

ENVIRONMENTAL MANAGEMENT COMMISSION

COUNTY OF HAWAII

MEETING MINUTES

Wednesday, November 30, 2022

9:01 a.m. to 11:49 a.m.

Hawai'i County Building, Hilo, and Zoom

Commissioners present:

Georjean Adams, Chair
Rick Gaffney, Vice Chair
Melissa Cardwell
Dee Fulton
Lee McIntosh
Jon Olson
Dell Otsuka
Elyse Robinson

County staff present:

Ramzi Mansour, Director
Michael Rivera, SWD Division Chief
Kelly Hartman, Environmental Planner
Craig Kawaguchi, Act. Recycling Coordinator
Dora Beck, WWD Division Chief
Christopher Laude, WWD Engineer
Peter Sur, Secretary
Keyra Wong, Dep. Corporation Counsel
Sherilyn Tavares, Dep. Corporation Counsel
Holeka Inaba, Council Member, District 8

Others present:

Hannah Hartman, Kristine Kubat, Jennifer Navarra, others.

I. CALL TO ORDER

Chair Adams opened with a roll call and called the meeting to order at 9:01 a.m.

II. APPROVAL OF MINUTES FOR OCTOBER 26, 2022¹

Motion, second, and vote: Commissioner Fulton made a motion, to which Commissioner Olson seconded, to approve the minutes as presented. Ayes 8 (Adams, Gaffney, Cardwell, Fulton, McIntosh, Olson, Otsuka, Robinson); Absent 1 (Burns). Motion carried.

III. STATEMENT FROM THE CHAIR

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

Chair Adams introduced and welcomed Commissioner Otsuka and invited her to speak.

Commissioner Otsuka thanked the Commission for the privilege to serve, and she also thanked the Secretary and Executive Assistant Pomaika'i Bartolome for the warm welcome, as she

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

contemplated being on this Commission. The Secretary was her first point of contact and since then he's always been supportive and promptly responded to her questions on my request. He also provided her over two years of information that overwhelmed her. Very interesting. She also wanted to thank also Council Member Sue Lee Loy for her vote. The Commissioner was retired from the U.S. Postal Service after 30 years of service. While working for USPS, she had many opportunities. It allowed her to work at many different post offices in all nine districts. She had worked as a clerk, a supervisor, an auditor, and in turn, Postmaster. She had traveled as far as Atlanta for HAZMAT training. She was a customer service supervisor at Hilo Post Office for 11 years, and she ended her career in Pāpa'ikou after 13 years. And she felt that it was time to retire, although she loves her job, because she wanted to spend more time with her grandchildren. She currently volunteers as a member of the supervisory committee for the Onomea Credit Union. And so it is her honor to serve on this Commission and she will do the best that she can.

Chair Adams said she had been impressed by how the new Commissioner jumped in at our last meeting and welcomed her to the group. It's a bit of a fire hose of acronyms and issues, but you'll catch them, the Chair said. The other announcement to make is that Keyra Wong, our Deputy Corporation Counsel, is moving on and we have a new DCC, Sherilyn "Sheri" Tavares.

I was born and raised here in Hilo, DCC Tavares said. And after graduating from law school, she was given an opportunity to return home. She clerked for Circuit Judge Glenn Hara, and then thereafter served as a deputy public defender for the past almost 11 years. And so this is a huge change in her career, but she studied a lot of environmental law when she was in law school. She looks forward to this opportunity to be here and represent the board and learn as she goes. So be patient with me because I don't know everything and there are a lot of acronyms and every day it's like new alphabets that are being thrown at me, she said. But I'm eager to learn and I look forward to working with all of you.

Chair Adams thanked DCC Wong for the advice and participation that she's had. And I'm sure she's given you warning that you need to corral me every once in a while, because I skip steps and tend to be far too informal about these meetings. But just go ahead and go, hey Georjean, you need to do this. She thanked DCC Wong for her assistance. Chair Adams said she had one sad note to also announce, and that is Elyse Robinson has decided to leave the Commission effective next month. So this is her last meeting and the Chair would definitely want to thank her for her contributions to the Commission and wish her well with her life, which she needs to get back to. Chair Adams said she hopes Commissioner Robinson keeps some track of what EMC may be doing or not doing. Feel free as member of the public to provide your counsel. Chair Adams said she appreciated her thoughts and contributions to the group. And again, another opening for us to consider if we know anybody who we think would be good in her case from District 2.

The other thing, Chair Adams said, is that Council Member Kierkiewicz could not attend the January meeting so agenda item VI.1 would be postponed, as well as agenda item VIII, the referral for executive session.

IV. PUBLIC STATEMENTS ON ITEMS ON THE AGENDA

Kristine Kubat, speaking on V.2: So, as you know, we're very much involved in networking with the community, talking to stakeholders, reaching out to people who have applied. I myself, I'm a board member of the National Recycling Coalition, and it seems to me that the very best opportunity in the County is to focus on composting infrastructure, a small-scale distributed system, as we've been advocating for a very long time. Spending for infrastructure like that is very much in alignment with what the EPA is supposed to do. And as you look at the grant and you look at the guidelines, you see that they have components where they are looking to advance environmental justice and social justice issues. And the composting issue definitely has that because at one point the idea the County was going with was to do a single large scale composting facility in Keaukaha, which is a fence-line community. It's a community that suffers a lot of impacts from environmental injustice. And so, the idea that it got moved from there, it just creates this history of this being that kind of an issue. So now it's gone on the idea, after that, to Kea'au. But then another issue came up in that in terms of the farmers, the system wasn't really designed to suit their needs. So, there's this background of environmental injustice which would make this a priority for the EPA. The other thing is that it does have a lot of impact on climate and so that's another express priority at this time. What the County could do if they want it to be more expansive is they could propose to work on infrastructure related to climate and say that the program has two components. Our understanding is that there is a growing opportunity. So there's going to be a four-year period during which there's a certain amount of funding available. The first year, the second year that the County came in and said, well, we're going to address climate, and our first bet is to go with the composting because it's very much needed, the high methane emissions that are generated, we're trying to become more food self-sufficient. In the second year they could shift to construction and debris collection because there's a high climate impact on that as well. So that's the recommendation that we put forward. And our organization is very interested in working with the County and the consultants who are hired to help perfect that. We have a lot of input and feedback from the community, especially our collaboration with the EPA grant that the County of Hawai'i Department of Research and Development just completed.

Kristine Kubat, speaking on VI.1: So, people might be surprised to hear this, but Recycle Hawai'i, we are very much opposed to this. We are doing everything we can to get EHCC to send the money back. And we did testify when this came up before the town council. Not sure how it happened, but it was this sort of fast-track thing where you only have one opportunity to testify. And here's the reason. Our organization and myself personally, we are involved in an international movement that has doing everything we can to prevent plastic pollution. We're especially concerned about nanoplastics. I don't know if people are aware of this, but you find nanoplastic pollution in the deepest part of the ocean, in these tiny little creatures that live as far away from humans as you can possibly get. You find it on the slopes of Mount Everest. You find nanoplastic pollution in that air column above the Swiss Alps in nearly the same concentration as you find it in Detroit. We have plastic in our lungs, in our blood. We even now find plastic in our food, and that is these nanoplastic particles. And how they get there is by plastic sitting out in the environment. So now there's this idea that we're going to take waste

plastic. We're going to make functional art. We're going to put it in the cars, and it's going to sit out there in the sun, in the salt air, degrading into microplastics. Kids are going to play around it. It's just, like, not the right idea. And what's tragic about this is I did have a chance to sit in on the meeting with EHCC last night and met with people, some of the artists that want to be involved in this. They're beautiful people. They're, like really kind people but they don't understand. And so it's going to be problematic, but we want to do everything we can to keep plastic out of the environment. It is the wrong message to send kids like, oh, we've got so much plastic. Well, let's make art out of it. Yeah. No, we have to stop using plastic for every nonessential use. Making art is not an essential use. The message that we want to send to everyone, including children, is plastic is a form of pollution. You need to grab a hold of it. If you have a piece of plastic in your hand that's a jug. Good. Put it someplace where it's not going to sit in the environment. Don't ground it up. Form it with these kind of, like, low tech processes that make it more readily degradable and put it out into the environment. No, please. We're going to do everything we can to make sure that this doesn't move forward. So there are other components of the program. I'm not really sure if we can have some of those move forward. I did speak to the woman yesterday who is managing this project. We have a plan to meet with Ashley in January. But full stop, no plastic in the environment. No plastic art, please.

