

ENVIRONMENTAL MANAGEMENT COMMISSION

COUNTY OF HAWAII

MEETING MINUTES

Tuesday, January 17, 2023

9:05 a.m. to 11:35 a.m.

DEM Office, 75-5706 Kuakini Highway Suite 101, Kailua-Kona, and Zoom

Commissioners present:

Georjean Adams, Chair

Rick Gaffney, Vice Chair

John Burns

Dell Otsuka

Lee McIntosh

Jon Olson

County staff present:

Ramzi Mansour, Director

Brenda Iokepa-Moses, Deputy Director

Michael Rivera, Solid Waste Division Chief

Craig Kawaguchi, Recycling Specialist

Peter Sur, Secretary

Sheri Tavares, Deputy Corporation Counsel

Pomai Bartolome, Executive Assistant, Office of the Mayor

Others present:

Michelle Melendez, Laura Ruminski, Martin Choy, Indy Rishi Singh, Deborah Sevy, others

I. CALL TO ORDER

Chair Adams called the meeting to order at 9:05 a.m.

II. APPROVAL OF MINUTES FOR NOVEMBER 30, 2022¹

Motion, second, and vote: Vice Chair Gaffney made a motion to approve the minutes as presented, to which Commissioner Otsuka seconded, and the motion was adopted. Ayes: 5 (Adams, Gaffney, Burns, Otsuka, McIntosh); Nays 0; Absent 3 (Cardwell, Fulton, Olson).

III. STATEMENT FROM THE CHAIR

Welcome to 2023, the Chair said. She is determined this is going to be our best year yet. We're over, mostly, the COVID hump and lots of things are going on and lots to do. I know I'm going to

¹ II: Nov. 30, 2022, minutes <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=120840>

be positive, she said. It's going to be a good year. We have a lot of content and a great amount of information provided already in the Director's Report. Thank you very much, Director.

IV. PUBLIC STATEMENTS ON ITEMS ON THE AGENDA

Michelle Melendez: Well, first I just mahalo for this opportunity and for all of you that you guys are doing. I love that you guys are going to be talking about your goals and objectives and benchmarks, core values, and missions today. Because what I want to talk about is getting on your guys' agenda for next meeting about allowing in foreign *Wolbachia* bacteria injected insects into the Big Island. This is a huge concern, not only mine, but of thousands of residents around the state and especially on this Big Island. This *Wolbachia* bacterium is extremely dangerous. And to allow a foreign bacterium onto the island that once it's here, it's not going away. Just like the mongoose, just like the fire ants, just like all of the other, the coquis. And so I want to be on the agenda, I want to do a presentation for you guys. I have a tropical disease specialist, Dr. Pang who has an alternative to saving our native birds by not bringing in this foreign bacteria. And so you guys have an opportunity here to stop a foreign bacterium that really has the potential mosquitoes, insects that do have this *Wolbachia* bacteria have been shown to enhance West Nile virus, have been shown to enhance malaria actually has a horizontal gene transfer. They say only the males are going to be released, but there is a horizontal gene transfer where different mosquitoes can have this bacterium without a female being released. And the Maui assessment has shown that it is likely females will be released which will create a completely new insect, new mosquito that we don't know what that's going to do to the bats who eat the mosquitoes, the dragonflies that they eat the mosquitoes, the over 40 billion mosquitoes that they want to release in Maui that is going to cause impact to the environment. The packaging that they're going to release with these helicopters, with the people that release them how long are they going to biodegrade? And this list is so, so long. And I would really love to start with our- I live on the Big Island, I'm on the Hilo side with our Big Island that says no. We're going to make a stand for the people, for the 'āina, for the birds, because what happens to the birds, it's a female mosquito with this *Wolbachia* bacteria that sterilizes eggs. What happens to the native birds as she gets out and starts to breed a new type of mosquito? They don't know that. They also don't even know if this is going to work. And they also have no end date. They say the minimum is going to be 20 years. They want to create a lab on Maui to create more of these mosquitoes. And the most craziest part of this whole thing is that Hawai'i has no plan if anything goes wrong. Singapore had three mosquitoes get out, three females and they had to eradicate all of them in the area. And Hawaii has-

Chair Adams informed the testifier that her time had expired, and that the item she had discussed was not on the agenda.

