is on track. We are working with the consultants to combine schedules into one master schedule. The task coming up is the project definition report. We will be expecting a draft from the consultant by April 8, 2023, and then the final will be July 8, 2023. We're going to include EMC or at least Georjean Adams to distribute so you can make comments during the County review period. So we're going to get 30 days for you and DEM and the Mayor to review these types of documents. And then the wastewater master plan, that draft is going to be coming in around January 2024, and then the final will be a year later, January 2025. So we'll hopefully get your comments on that. She will keep Chair Adams in the loop of when those submittals come in and then also when the public comment periods happen.

Great, Chair Adams said. Our goal there is we gave you kind of our overview of the kinds of components we're hoping to see. And so periodically when we come up with this tracker spreadsheet that we were talking about, periodically we'll be updating that and looking at, are we seeing implementation of the asks that we've had in the past?

Yes, sounds good, Ms. Hartman said. She did share the outline with the consultant. It's best to get those comments up as early in the process as possible. If you don't see those points in there, let us know and I'll be looking for them as well.

## VIII. FUTURE AGENDA ITEMS

### 1. Follow up on action items determined today.

<sup>9</sup> EIS Preparation notice: [https://files.hawaii.gov/dbedt/erp/Doc\\_Library/2022-09-23-HA-EISPN-Addition-of-Wastewater-Services-for-the-Puna-District.pdf](https://files.hawaii.gov/dbedt/erp/Doc_Library/2022-09-23-HA-EISPN-Addition-of-Wastewater-Services-for-the-Puna-District.pdf)

<sup>10</sup> Website: <https://storymaps.arcgis.com/stories/50e624065fa641598326febe6316327b>

If there's something you want us to act on sooner rather than later or in time for our October 26 meeting, let us know, Chair Adams said, so we can get it on the agenda.

We will be working with the Secretary to put up any items we need to set on the agenda as well, the Director said. He added that the budget process for Fiscal Year 23-24 has already started.

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

If there's anything that you want to get on the agenda, let us know, the Chair said. We've got the challenge that if we want to talk about it, it needs to be on the agenda.

Commissioner Cardwell said she would like for the next meeting to follow up on the grant and see what's going on with that, to which the Chair agreed.

Chair Adams said she had removed from the monthly agenda the discussion of commissioners' individual priorities. Instead of having that as a routine recurring item, if you have something you want to report on, we need to get it on the agenda. It was a little too open-ended and DCC Wong is trying to make sure we adhere to the modifications that have been made to the Sunshine Law. So we just need to be careful that we are not springing any new news on the public when we have our discussions here.

## IX. ANNOUNCEMENTS

The next meeting is scheduled for October 26, 2022, at the DEM office, 75-5706 Kuakini Highway, Suite 101, in Kailua-Kona, 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 for confirmation.<sup>11</sup>

Chair Adams said a nomination has been made for the District 3 Commissioner seat, and we will hear about that at our next meeting, so fingers crossed that's going to work out. Also, the terms for Vice Chair Gaffney and Commissioner Fulton end this year, but they can remain on the commission for 90 days or until a successor is chosen, whichever is sooner. If anyone knows of people in Council Districts 7 and 8 who might be interested in joining onto the EMC, start thinking about it and consider the application process.

Our next meeting will be October 26, Chair Adams said. It will be in Kona at the DEM office. If you want to attend it in person, the address is in our agenda. We'll also still be doing Zoom meetings.

## X. ADJOURNMENT

**Motion, Second, and Vote:** Commissioner Olson made a motion to adjourn, to which Commissioner Cardwell seconded. Ayes 6 (Cardwell, Gaffney, McIntosh, Olson, Robinson, Adams); Absent 2 (Burns, Fulton). Meeting adjourned at 12:02 p.m.

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