V. UNFINISHED BUSINESS

Status report on action items from previous meeting

1. Pretreatment rule update

Chair Adams asked about the status of the pretreatment rule.

Division Chief Beck said she had not spoken to Corporation Counsel recently, but she could give some background and where we're at on it. The Administrative Order on Consent (AOC) was issued to the County of Hawai'i on November 30, 2021, and the expectations are to submit a draft pretreatment program by November 30, 2023. So we have two years to fulfill all the required tasks before the deadline. The AOC itemizes the required tasks and expected timeframes for completing the task. And those include identifying nondomestic waste via survey, developing local limits, developing an enforcement plan, and a budget and organizational structure to support the pretreatment program. And we've completed about half of the required items, and the remaining is to be completed by November 30, 2022, which is today, and we're going to meet that deadline, so we'll be notifying DOH of this milestone. So the next step is to work on modifying the county sewer ordinance, which would be Chapter 21, and as well as the administrative rules. So after DOH approves the pretreatment program, which we're estimating probably early 2024, we will be submitting the revised sewer ordinance to County Council. So between now and that time, we'll be working on the changes to Chapter 21 and the admin rules.

Chair Adams said that the point that we as the EMC have been trying to make is that we care what's in there and believe that we should be able to comment as well on the draft. And it's always sooner rather than later, so we've got time to digest it. And there are also uncertainties around whether there are some of the issues that we ran into when we had our appeal on the administrative decision for Kai Ala Partners LLC, whether there were some opportunities to

improve some of the requirements and whether that pretreatment rule was a vehicle. So all she can do is keep encouraging that we would like to see the draft as soon as we can so that we can provide comment.

Director Mansour agreed and said the Division Chief needs to continue following up with our Corporation Counsel. That's why we need to get your input here rather than wait until it's final. So we got to continue pushing that. The Chief said she would reach out to counsel and have that discussion.

Commissioner Olson said that if we don't get it right here, we have a number of environmental organizations who are following this, and we end up getting "sticked on" at the end. And that would probably come with some kind of unhappiness from EPA for which we could be substantially fined for not getting it right the first time. The more openness that you get to this and the more eyes you have on it, the more likely that you're going to have a satisfactory outcome.

Commissioner Otsuka said she knows the County has this mission to be transparent. And because the Commission only meets once a month, it seems like it's very hard to come together to agree on anything in the process. She asked if it would be too much to ask to get a copy of what we are reviewing? Provide us a copy so we can follow along as you present the report?

Yeah, definitely, the Director said. We are transparent. As you all know, this is a legal document that's being negotiated with EPA and the Department of Health. Therefore, every step in the way, we have to consult with our counsel because it is a legal document. So the Chief should get with our new DCC Tavares and maybe our former DCC Kekai and try to figure out from a legal point of view what documents we can share and what document we can't. But we are transparent.

No, I appreciate it, Chair Adams said. And part of it is, as a comment to DCC Tavares, welcome to the EMC, which wants to see everything. Please encourage at least portions or those things that obviously are in our purview, which is Chapter 21 and DEM requirements, so that we can provide comment because we care. And as Commissioner Olson said, a lot of people do, because it can have a significant impact on our constituents.

That should not stop us from starting to provide comments on Chapter 21, the Director said. You could start making a list so that way we don't lose track of what we need to amend or not. He recommends that all the commissioners and DEM staff should jot down every possible change that we need to make because there's a lot of changes he foresees making pertaining to sewerage areas, where we need to allow connections for developers, and what have you. So, sewer laterals, where they need to be located, sewer manholes, drop manholes. He had the opportunity to sit down with the Division Chief yesterday and gave her some of the list of the things he would like to see for the administrative rules and the code as well. The Director recommended that members start making a list and giving it to us. So at least if it's fresh in your mind, share it now because you're going to forget it later. So please jot down any possible

changes you like to see for Chapter 21 and the administrative rules. So once we start the modification and change the amendment process, at least we have a basket full of requests.

Vice Chair Gaffney asked whose legal decision it that some of this stuff can't be shared with us? Is that federal or is that County or both?

It came from our (former) DCC, Director Mansour said. She told us we cannot share the draft because it's still a draft, but I don't know what time we could start sharing it, and that we need to find out.

It's worth asking the question, the Vice Chair said, because if EPA wants this to be openly considered, then the County may be standing in the way of federal law. So it's worth asking the question. And it just seems like that's what our job is, as our new commissioners pointed out. So if things are being kept from us, if there's a legitimate legal reason, fine. But not sharing a draft doesn't seem to be a legitimate legal reason.

Yeah, we'll continue pursuing that, the Director said.

We will officially get review of the draft and provide comment, Chair Adams said. That's part of the charter for this group. The issue that she is struggling with is timing because it's really hard to get everybody together and talk about, what do we want to press for as a commission? So she is all for, the sooner in that process we can be involved, the more organized we can be about the comments we make because you're showing us things to work off of instead of just a total open door. But we've got more time to go back and forth rather than, okay, you've got 45 days and you've got to provide comment on this draft just like the rest of the public. It's hard. She hears the Director saying he's going to go back and he's going to ask to see just what the boundaries are. And we've made the point that we want you to push on those boundaries so that we can have a chance. She also does not have any problem whatsoever to ask everybody as homework, start writing down what you wish you could see in Chapter 21 so that it's so arduous to do rulemaking, if we can bundle some extra things in there, go back to the pain we had when we were arguing on the hearing, changes that we thought would improve how the rules get executed, and any other ideas you've had over the decades on how we can improve how we manage our wastewater into sewers. Our next meeting is not until January. Obviously, all of us have the opportunity to send stuff directly to the Director as individuals, but as a Commission, we'll need to hack it out at our January meeting, and we could make a formal recommendation to him at that time. But if you've got something that you want to make sure gets included, go ahead and send it to him.

In addition to that, the Director said, he anticipates that the AOC will be a public document, so it's already on the website. Wastewater Chief Dora Beck, is keeping track of the schedule and working with Ms. Hartman and making sure the milestones as well are being identified. And hopefully that also could be shared with you from a milestone scheduling point of view as well. That way you know what deadlines we are under rather than just saying, well, by November, 2023, but we need to show you and share with you how we're going to get there, because it's

going to take a lot of different milestones to get us there – public meetings and definitely back and forth comments and get everybody involved in process and how we're going to do the implementation as well. The wastewater division, Chris Laude and Dora Beck, are working with AECOM on getting that program and the AOC and compliance as well. So we have a consultant assisting Chris on getting that out. But definitely we want you. You are the advisory committee commission, so the more eyes we put on to that, the better we are.

Commissioner Otsuka said it was brought up at the last meeting by Ms. Hartman that there are so many projects, there's a list of projects that they have to prioritize. So she is just wondering if maybe we can be provided some of the list on the different projects. Like the Director was saying, have us compile a list to provide to them. But she would have a hard time compiling anything on the list if she didn't know what she was looking for. So if they're working on projects and we have information on that, we can make a list of the things that we know you're working on, but to just come out and make a list, I'm sure it's the same list that we've been working through all this time. So it's nothing new because she has no knowledge of anything else that's been going through, but from what information she did get, she couldn't generate a list with the stuff that's already there. If the Department would provide us some of what they're working with, then we can have a more informed knowledge of making a list to provide to them based on the list that they provide to us.

Chair Adams said that at the last meeting we did get a written Director's Report, and that report is intended to list all the activities that DEM has under way. The issue is, as with every regulation, the devil's in the detail. And it isn't just the title of the thing that you're working on, it's the nuts and bolts and the pipes and the connectors and what the heck a wye connection is. There are lots of details that are buried into those general lists. Maybe one of the things we could do offline is just go through, for example, the last Director's Report and we can try and help identify what they mean and what we have to do with it.