V. UNFINISHED BUSINESS

Status report on action items from previous meeting

1. Pretreatment rule update. Commissioner recommendations for revisions of HCC Chapter 21 and DEM administrative rules.²

The Director thanked the Chair for sharing her comments. And as we get into finalizing the code and the pretreatment ordinances, we are going to utilize some of your comments and maybe all of your comments. Anyway, it's work on progress. So staff are working with EPA and trying to finalize the code language when it comes to pretreatment. Once it's all finalized by them, then it's going to be open for comments. The whole idea is they don't want to get too many comments and lose control of the purpose of the pretreatment process and goal. So we'll keep you updated as we move forward, but thank you for providing your comments

Chair Adams said that by law, they're going to be proposing regulations subject to public comment and then issuing the final DEM administrative rules. So we will have an additional opportunity to comment what they proposed. But we've also talked, when we had our hearing about other changes, and confusions that we had, in looking at the current sewer code, not pretreatment per se - which is mostly focused on commercial - but the residential side of how laterals are managed and how people are charged for their wastewater. And so if there are other things which may not necessarily show up in this pretreatment proposal, but in general, the Director has asked for comments and the Chair would like Commissioners to consider sending them comments. If you want something to be official from the EMC, then bring it to this group and we can write up something official.

2. Discussion on applying for the U.S. Environmental Protection Agency's Solid Waste Infrastructure for Recycling Grant Program.

Chair Adams asked where the Department is with the recycling grant.

Acting Recycling Coordinator Craig Kawaguchi said the Department recently submitted the grant for the USDA rural Development Solid Waste Management.

The Coordinator said he had recently submitted to the USDA a Solid Waste Management grant program for Earth Machine home composters. And then what we did is we looked at the rural locations, so sites not located near any green waste drop offs, and that was submitted in January, and the award date is in June for residential composting. And we are also working with Zero Waste Hawai'i Island and with their proposal to do a reusable food ware project (in Hilo). So that's where restaurants would supply reusable food ware to the customers, and from there they use the food ware and then return it and then that gets cleaned and then they just keep using it instead of using the single use disposable food ware.

Chair Adams asked about the bigger grant, the EPA grant for recycling infrastructure.

Mr. Kawaguchi said they had spoken to Zero Waste Hawai'i Island and Ellen. Currently the sites that they were looking at, Kealakehe, Waimea, Hilo and Kea'au, were not able to do it right now

² V.1: Code & rule amendments: <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=120869>

because they need about three to four acres for their Resource Recovery Park. But we're still looking into it.

Deputy Director Brenda Iokepa-Moses said that the one thing we stress with Kristine Kubat is that we're a skeleton crew here at Solid Waste, unfortunately. So we love to partnership with some of these big collaborations, but we need support because we don't have enough staff for that. So we're continuing the conversations with Ms. Kubat on how are we going to roll out some of these new bigger initiatives with the amount of staff we have on hand right now. Because our staff are pretty taxed covering for vacancies that that we have. So it's not just about if we support the program, which we do, it's about how are we going to make it roll out and how are we going to make it sustainable, and once the first initial grant comes out, how are we going to make that live on with the amount of staffing that we have on hand. So that's kind of a bigger issue and I think that we need to talk about that, how we're going to make that happen. Also, with the \$20,000 grant we got from R&D, we're able to secure a grant writer, which was our big push. So hopefully they'll be able to do some of the legwork and help. Craig has taken over this role as recycling coordinator as a temporary assignment position. He still has another job to do, so this grant writer will help us move down that avenue and be able to put some hours in for that. So that's going to be a big push for this year.

Solid Waste Division Chief Michael Rivera said that with the grant writer and with working with Mr. Kawaguchi, we're going to be pursuing options for the Solid Waste Infrastructure Funding Grant for Recycling with outreach and education there, then tie that in with some of the other items that Mr. Kawaguchi was mentioning, with improving single source recycling and doing some school work. So that's still in the process here. We still have a little bit of time, but that requires some survey building, and that's what we're working with Craig and the survey writer on. But it's really got some more work to do there.

Chair Adams said her understanding initially is that there was an infrastructure pot of money, and then there was going to be an education, outreach, pot of money, a separate grant directed more to outreach. She hasn't seen that one issue open up for applications. So is that what you're talking about? The second round of grants directed more to outreach?

Yes, Mr. Kawaguchi said.

Okay, Chair Adams said. She addressed the issue about not having enough land at our current transfer stations. And she wondered about whether we need to put it on a future agenda item of so, where do we get this land? Everybody knows the transfer stations are over-jammed and awkward as they stand, and they don't have a lot of land next to them. She doesn't know whether eminent domain is even a possibility there, or looking at what other land opportunities there might be to put up some other kinds of areas for resource recovery. One of the comments that Kristine Kubat made at our last meeting was they need just covered space so they can store things to get enough volume to be able to do business with. So one of the comments she has heard over the years is that there are really cheap land in brownfields, and whether you've looked at that as a consideration of where could we get some more land, not to

do a landfill, but the idea of, are there some relatively cheap spaces that we could set up specifically for resource recovery?