Director Mansour clarified there's a difference between a project list and what is being requested on Chapter 21, admin rule. So you could review the current code, Chapter 21. It sets the boundaries and limitation of how the Wastewater Division responds to certain things within the community such as sewer connections, lateral inspections, giving a developer time to sewer a line, et cetera. So the idea is, what we try to do here is we need to strengthen that code, because during the last year or two, there is a lot of different ideas worth floating, with the idea of, okay, how could we modify the code to make it more clear and precise? So the idea is, there's a lot of ambiguity within the code itself, so we need to work on the definitions. We need to clear up some of the sections. We need to add more sections. So that's as far as the code is concerned, but the project she is talking about, that's the project is going to come down the list where Kelly Hartman is going to give you an idea of where we are at on projects and updates on the schedule. So two different things. He doesn't want it to get mixed.

Chair Adams agreed. The Secretary will send out Chapter 21 and maybe the Chair will get around to highlighting some things to note. It's very complicated and then it gets into the weeds of exactly how something is being implemented or not. And on top of that are some

legal issues that basically Hawai'i County has been pitifully lagging in doing some of the things that are required by federal law. And that's why they don't want to tell us anything they're working on anyway. She would assign the "homework" to go through and identify what are the top things that are missing in the chapter, whether it's lack of clarity or the need for better definitions and then we can come back in January and try and hit this harder.

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

Chair Adams said proposal applications for the grant are now open. She asked the Solid Waste Division Chief for the status right now as far as what DEM is doing relative to this grant opportunity. Do we have someone to write the grant? What are you working on? Do you still need additional input from the EMC? She had thrown out during the last meeting her personal wish list, the Chair said. We heard from Kristine Kubat on what they would be proposing. What's the activity at DEM?

Director Mansour said that the Deputy Director, Brenda Iokepa-Moses, had given an update last meeting. She's been working with Doug Adams, Director of Research and Development, and he set aside \$25,000 for her to pursue a grant writer. So she's working on pursuing through the RFP process somebody that could come in and do that for us, for the Department, and meet the Commission's request.

Have you prioritized what projects you want to write the grant about, the Chair asked.

We heard what you have to offer when Jennifer Navarra made her presentation, the Director said. So our goal is to continue pursuing that zero waste. When Ms. Navarra had presented about two meetings ago, because she went through the program and you needed \$5,000 to get somebody to come in, we were able to secure \$25,000 to get us a grant writer. So if the Commission foresees that, it becomes priority 1. What was presented by Ms. Navarra, we would pursue that. And the Deputy Director has certain other programs as well that she was going to pursue.

Chair Adams said she had tried to sort her "wish list" by the things that we could accomplish in a relatively short amount of time, looking at the possibility of setting up a recycling center or total resource recovery center in the broadest sense, and see if we could build out Keaau. But if there are some other ideas that people had – composting certainly is an issue. The question is, does this Commission have specific priorities that we'd like to see you working on in that grant or do we just say, well, go do something.

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

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

Commissioner Cardwell echoed what the Chair just said. When she first joined this Commission, she asked the previous director, how many years do we have left in the current West Hawaii Sanitary Landfill? And he said 100, and now we're down to 20. One of our goals is to keep things out of the landfill. And so unless we want to be digging landfills all over the island and end up like in the movie "Idiocracy," just living in piles of trash, because that seems to be where we're headed as human beings. We need to keep things out of the landfill. That's part of the Zero Waste movement. It's what Ms. Kubat was just talking about. And the thing that's been honestly most frustrating for her is whenever we talk about compost, we have this issue with Hawaiian Earth Recycling where the County is tied up with them until (2036), and we don't know what's going on because it's in potential litigation. We can't really find out much about that. But that seems to be a huge impediment to getting any kind of composting off the ground. So we can have these goals. We can talk about them every month, but she feels frustrated that it just doesn't seem like much really happens. But if we were to get this grant, it would give us money to start moving things in the right direction. And composting should be number one. And keeping things out of the landfill, that should be the priority.

Commissioner Olson said that the way that Puna at this point is growing, the amount of facilities that the county is going to be obligated to provide, to say the least, is significant. And he doesn't see anything happening here that is going to bring us to a happy conclusion. A landfill in Kona isn't going to get it. For all we know, we won't be sending our solid waste to Kona if the volcano decides otherwise this afternoon, we're going to be sending it through Hāmākua. Having been doing this for a number of years, he doesn't see any conclusion that is going to be satisfactory for his district based on the number of TMKs that exists there and the services the County is obligated to deliver. It's just that simple.

Chair Adams clarified that this particular discussion item is on this grant.

Commissioner Olson said this grant isn't going to get us down the road in a significant manner to what we are facing.

Director Mansour said he set aside in this fiscal year \$500,000 to do an operational master plan. And what he is bringing up probably could fit within that operation plan. What does the County of Hawai'i need to do, given the fact that we got 20 years remaining on the landfill? Should we just continue landfilling? Should we build two landfills? Should we start doing more of the new technologies? And what would it take? How long would it be permitted for environmental challenges? So that probably would fit within what we had intended to do with the \$500,000 budgeted this year. So I think the grant was just to capture these EPA recycling opportunities. The ones that Ms. Navarra and Ms. Kubat were pushing, there's money out there, let's grab it to get a better strategy on what we need to do with compost, with plastic, with other stuff that pertain to recycling rather than the big picture of what we're going to do operationally.

We could turn this whole island into a landfill and I don't think any of us want to go there, Commissioner Olson said. We have to come up with some other solutions than what worked in 1920.

Chair Adams pointed out that we have that discussion later on the agenda. This topic specifically is, there's going to be a certain amount of money available to every county in the country to be able to build some infrastructure. And what are we going to try to grab? Pretty small potato projects. The Director is talking about a master plan, a big, long, think about it over decades plan. This is an opportunity to get some things rolling to support some public-private opportunities and where can we take advantage of it? And it's pretty dang short term. We can massage it over a couple of years. It sounds like it's a rolling five years. So, think of it more in terms of a project or maybe we can pull off two, to improve our recycling on the island. And the issue is, okay, how do we do that? Distributed composting, everybody thinks is a really good idea. She was leaning toward a resource recovery park concept. And you build that out over time, expanding the kinds of materials, facilities, fix it, shops, whatever, that you can build that out and basically treat it as a pilot program with EPA money. And what frustrates her when she listens is, we have this writer and the writer is going to come up with what it is we're going to work on? No, there ought to be a writer who writes whatever you tell them to write and they'll do it in the right way. That will win the grant. So what are you going to tell them to write about and what do we as a commission recommend?

Commissioner Robinson said that while this won't fix everything, it is a step in the right direction. The Chair's top priority being the resource and recovery park could also create an education opportunity for the community to see where our waste goes. That's a big step. And people changing their habits is knowing what they do themselves and what they buy and where it goes. This is a good idea and once the five year period ends, then what do we do? We've created this habit of sorting waste and collecting things. And then what? It's a pilot, so then we might need more money if it works. Will people divert things from the landfill? Will it add five years to the landfill because of this project? She doesn't know. She is also wondering if this might also create new markets, having sorting materials out. Maybe there's going to be new businesses that can turn textiles into something else. Here in the community, there's a lot of what ifs and unknowns, but it's a very small step in the direction that we want to head, versus doing nothing.

The Director thanked the Commissioner and said he would miss her presence.

This Commission takes a lot of work and there's so many issues, Commissioner Robinson said, and she just doesn't have the energy to contribute, and she doesn't want to take up a seat where somebody else can give more than she can.