The Deputy Director said that most of our transfer stations are not on County of Hawai'i lands. It's DLNR lands, it's other property owners' land. So it's not just easy for us to just kind of expand where we're at. So we need to get another department involved with our property management division in Finance Department. She doesn't know of any cheap lands in Hawai'i, but nothing comes cheap for the government. So it is going to be a longer conversation that's going to involve more people than just the Department of Environmental Management.

Commissioner Otsuka asked whether DEM had ever contacted the Department of Hawaiian Home Lands about use. Because it used to be where the wastewater treatment plant would have been on Hawaiian homelands. Had the state transferred the property when they were supposed to? In which case, Hawaiian Homes has a lot of money for infrastructure, and because we're near the water- (temporary loss of signal due to bad connection)

Perhaps, the Chair said, that's an agenda item we could set up for next time to explore more about, where could we get land? Who do we need to coordinate with?

Commissioner Olson said you got to do what you got to do, and if it's going to cost, it's going to cost because we weren't willing to do it preemptively to get the necessary space. He realizes that he's focusing primarily on Puna because we are not developing any new building sites. We've already got some numbers of tens of thousands of them sitting there that are vacant now that are going to be built on. And as far as Puna is concerned, we're in the middle of an absolute building craze. And the idea of a \$400,000 home in Puna, nobody laughs anymore. The people are coming in. They are building them. He invite Commissioners for a trip through Hawaiian Paradise Park, through the first eight streets. It is a frenzy. Three- and four- and five-bedroom homes going up on one acre. They are paying easily six figures at the top end for these homes, and we're going to have to provide the service, and it's going to cost. There's just no avoiding it. The deed has already been done, so we have to quit wringing our hands over where we're going to get the money to the point that the property taxes, if it follows the sales value, the money is going to come in, at least as far as food is concerned. That's going to happen. It is happening, and we need to address that, get used to it and move on it.

One of the things that we're going to have, if you snuck a peek toward the end of the agenda, is get the Planning Department here, the Director said. We're going to be able to lock them for next month. And maybe we could talk about the issue of, we need land, we need zoning, we need to build some infrastructure so that we can do better job managing our reusable waste.

Vice Chair Gaffney said he wanted to back up Commissioner Otsuka's suggestion because she's absolutely correct. And in his district, Hawaiian Homelands has land adjacent to the wastewater treatment plant, and they also have land adjacent to the state ag park at the bottom of Ka'iminani Drive. And neither of those properties currently has any planning for use by DHHL. They are basically standing by looking for something to do. So both of those are potential sites

for a recycling center, and in particular, the site adjacent to the ag park is a very appropriate place to do composting anyway. So maybe we ought to think about talking to DHHL on this island as well as the Planning Commission in the future.

Chair Adams said she's as frustrated that we aren't going to be able to pull it off, but she certainly understands the challenge of, if you can't commit to staffing, don't throw money down the sewer because the Director is going to ban it with our pretreatment standards.

1. Discussion and assignments for following up on prior EMC recommendations.

Chair Adams said she had made up another version of what she calls the tracker of things that we have put in to either DEM or into the Council in writing as recommendations, very few of which have been completed. And the Vice Chair and Commissioner Fulton had made a very good, strong comment that, we do these things, we should be following up and making sure that they are indeed happening because they're still good ideas. What she would like to see is that we've got somebody other than your Chair looking at what's going on, reporting occasionally back to the Commission, ideas for how to do follow up, she said. She also included a section we didn't turn anything in formally as EMC in writing, but we've talked about the concepts. And the Chair views these meetings as an opportunity to bend the ear of DEM and to let them know what we are concerned about and come up with some ideas for them to chew on. So she captured some of that in the chart. She said she would ask volunteers to tackle the issues that are listed there. We don't necessarily have to do it at this meeting, but she would like to fill in the blank on each of the items so that we've got somebody who's going to take the time to see what's going on and what we need to do, or say that it's closed, either as a lost cause or here's a different way to go about it.

Vice Chair Gaffney said that in some cases, the recommendations are specific to a Council District, and those that are specific to a Council District can be taken to the Councilmember for that district. They and their staff could be asked to provide feedback as to what has happened since the recommendation from the commission.

Chair Adams agreed and said everyone has the ability to contact individual Councilmembers or their committees. We're still trying to figure out- they've changed the committee names at the council, but we need to reconnect with who's going to be the one dealing with DEM. And it was a good idea for us to work with the Chair and the Vice Chair with the EMC counterparts, just keeping each other up to snuff on what issues are around and how we could deal with it. So we'll have to get back to you on who's who there. (Sharing screen) The Chair said she just went back to 2020, and tried to capture the written items where we sent a letter to somebody officially on EMC letterhead and who needs to follow up with it. And that's what that last column is about. Since we, later on in the agenda, are going to be identifying a new Chair and Vice chair, there are some blanks that we might be able to fill in there.

And if you scroll down to the second block, these are kind of the ongoing issues, the Chair said. And the last couple of years she would ask the commissioners to come up with their own personal priorities of what issues are you going to be working on, kind of a to-do list for you

individually. And maybe we can turn that or absorb that into the ongoing issues section where we've got somebody who's going to be paying attention to these issues, thinking of ideas on an ongoing basis, and then figuring out bringing most likely specific recommendations to the EMC. So there may be some other issues you'd like to add to this. And again, to volunteer to be the lead and bring issues back to the EMC. So is anybody prepared at this time to identify either new issues or things they'd like to take the lead on or do you want to individually send them to the Secretary?

Well, I think we do have a lot of variability in terms of the impact based on what currently exists in terms of land use, Commissioner Olson said. In other words, again, harping on what he is most familiar with, which is Puna, we have HPP. We have 12,000 1-acre lots on 14,000 acres. At what point does the EPA come and say, oh, by the way, you're not putting in any more septic systems, you're going to have to deal with it on a larger scale. And he can go down from there to the 8,050 square foot lots, of which there are 5,000 in Nanawale Estates. Right now we're putting septic tanks in the ground. At what point are they going to draw the line on that? They have to.

Chair Adams said she would figure out, in line with coming up with the agenda item for next meeting tied to the zoning presentation, hopefully we get that as a topic area as well on this tracker and would put Commissioner Olson's name on it.

2. Status and membership of the Permitted Interaction Group on Barriers to Commercial Recyclers

Frankly, I've been doing this all by myself, Chair Adams said. Commissioner Cardwell has not been able to give time and she is hoping it wasn't the reason that Commissioner Olson dropped off the EMC, but there is some homework involved in discussions and she doesn't feel it's proper for her to carry it on by herself. So she would like to either get two participants, commissioners, joining her on that group or to discontinue it and just figure, we'll pull that information in as we go along.

Commissioner Otsuka asked for an elaboration.

In brief, Chair Adams said, it's basically looking at what are the regulatory and process, infrastructure, whatever it may be, barriers to having more recycling businesses on this island and their being able to expand. She has a chart that includes issues like land, and the County won't let commercial entities use the transfer stations, and we've got no ability to market the stuff that we take because we need assistance to find out who's got it and who wants it. So there are some zoning issues, some costs and ability to work with the limited staff that the County has, to be able to expand those businesses. So it's just trying to track that down and looking at the various businesses, talking with who exists as is on the island, and maybe who would like to exist on the island and trying to pull up what are some of the initiatives that we could recommend as EMC.

Commissioner Otsuka asked to be emailed or sent information before disbanding the permitted interaction group. The Chair said she would send over information and defer the dissolution.

3. Discussion on remediation of the Old Kona Landfill site. (Gaffney) See also ISWMP section 9.4.3.13 Discussion deferred November 30, 2022.

Chair Adams said the Vice Chair had brought this up last time. She had included a description in the reference folder about the landfill. It's cooking away, closed but not pristine. She asked what the Department is doing with it right now. Are you doing active monitoring?

Yes, the Director said. We have a consultant on board that they do annual monitoring on that particular landfill. And we also have budgeted some funds to actually – it seemed like we had a sinkhole currently, so we are doing some remediation on the existing cover. This landfill was permitted and closed prior to 1993's Subtitle D, so it doesn't meet the current regulation because it was grandfathered in prior to the new regulation, which says you must have a certain cover on landfills and gas system and leach collection system. So that landfill was designed, constructed, operated without any gas headers, without any gas collection system. So as you all know, waste over time biodegrades and it creates more gases. And gas usually seeps through the least resistant path. So it could go underground, it could go sideways, it could go upward. It always finds ways to escape. But the concern here is anytime you have an oxygen intrusion into that landfill with a gas build up, it could potentially cause explosions to that landfill. So we've been monitoring that. There's some hot spots within the landfill, so it's going to be continuous monitoring. Once the landfill closes, we pretty much own it for life. So the maintenance is going to continue. Probably some other projects may come in just to remedy these sinkholes. We call them sinkholes, because when waste biodegrades, it allows for a gap void. So that is what triggers a differential settlement, because now food gets biodegraded and the land settles to fill that gap. So it's a combination of differential settlement plus gas generation and the potential that any cracking within the current cover could introduce oxygen to ignite the current situation.