The Director encouraged the Commissioner to continue following up on the direction we take. Waste reduction is a major topic and high priority for the department, as he mentioned in the last meeting. And he directed the Division Chief to look into it. We can understand what type of wastes that are coming to our landfill. So now the minute we understand it, we understand the source of it, and we understand how it got to the island and then to the landfill. Then we can start brainstorming options of how to go about the reduction based on the type of waste, from cardboard to white goods, to electronics, to construction and demolition to regular organic

food to green waste to plastics to glass. So all of these are the types of waste that we deal with. We know it, everybody knows it. So the idea is, as you all know, we supported so much legislation over the last two years, like extended producer responsibility, plastic bans, and others. And that's where you come into play. You know the types of waste, we need to brainstorm ideas. It could be legislatively done, and we need to submit new bills and what have you, to ban certain things that we don't want it to come to the island. So we nip it in the source. Then you reduce it, you eliminate it. Construction and demolition, we need to divert it. There is no reason for us to bury construction material. It doesn't make sense. It takes so much space out of our landfills. So we need to partner with private entities and encourage developers to start diverting recycling at the time of construction, before it comes to us. If we need to write ordinances, if we need to write bills, let it be. If we can make it policies and procedures that eventually become law that everybody needs to apply to, we need to join with the legislators so we can start passing these bills, so we could have better control. So that's the vision. It's a matter of hopefully with you and the new Division Chief, he could get there.

Chair Adams cut off the discussion on extending the landfill until a later agenda item. If anyone has some new ideas, send them to the Director. Our next meeting isn't until January and that grant better have been well on the way to being written, she said. She doesn't remember exactly when it's due, but pick one, pick a priority and go for it and write a good one. Ms. Kubat had made some good points about the criteria for adoption, and stick it in Puna because that's where they've got the biggest need.

VI. NEW BUSINESS

1. Presentation and discussion with Council Member Ashley Kierkiewicz regarding award of National Endowment of the Arts Our Town grant for “Transforming Trash: Repurposing Plastics to Enhance Public Parkscopes & Revitalize Communities.” The project is a demonstration of diverting waste plastic from the landfill and creating a new plastic material to be used as functional art installations in County parks.

Chair Adams noted that discussion on this item is being postponed.

2. Commission-initiated review, discussion, and recommendation to the County Council on Bill 245: An Ordinance to initiate an amendment to Article VI, Chapter 10, Section 6-10.3, of the Hawai'i County Charter (2020 Edition), relating to the Department of Environmental Management.

Chair Adams noted the Deputy Corporation Counsel said that this is something that we don't have to do right now, but the Chair wanted the Commission to think about it sooner rather than later so it doesn't sneak through. Council Member Aaron Chung had introduced a Bill 245 to amend the requirements for the Director of Environmental Management and broaden out who's qualified to be considered. And the Chair said she was upset. Commissioner Olson gave testimony as well. Wait a minute, wait a minute, our Director for Environmental Management needs to know what the heck he or she is talking about. And it's not just an administrative job. You need the technical expertise. Our department is too small to just manage a bunch of experts. You've got to be an expert yourself. And so she was concerned - do we as a commission want to prepare testimony when it's ripe? Either at the RAWHEEM Committee, or its

successor. It was postponed, to be discussed at the next meeting in January by the Committee. Do you care? Do you want us to come up with some proposals to describe it better ourselves? Or do you want to just say don't change it, which currently would require experience as an environmental engineer?

DCC Wong explained her position. She had recommended that this matter be deferred only because there's a high likelihood there could be further amendments to the bill. And she didn't want to put something that might be premature or change come January 4 when the committee will take up the bill, and she doesn't know what form that's going to be in. And so her thought process was if we wait until that time, you'll have a better understanding of what's being proposed and perhaps what's not being proposed. There could be several other changes. No matter what, this body will have an opportunity to provide comment. It's just whether you want to do it now with the language that's currently set forth in Bill 245, or later if there are any other proposed amendments that council members might introduce at that committee meeting. But either way, it's up to this Commission.

Commissioner Cardwell asked what was the reason for this bill, and why does the Charter need to be amended?

Chair Adams said the concern was that we don't get enough candidates in and there were two bills. One was for the head of Public Works and one was for the head of DEM and trying to broaden out qualifications of people who could apply and be considered. That's what she heard when she listened to the meeting.

Commissioner McIntosh said that without being able to read the bill, he would just say leave the requirements the way they are. We have a great Director right now, currently. And to lessen the requirements is going to create problems, especially for our tiny County. We need expertise in dealing with the problems that have been put off for 50 years.

Commissioner Cardwell said it would be a good idea to postpone this since there's a good chance that it might be amended and changed. And so what we're looking at now might not be the version that is actually the one that we need to take a look at. So it seems like tabling this is a good idea.

Commissioner Robinson said that the Secretary had sent the bill in the materials for today. And the proposal is to get rid of the requirement for an engineering degree for the Director and add years of experience, including a bachelor's degree in engineering or some other related field. And that is fine for her. Having the engineering degree does narrow down the field, especially when you compare the opportunities of people with engineering degrees who work in private sectors that pay probably three times as much as our government can pay somebody. Plus it allows people here locally who are born and raised, who don't have the opportunity to get an engineering degree at UH-Hilo. They can work their way up through experience and they have a full understanding of where they live and work.

Commissioner Olson said this Commission was created by referendum. The people of this County voted this body into existence over the objection of the administration at the time, to say the least. It was intended to have people who are qualified to do what they do. This bill is simply throwing the door open with minimal qualifications in any particular area. Here we have someone who can deal with the two issues that are most relevant, wastewater and solid waste. The Commissioner doesn't know what more you can add to that. Those are the two issues that this body deals with, period. And now we're muddying the water. To what end, he doesn't see.

Commissioner Cardwell said it doesn't seem like that much is changing. But does that sound right?

After a discussion with Commissioner Olson, she then said it doesn't seem like the requirement would be sufficient for what's required of a Director of the Department of Environmental Management. Ideally, someone would have graduate experience. Being a Director of Environmental Management requires a lot of knowledge and a breadth of knowledge in environmental management and engineering, but again, this could change, right? What are the odds that this is going to change? Is it going to change dramatically? What are we looking at as far as what could potentially change in this amendment?

It is hard to tell, DCC Wong said, but we do have three new council members who will be on board next month. And so it's speculation at best. But what's before the commission right now is whether you want to make a recommendation on Bill 245 as it's currently written, or wait, because a lot of people are passionate about the substance. And so if we can just determine how we're going to move this forward at the moment or postpone it or a later meeting.

Chair Adams said it'll get brought back up probably at the Council or Committee level in January. And will we have something to present then, or do we get our opportunities later? It sounds like we have a bit of a mix as well as a "nyuh-uh" response. So she would be willing, if members want to defer it until our January meeting, and also encourage each of you individually, if you have opinion, to contact your own council members to make any comments.

Commissioner Fulton said she may not be participating in the months ahead, as she is terming out, so she would just like to register her opinion that she does not think that the code should be changed. It is important that the Director have an engineering background.

Commissioner Otsuka said that she agrees with her fellow commissioners Fulton and Olson, and others for all the reasons you because it's such an important position that we cannot minimize qualifications.

It seems to Commissioner Robinson that they're adding the requirement of two years to be in the background, Commissioner Robinson said. Is that wrong?

It's not the way I read it, Chair Adams said.

It's making it more liberal as to what who they can appoint in that position as head of DEM, Commissioner Fulton said. If you look at it, you could end up with an attorney in that position. So the way it is right now, it requires an engineering degree. If they change it, it doesn't require an engineering degree anymore, it sounds like.

They're broadening the fields that a person could come from as opposed to just coming from an engineering background that could come from, Commissioner Cardwell said. There's a whole long list. And it could be engineering, but it could also be public administration or environmental management or environmental policy. There's the whole "or a related discipline." So that even throws, you know, who knows what that could be?

Therein lies the problem, Commissioner Olson said.

Chair Adams said that she doesn't hear enough consensus or urgency to pass a motion that we put in a particular comment at this time. She agrees with the DCC, the bill is going to be amended. She didn't feel that there was strong support for it at Council, but they were going to defer it and talk about it next year. So we have time. It's just a particular bug of the Chair, and as Chair, she took the opportunity to stick it on the agenda. So she will defer that discussion until January. And again, encourage, if you have an opportunity to talk to your own council member, do so.

DCC Wong informed the Chair that for the record we need a motion to defer this agenda item to the call of the Chair.

Motion, second, and vote: Vice Chair Gaffney and Commissioner Olson simultaneously made a motion, to which Commissioner Cardwell seconded, to postpone this item to the call of the Chair. Ayes 8 (Adams, Gaffney, Cardwell, Fulton, McIntosh, Olson, Otsuka, Robinson); Absent 1 (Burns). Motion carried.

Following the vote, Commissioner Olson asked DCC Wong about the process for approval if this bill were to pass.

DCC Wong outlined the process for amending the County Charter. This (after approval by a supermajority of the Council on three readings) would have to go on a ballot to make this change. And then there would need to be changes to the County Code for whatever result has come from the bill, because the bill has to be consistent with the Charter, so it would still have to overcome additional obstacles in order for it to be a proper charter amendment.

3. Discussion on remediation of the Old Kona Landfill site. (Gaffney)

Chair Adams asked Vice Chair Gaffney to defer this item to the next meeting for time.

That's fine, the Vice Chair said. We can defer the discussion, but he would like to add some details that the commissioners should be aware of. So hopefully they're considering the additional details before the discussion at the next meeting. The Chair agreed.

For those that are not aware, Vice Chair Gaffney said, the City and County Honolulu is currently running into a situation where the place that they chose for their next solid waste landfill has been rejected by the Department of Water Supply because it would be immediately above the aquifer which is so important to the City and County Honolulu. This kind of problem also faces us on this island. We're aware that the Old Kona Landfill leachate is not contained at all, and therefore the problem of polluting the aquifer on this island exists as well. So that additional point needs to be made because the Old Kona Landfill continues to be a kick the can down the road kind of thing. It's very difficult, it's very expensive, and it would likely fill our current landfill. But none of those are reasons not to do the right thing, which is to protect our nearshore environment from the leachate that is coming out of the Old Kona Landfill. The location of the Old Kona Landfill would suggest that the leachate from it is making its way into the ocean and causing additional degradation of our near shore waters. And the second issue is the potential of damage to the aquifers on this island.

Chair Adams asked for consent to defer this topic to January. She declared the item deferred.

The Vice Chair then said he is committed to staying for a couple of months to give his replacement an opportunity to come on board. So he is hoping that that moves forward in time. But he will definitely be at the January meeting, and then after that, it depends how close it looks to a replacement commissioner being confirmed.

Director Mansour described the standard procedures for these closed landfills, in a reply to the Vice Chair's comment. Usually they install downgradient and upgradient wells that are monitoring of all the chemical constituents within the leachate fluid itself, and they see if it travels into the other limit of the groundwater levels. So he needs to get with staff. That was the retitled Subtitle D, Title 27. So they may not have the opportunity to drill the upgradient and downgradient monitoring wells. But eventually, if that's an issue, maybe that could be a recommendation to allow for the upgradient and downgradient monitoring wells to set the benchmark and monitor the leachate as it moves. So that way you'll be ahead of the game and do an action plan prior to any possible contamination. So that could be an action plan he would recommend, and that's per Subtitle D, Title 27, so we could be in compliance. But his understanding also is that landfill was closed in accordance with the current regulations, and it was certified as a closed landfill by Department of Health. But if it's an issue and it doesn't have that, maybe that's something we could work on.

Chair Adams said that doing a little bit more research on where it stands, we can come back and address it next meeting.

Vice Chair Gaffney made one more point – we were talking earlier about this grant. We have an opportunity for a U.S. EPA grant. If monitoring wells are infrastructure that they would support, then that should be one of the things we're requesting so that we know whether we're damaging the environment with this landfill. And the second part in response, not to argue with

the Director, he's aware of this, but the Vice Chair doubts that the fact that the closed landfill is on fire contributes to the EPA's willingness to accept that it's an acceptable closure.

You're right, it's a complex situation, the Director said. The possibility of doing a clean closure will add to the complex situation we are in. If you do a closure, you're going to move it to the West Hawai'i Sanitary Landfill. That's it. You reach capacity and we may not have enough waste anymore at the landfill. So it's a very complex issue. He has done clean closures before, and we hold them for two hours on the roadways. But if you have the space for it and you have the land – we just talked earlier about how difficult it is to site a landfill and to go through the process of, should we continue landfilling, or should we go zero landfill? It's a complex issue and we need to solve it, we need to find a solution for it. And his recommendation is that clean closure is not an option at this time because you're going to fill out the west side landfill and now you're out of landfilling with the whole county.

Motion, second, and vote: Vice Chair Gaffney made a motion, to which Commissioner Cardwell seconded, to defer discussion on this item to the next meeting. Ayes 8 (Adams, Gaffney, Cardwell, Fulton, McIntosh, Olson, Otsuka, Robinson); Absent 1 (Burns). Motion carried.

4. Discussion on the process for following up on prior EMC recommendations.⁴

Chair Adams said this agenda item is about a process that was recommended by a couple of people following up on things that we have recommended in the past, and they just kind of die or go sit on a shelf. There was an older version of a tracking system that was missing some components. She went through and started tracking from the arbitrarily chosen date of January 2020. And there's a draft and it's quick and dirty, she didn't spend a lot of time on it, of official motions or letters of recommendation that we sent to DEM. And that's the format that she came up with. The Chair would encourage members to scan through that thing because there are several where there's nobody other than the Chair, presumably, following up and tracking. Where did this stand? What happened? Do we ever hear back? Do we want to raise it again? So she added as the last column about who's the lead from EMC to keep track of what's going on, and to make sure that we're capturing items and cycling them back through the Commission to see what happens. If you've had a chance to look at the draft that was in there and have recommendations for how to improve what we're doing. Any comments at this time? There was some action almost every meeting and she was just focusing on the things where we actually had written a letter off to either Council or DEM, and all the blank spaces kind of made her feel embarrassed in recent months. But she doesn't feel like we have not been doing anything. We've been leaning on the Director, giving him suggestions in our discussion. So that there's plenty more things that we can put down there, and she tries to circle back and pick them up and get them onto the agenda when possible. But as you can tell, the Chair is not a real formal, "let's make a motion, let's write a letter" type of person. She wants to make sure that we're using our time right. Any comments? Think about it, look at it, think about whether you would want to sign up to do some of the tracking and what kind of recommendation you could bring back to the group.

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

VII. REPORTS/CORRESPONDENCE

1. Director's Informational Report

1. Solid Waste Division Projects and Updates

Commissioner McIntosh asked whether the improvements to the Wai'ōhinu Recycling and Transfer Station would be completed in December.

Our contract says end of December for completion, the Director said. So we are on track. But we asked them to do blacktop asphalt, so it's going to extend it to the middle of January when they secure the asphalt. But if you've been there lately, we're almost at 90-plus percent completion. So yeah, we are on track. So our goal is to have the construction completed no longer than mid-January, until they secure the asphalt and some of the small components.

Chair Adams said that if members have individual questions about projects, you can go directly to DEM and ask.

Acting Recycling Coordinator, Craig Kawaguchi, provided updates on the programs that DEM has going on. So the lifecycle analysis, the final draft for County review will be December 16. That's our expected date, and they expect December 28 to do their presentations. The Non-Mineral Sunscreen Ordinance, the Admin rules, warning letter, inspection forms have been sent to Corporation Counsel. Household hazardous waste collection events dates are set, and they're on the Hawai'i Zero Waste website. So it's February 4 at West Hawai'i Civic Center, February 11 at Waiākea High School parking lot, March 4 at Waimea District Park parking lot, and March 5 at Pāhoa Recycling and Transfer Station. And then as far as the e-waste program, we're waiting for one more response from the lone bidder, and then we can go start routing it for signatures. But we're looking at two events in December, one in Hilo, one in Kona, and then also two more in January, one in Hilo and one in Kona.

2. Wastewater Division Projects and Updates

Chair Adams asked the Director and the Environmental Planner to address highlights of the projects that the Department is working on.

Yes, definitely, the Director said. For the first year we were busy trying to get the issues, challenges, priorities before our elected officials, County Council, and the public. The last year, we really started doing a lot of implementation on managing the issues before us and trying to set up a system within the Department to allow for continuity moving forward for future successors as well. So the idea is we need to make sure that we have a good foundation for the department that could be continued. Because one of the major concerns that EPA had when we first started with the County of Hawai'i is the commitment. A new administration comes in, we change tracks on them, and they were frustrated. During negotiations with them on the AOC for Pāhala and Nā'ālehu, even though a lot of people say we're never going to be able to do it successfully, we did it and we negotiated a new AOC, but with a commitment that we need to continue laying the ground for deliverables because it's very important. Credibility is very important. So we need to bring back the County to a level that EPA could start trusting and we

are credible enough to start delivering on projects, deadlines, milestones. So we're working with them on the bigger picture as well. That's going to continue. So you may see that coming down sometime soon. But as far as the list of projects and trying to fix what was damaged, it's really, we were in damage control mode. That's why he is so blessed to have Kelly Hartman on board. She put together the vision he has on this master schedule. We created what we called a core group system. He shared it probably six months ago, but now Ms. Hartman is doing the implementation of it. That was part of the idea, is how we keep track of projects that cannot fall through the cracks moving forward. He heard the discussion about qualifications for directors and what have you because it's very important for this department. He would share his experience because he's not going to be here forever. He wants to make sure the department is moving forward in a good direction and it's very, very important. Otherwise you're going to have people working in silos and the right hand doesn't know what the left hand is doing, and that's why we're in the mess we were for the last 20, 30 years. It's unfortunate, but it's true. That's why we try to work with the EPA and Department of Health and other entities to bring it to a level that at least everybody moving forward will have a good foundation to start from. We identified major projects within the wastewater and solid waste as well that need to be identified. They need to be allocated to certain staff members. So Ms. Hartman will go through now and kind of give you an idea of what she created based on the master scheduling strategy that she and the Director and staff are trying to implement moving forward. That master schedule identifies every project the department will have. It's going to identify the resources that we're going to assign, and hopefully working with Finance Department to lay out the financial plan moving forward for each project and how it's going to get funded. So now you have a roadmap, it's going to take you from A to Z, but the challenge is we make sure that it becomes implementable and we will get held accountable for it. So maybe after we do it, maybe if you decide to adopt that roadmap through County Council members so it becomes the book that everybody has to follow, because it becomes part of the Code or Admin Rules. To him, that's probably the way to move forward. As long as we have a clear, precise roadmap that people could start checking the boxes to make sure things are not falling through the cracks, making the right decisions, you have the milestone. You don't want to start a project and at the end of the project, find out you missed a step and all these millions of dollars are being spent and found out at 11:30 p.m. that oops, we didn't go through some of the EA process, or we didn't get a clearance on an executive order from DLNR. And that takes back to the start of the project. So we sat down, we created a list of every possible milestone that every project is going to have, from conception to completion. That includes the planning steps from A to Z, design steps from A to Z, construction steps from A to Z, and what's going to happen to it after construction when it comes to operation and maintenance. So all of that, hopefully, he could at least contribute the user experience to help that department move forward with a good roadmap. He asked Ms. Hartman to continue.

Ms. Hartman said she had been working with the Director and Chris Sparber, the Wastewater Division engineer and project manager for most of the engineering projects, to build the master schedule. We started by compiling them per sewer shed basin. So, for example, Hilo WWTP, would include every project for the treatment plant, as well as the collection system feeding the plant and the pump stations feeding the plant. So we did that, and after reviewing that we

decided to pull everything into one schedule. It was just a little complicated for presentation purposes. And so she is in the process of recombining the master schedule. She shared the master project schedule on her screen. Right now, she is missing a couple basins. Kealakehe is coming in here next. But what it will look like is Hilo will include the wastewater treatment plant, the sewer pump stations, and the collection system. So all projects and so you can pull that out. And these are all the milestones that the Director was referring to. And then we'll be able to identify the critical path as well. We can run reports when things are slipping or late or for her goal specifically for this EMC meeting, is to mark them as milestones in the schedule. And so in that way, the Director can just kind of go up here, highlight milestones here, so he can report on what's going on and what's happening, what's coming up, or he can just come up here and click completed task, so he could just give you a quick, easy rundown of what's been completed. And so she is working with the project coordinator and the project manager, and will send them out a reminder to update their schedule a week before the EMC meeting, any other scheduled meetings, probably like council meetings, those types of things. And the schedule is all up to date. And the project manager is managing his individual project. This Hilo Wastewater Treatment Plant Upgrade Project lives in a separate schedule that Mark Grant is managing. And so now when he makes updates on his end, we're seeing him on the master schedule end. And so that's what the master schedule looks like. And then she just wanted to share another option for reporting.

Ms. Hartman showed the wastewater pretreatment schedule that she created. And this is going to look scary, but these are all the deadlines that are listed in the AOC. And then what you can do with projects, and I think this will be great for project managers, is to then build them a custom dashboard so they can report to their supervisors. And then when we have our biweekly leadership meetings with the Director, the Chiefs and the Deputy Chiefs, we can come prepared with what's going on with the project in real time. And so that's our other goal from the project management side and that's project schedule. We're about 90 percent complete on the project schedule. We got to make sure everything's marked as milestone or critical path. And Mr. Sparber and she have a regularly scheduled meeting Wednesday. And so they will continually iterate on the schedule so it could get to the point where we want it. Does anybody have any specific questions on the project schedule?

Commissioner Olson asked how Pāhoa is doing.

Ms. Hartman said that the Pāhoa feasibility and cost study project has kicked off-

So the idea of these schedules for every project is to be able to track, be held accountable, transparent to the taxpayers, to the administration, and to you guys because we cannot afford to continue the same practice that was done for the last 20, 30 years, Director Mansour said. People keep projects in their mind and when somebody leaves, everything goes with them. And when you ask a question, they're going to make up the story. So it took him a long time. We sweat through getting this done and Ms. Hartman could testify to that. It was crazy trying to just gather all that information to put it in one spot.

It looks absolutely fantastic and potentially dangerous, Chair Adams said. Is this something that you could make available to the public so that if Commissioner Olson has a question, he can go in and look at an individual project?

We could make it read only and put it on our website, the Director said. But if people don't know how to utilize Microsoft Project, it's a task by itself. But it will be good if anybody has questions, we could definitely share it. Microsoft Project is a software tool similar to Excel and other Microsoft tools, that allows us to manage our projects from conception to completion. And it allows us to allocate resources, the right resources for it. So we guarantee that project get completed within the deadline, within time and budget. Vice Chair Gaffney would be satisfied to hear that the first one we did was Kealakehe and we lined up all the steps because we just had a meeting about a week ago or so and we were wanted to present where we had an environmental process because as you guys all know, you got the North Kona (SPS), you got Regional Park across the street. You got two environmental documents going into the same process that they've been in the hopper for almost, what, five, seven years? And every time you ask somebody says well, I don't know, we're waiting on somebody, but somebody is not telling us what you are waiting on. So now everything is set up with a milestone, with the project lead assigned to that project, and that person, that project lead is responsible for reporting to a core group, at least now you not only have one person who knows about it, you have a group who knows about it. If one person goes out for whatever reason, now you have a backup. If I need information, I pick up the phone. I get it from anybody within that core group so I have more selection to access projects to. If the Mayor called me and needs updates, I could quickly give him the update where we are at on each project rather than just an estimate or trying to hunt down the person that was running the projects. So it seems to change. We get in there, like Kelly said, 90 percent. This is a great accomplishment for DEM.

It looks absolutely fabulous, Chair Adams said. And if you can keep people disciplined to doing the updates, and once you get your bugs worked out, maybe we need to figure out what kind of roll up report does EMC need to have. She does not want to read every one of those lines. What do we need to hear here? Where are you really behind? Where have you run into a wall that we could help break down? Are you headed in a direction that we don't think you ought to be headed, that you get sucked into completing a project when it makes no sense to do that project anymore? So that's the- figuring out where that roll-up level is for this commission will be fun. But I very much appreciate the amount of work that you've done, the Chair said. It's incredible. And you said Microsoft, you need a two-year degree just to be able to know how to work it. So that's good. You've got Kelly, hopefully forever, to be able to make sure that all works, but absolutely fantastic. She asked Ms. Hartman to answer Commissioner Olson's question about Pāhoa.

Well, I just wanted to thank Kelly, because this is what I was asking about, to be able to see what kind of projects and how it's progressing. So thank you, Commissioner Otsuka said.

The secret to getting anything done is, I know that you know that you know that I know, Commissioner Olson said.

That's the intent, because talking about transparency, this is as transparent as you can be, Director Mansour said. When he started with the Commission meetings, people were asking where we are at with the R-1 water at Kealakehe, now it's all on the schedule. Push the button.

Ms. Hartman pulled up the progress report about Pāhoa. The Notice to Proceed was given on July 17, 2022. So we had a kick off meeting with council members and the Planning department. We did a site visit with AECOM, and that was to help them prepare the Project Definition Report. That report was submitted to DEM and finalized.

Ms. Hartman then shared her screen to show the progress on the Gantt Chart.

So that column with that percent completed kind of tells you an idea of how much has already been done on that particular project, the Director said.

So we've got the percent complete here, and then also next to the progress bars on the Gantt chart, you could see what's been 100 percent complete, Ms. Hartman said. They submitted the Project Definition Report and we held the workshop. And so they're getting started on the feasibility studies. So they've been collecting the background data and reviewing the regulatory requirements, that sort of thing. So the two month outlook- they integrated our comments and finalized the draft Project Definition Report. And the final Project Definition Report was due November 18, 2022. And that was submitted.

This is very dynamic, because project leads keep updating the completion percentage, the Director said. No major changes would happen without the Director knowing about the change because otherwise the schedule becomes useless if we allow everybody to make change. So changes are very controlled as we move forward. But we could share a copy with the Commissioner. But these are the tools that as engineers, as professionals, as an organization, we should have to be able to manage the Department and be able to manage projects and staff as well. It's hard work, but he wants to make sure the Commission is aware that if they have questions on any particular projects, we could identify where we are in the process.

We can bore you with all the details, Ms. Hartman said. For the most part, the project schedule wouldn't change unless it's something that we are under an AOC for. So any sharing of the schedule should have that disclaimer. That's just how you manage projects. That stuff happens, things get delayed.

Well, that's why you set up Gantt charts, the Chair said. So you see, you're going to push this deadline out on me. That's going to shift all sorts of stuff, and you're banging against deadlines that we're not going to make. So it's brilliant. It works if you get the data in and somebody's bird-dogging it. And like we'll have the challenge of figuring out how to roll it up and condense it into a form that makes sense for this random group. So thank you.

Ms. Hartman said as far as rolling it up is concerned, my recommendation would be we'll start with the milestones and then maybe the next quarter. Look at what's been completed and where we're going in the next three months. And then so she could probably create that and then take comments and see what else Commissioners would like.

Director Mansour said the tool pertains to the hot topics that commissioners are tracking, so you don't have to worry about small projects that we're working on. You need to pay attention to the big issues, he said.

Chair Adams said we would want to hear about the big barriers that the Director can't scale that maybe we can have a chance to poke a hole in and to comment, to Council or whomever. And so how do we bubble those up?

1. Pāhala and Nā'ālehu AOC⁵

(No discussion)

2. West Hawai'i wastewater projects

Director Mansour said to the Vice Chair that with regard to Kealakehe, we need to follow up with the last meeting that we had with Robert Masuda, and we tried to get a hold of Sean Naleimaile and State Historic Preservation Division, try to ignite that EIS completion. So we need your support from DLNR on the harbor, especially for the North Kona projects. We got that \$19 million. His goal is to try to implement it and capture that \$19 million before the two years expires. We've been pushing all the technical aspects of the projects. As far as the EIS, it's really, we just need to be able to get that moving. If we get help from you, maybe we could concentrate because as you see from the schedule for even the R-1 usage, it ends up using the sand filter to get us going, all of these projects are contingent on getting the EIS moving forward. So he just wants to make sure – we have been asking for the meeting for the last three weeks with SHPD, but we got to continue putting the pressure just to make sure that we could capture and secure that \$19 million for North Kona. Because we just accepted the dedication for the (West) Hawai'i Business Park on their sewer collection that they placed. The Director said he and the Vice Chair need to continue working toward that goal.

Vice Chair Gaffney said DLNR Deputy Director Masuda has made it clear that his accessibility could change on December 31. We need to do it right away because DLNR is one of the few agencies that goes till the end of the year. Most of the other state agencies are done December 5. He has a meeting with J. Nickerson coming up, and will ask if he can set up a meeting with Bob Masuda to discuss how we can move SHPD along here so we can get that done.

Director Mansour said his goal is to get it done during this administration because every project has been around for the last 8 to 10 years and never closed. He cannot afford just to continue allowing the same-same and allowing this to continue without closure because there's potentially losing that \$19 million grant.

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

Commissioner Olson said he would pass it along at the next Sierra Club meeting.

The Director said that would help. Anything you could do to push us through, because consultants are working on the layout for the headwork sand filters, and we're going to get into the process and treatment of that wastewater. We are changing the process. That facility potentially is going to be a Class IV facility because the engineering and the process treatment is changing, so it's not going to be Class III anymore. Hopefully we could accelerate it. There's a lot of concern about allowing that water to continue going to the sump, but once we create R-1 with the sand filter that we got, that's not only going to benefit the County, it's going to save the County more than \$80 million. Because that cost figure was based on the prior design and a different type of filtration. But hopefully with the sand filter, we're going to be able to cut that treatment cost, hopefully by \$80 million. That's why he wants to try to push it and get it done as soon as possible. So anything EMC could do to get us moving to the R-1, that would be great.

Well, that brings us back to where it was intended to be, 25 or 30 years ago when they first started that project, Commissioner Olson said.

Yeah, you're right, the Director said. That's why he mentioned earlier, it took him the first year to identify the damage that was done 25 or 30 years ago. And hopefully now, we're bringing the knowledge, we are challenging the ideas, and we are going to, hopefully, do it cheaper, but achieve the same goal and objectives and potentially set up the system for better customer service moving forward. You hit it right on, he said. Over the last 25 years, we have added zero to probably a minimal amount of customers to our system. Twenty-five years ago, they projected that our flow at Kealakehe should meet the maximum design capacity, and we are still at 1.8 million gallons per day, 25-30 years later, because again, it fell through the cracks.

3. Hilo WWTP upgrades

(No discussion)

4. Wastewater plans

1. Addition of wastewater services for the Puna District

(See update on page 21)

2. Puakō wastewater

(No discussion)

2. Information requests from Commissioners

1. (Adams) Current estimates of the remaining capacity of the West Hawai'i Sanitary Landfill

1. Options to extend the lifetime in the short term and the long term⁶

(See below, and also comments made on pages 9-11)

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

2. Feasibility of establishing a Construction & Demolition landfill

Chair Adams noted that the Director has said we've got maybe 20 years left in our one and only landfill. And so this Commission needs to put some serious prioritization emphasis on how do we extend the lifetime of that landfill by diverting waste? Preferably not creating them in the first place, by putting them in the right place when we have them, and by reusing materials that are good. Previously the Director talked about the construction demolition. The Chair put the options in a draft document. But these are the emphasis priorities that she would put, just looking at the volumes going into the landfill. These numbers are old; you can argue about them, but in order of impact in dealing with them, they're probably more or less the same numbers, that construction and demolition represent a good 20 percent of what's going into that landfill and that's stupid. We don't need to have a sanitary landfill for wood and cement and broken toilets. You can put it in a different kind of landfill, but preferably it's material that can be reused by others. So that was her number one option. Paper is almost equivalent, who knows how much, and that includes fiber. We are recycling corrugated, but not everything. That's a big one that we need. If we could reduce that significantly, we'd have an impact on opening up the landfill. Residential food waste feels good, but in her mind, it's not the huge volume issue, but it would help. And there are things that we can do. Green waste should not go into a landfill, period. It's one of the few things that she might even be willing to support a ban on, even though she's not a big fan of bans, but it's a relatively pitiful percentage. Plastic packaging, everybody hates it, but it's not a high-volume issue. It squishes nicely in a landfill, but that too is another opportunity for a diversion of waste. So anyway, these were just her ideas. We need to look at what are we wanting to do? Now that DEM has a solid waste chief, what are the priorities to really extend the lifetime of that landfill? Because for sure we're not going to be able to set up another one. So that's the topic.

Chair Adams said the driving issue is the Director's belief that we're running out of space at our landfill. And what are you doing and what does the Commission think about ways to extend the lifetime of that landfill?

The Director said he had a deep discussion with Mike Rivera the previous day, so they prepared some of the draft actions to reduce landfill volume by waste type. As he was mentioning earlier, understanding the waste type, we could control it. He asked about the 100-year estimate. Do you have any documents stating that, or was it just the number that was flown around? Because that's a big difference between 100 and 20.

Chair Adams said she would have to look through the solid waste management plan and past EMC meetings, maybe even press clippings. The previous director was kind of fluffy over whether it was 100. It was more like the range of 50 to 100, but she would have to look it up. And she was concerned because the volumes that are being reported as going to the landfill have not shot up significantly to make that kind of a difference.

Chief Rivera said the thing with the landfill is to look at the waste stream itself. So we know we take in approximately 200,000 tons a year to the facility. So with that, you have to break it down in terms of waste characterization. Look at what you're bringing in. And then from there

you could look at source reduction. We know construction and demolition debris is an issue with that landfill and what goes into the landfill. So you can look at generating some policy or legislative procedures within the County to ensure that the construction crews are actually providing some diversion, whether it's roof shingles, wood, drywall, and then you can get that diversion out of there. That would help immensely as well. Also look at your operations of the landfill, looking at compaction, how we are doing compaction, look at how we are using our cover ratios. It should be about 25 percent. And then from there, you're continually looking at ways to divert. So with recycling, what can we do from the source side to reduce the amount of recyclables coming into the landfill, whether it's cardboard, metal, and those items and plastics and then go from there. It's a slow process, but it's one that's definitely on the horizon and needs to be done so you can extend the life of that landfill. So for our landfill, the compaction rate is about 0.65 tons per cubic yard. And if you can increase that by 0.1, you're increasing the life of that landfill almost 10 to 15 years, depending on the type of waste stream coming into the landfill. So it's really important to know what is coming into the landfill and get a good idea.

Chair Adams asked if SWD is looking into doing a new characterization study for waste to the landfill.

I haven't yet in my short time here, but it's always a good idea to have an idea what's coming into the landfill, Chief Rivera said. For landfills he has I've worked at in the past, we've always done waste characterization, so you can adjust, whether it's communications, community outreach, your recycling programs, wherever you're seeing an increase. So that's part of the waste characterization that he has always done in the past. Another thing he didn't even talk about was more organics diversion from that landfill, which is a good 15,000 additional tons that can be diverted out of that landfill as well. And all this requires planning as well as making sure we have the markets on our island itself to be able to handle. If we're going to do a lot of diversion from the landfill, a lot of things go into it right now. What are the end markets on our island that can handle the increased recycling products, the organics, and then go from there?

Chair Adams said she would like to talk about the cost of recycling and the Life Cycle Analysis, and bring them back up for discussion as a package, whether at the January or February meeting. So again, back to what does the commission think in terms of priorities for how to increase diversion, or reduce the generation of waste in the first place?

Commissioner Olson said that everything that we are having to deal with in terms of solid waste comes in a shipping container. The people who purchase the materials that are in that shipping container have no idea what it costs to dispose of the waste stream they are creating. We need to connect the dots. One of the major problems is that we do not have an informed public about the cost. The total number of people who know what it costs are probably sitting in this room right now and looking at this screen and the rest of everybody else is clueless.

Chair Adams said we'll bring the LCA report, which is a big part of the cost, as well as a report on advanced disposal fees and the information that she would still like to figure out how to break down. You need to have the information first and then go and provide it to the public.

She wanted to tee up the topic for further discussion. We're not going to solve it today, obviously. What would the EMC recommend DEM tackle in priority order? She gave a draft to chew on and would bring it back next time, and let the Chief get some more time under his belt for what direction he thinks Solid Waste should go.

3. Discussion on the Final Report of the 2021-2022 Cost of Government Commission on matters pertaining to the Department of Environmental Management.⁷

The Cost of Government Commission is done with making their recommendations, the Chair said. It's a time-limited review. They had two recommendations for DEM and one is what we've mentioned here before, and that is redo that cockamamie contract with Hawaiian Earth Recycling, and the second was to try to do public-private partnerships with wastewater treatment. We have already as a commission submitted recommendations on that and it's another one on the tracker system that we need to follow up and say, why can't this be done? Chair Adams listened to the presentation of the COGC to the mayor, and he said an interesting comment, that he's got a group looking at the *Konno* decision, he said it was more than one decision. It was three decisions or something that interact, and that there may be options to not have *Konno* get in the way of these public private partnerships to help us out. If you know anything about that, more, Director Mansour or DCC Wong, that's something to be aware of and encourage to eliminate barriers. But we're already on record as supporting public-private partnerships. What we aren't necessarily on record of is the HER contract and whether we as a commission, if there's value for us to support that recommendation that came out of COGC.

Director Mansour said he watched that as well, and they asked him to do multiple presentations to them. They are bringing stuff that beyond DEM's control when it comes to the *Konno* decision. Our Corporation Counsel is probably working on clarifying it for our department as well as other departments moving forward. As far as the other issue they brought up with HER, it is also one of the issues for the department and we hear the community members loud and clear. We hear people wanted to go into different composting. All these are valid concerns, and we hear them, and we will continue working on finding solutions. Commissioner Cardwell brought it up earlier, she said sometimes you control by the contractual agreement you have, which is true, but we'll find ways to navigate through it. And comments are well-said by all of you and by the COGC, by the constituents of the County.

Commissioner McIntosh asked about having a termination clause for both parties, because you just don't know what the future holds. Would there be such a clause in the current contract that you are looking at?

Yes, the Director said. This contract was signed for until 2036 and we could terminate under the convenience clause, but like he said, it could lead to potential litigation. Therefore, he would defer that question until he could work with Corporation Counsel to navigate through it because potentially it could lead to litigation. But I hear you, he said, since day one.

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

Vice Chair Gaffney said we are recycling less now than when he started on this commission. He remembers going to recycling and being able to recycle newspapers, tuna fish cans, aluminum cans, plastic, glass. For electronics, we used to be able to recycle and in Kona we can't anymore. The only solution is to load it in a vehicle and drive it to Hilo. So everybody in the room, everybody on the screen is aware of this. He just wanted to state it again because it's just very important to get back what we used to be able to do to lessen the amount that we're putting in the landfill. And he realizes there's a million reasons why, if you don't have a market for this stuff, you can't accept it. But there's clearly a market for the electronics waste, there's clearly a market for paper waste. So we need to constantly revisit these opportunities and try to get as many of them back on track as we can.

Chair Adams said she would keep harping on it and we'll have some version of it on the next agenda.

VIII. REFERRALS FOR EXECUTIVE SESSION

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

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

Chair Adams said this item would be postponed until it is ready for discussion.

IX. FUTURE AGENDA ITEMS

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

There are a lot of things we deferred, Chair Adams said, to be on the next agenda. And if there are other items, as always, Commissioners are welcome to recommend them to her and we'll see what happens. We'll see what Pele decides to do to us. We may have all sorts of new issues to deal with as we can no longer get across the Saddle Road. But again, future items, just let her know.

X. ANNOUNCEMENTS

The next meeting is scheduled for January 18, 2023, at the West Hawai'i Civic Center, Kailua-Kona, and via Zoom.⁹ Please contact the Secretary for the Department of Environmental

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

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

Management or review the agenda posted on the County Calendar within six days of the next meeting for confirmation.¹⁰

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

We rescheduled the meeting for January to be the 18th¹¹ because when we had it on the original date, which I think was the 25 January, that's when the council is going to be meeting, Chair Adams said. So we rejiggled that. So hopefully people can make January. If you cannot let us know sooner rather than later. We need to be able to maintain quorum, and that meeting should be held in Kona and Zoom as well.

XI. ADJOURNMENT

Motion, second, and vote: Commissioner Olson made a motion to adjourn, to which Commissioner Otsuka seconded, and the motion was adopted. Ayes 5: Adams, Gaffney, McIntosh, Olson, Otsuka; Nays 0; Absent 4 (Burns, Cardwell, Fulton, Robinson). Meeting adjourned at 11:49 a.m.

Respectfully submitted,

Peter Sur, Secretary

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

¹¹ The next regular meeting is scheduled for January 17, 2023.