Chair Adams said she understood that the Department is doing monitoring and some level of remediation. The biggest question is, how's your gut feeling? Are we looking at imminent hazard or are we looking at, we can manage this with some attention?

There's always imminent hazard when it comes to these type of situations, Director Mansour said. Is it going to get better in time when all the gases are depleted and biodegradation and all is completed? Maybe, but it's going to take time. If you imagine it as a curve on a graph, maybe it is somewhere between the peak and going down because it was closed in the early 1990s or something like that. So usually it takes 50 years when you get to the peak, when the gas generation starts happening, and then it start diving down. Definitely we are in the generation of gas period. If we capture it, could we capture it? Not being lined, when you put in wells to extract the gas, it's got to be thought out very carefully because that also could introduce oxygen because of the vacuum. So these type of situations are always going to be hazard. You

³ V.5: Old Kona Landfill in the ISWMP: <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=120848>

do something, it is going to ignite, you leave it, it is going to ignite some. So the best solution for that is just to continue monitoring, understand the symptoms of it and try to remedy it. But in the meantime, we're going to babysit it as much as we can. There's potential, but we try to remedy that and control it to the best of our abilities.

Commissioner Otsuka asked about the monitoring. We can monitor something over and over and still do nothing and not realize maybe there's something that's underlying that we're not looking at because we're so focused on how we're doing it. Maybe if the eruption with Mauna Loa, if anything that's underground, could affect the landfill or maybe she doesn't understand enough, but we can monitor stuff all the time and before you know it, something happens. Are we prepared to do something? Is there a plan, a backup plan, if you find out after you're monitoring? She doesn't know how often they monitor, but if it's not done consistently, especially because we think there's something that can happen, if we're only monitoring it periodically and not frequently, something might just surprise us and we're not going to be prepared. So she is just wondering, all this monitoring, is anything being thought of or planned to do in case something goes awry in your monitoring?

Yes, the Director said. This is a requirement by Department of Health to monitor a closed landfill. Usually we understand what landfills do and don't do during closure. It's a phenomenon that it's been all over the country, all over the world. So you monitor with the hope that you control the cracks within the cover so it doesn't introduce oxygen. You monitor the amount of oxygen on the surface. So it's standard procedures of monitoring, but it's something that you cannot get away from. You anticipate possibly an explosion. That's the worst thing can happen in these type of situation. And it happened before. He had a landfill in 1993 that caught on fire because it just was too much gas built up and the contractor was tearing up the cover and introduced oxygen, the whole landfill just- but it's controllable. What you do is you get equipment, you put a cover on it and you remedy the situation.

Chair Adams said the question for EMC is, do we need to do like we did with Hilo and lobby to get you more money to deal with that thing now rather than after the fact remediate? It sounds like it's controllable and maybe not panic compared to all the other money needs you have.

Yes, the Director said. This was considered closed under the Department of Health. So the minute you introduce anything, you open a can of worms. Now you got to meet the new requirements. It's not going to do you good because the bottom is not lined. So you're going to create potentially, if you cover the top and the bottom is not lined -

“You're building a bomb,” Commissioner Olson said.

In a sense, you're building a bomb, the Director agreed. So the idea is just we got what we got. We need to manage it to the best of our ability based on the technologies and the experience and the expertise that we bring to it, period.

Vice Chair Gaffney said he completely disagrees. What we know about this landfill is that it's located relatively close to where the sump for the wastewater treatment plant drains into the lava, he said. And we also know that the water from that sump ends up in the ocean. We also know that we have a degraded coastal environment as a result of that problem. And if there's any leachate coming from this dump, and almost certainly there is, it is following the same pathways that the water from the sump is following into the ocean. And our near shore environment is absolutely critical to the economy of this island. It's absolutely critical to the recreational needs of the people of this island as well. And for that reason, the Vice Chair believes that the landfill needs to completely comply with 2023 regulations, be closed and be over and done with. And that's the reason that he brought this subject up initially. He realized that's expensive, that it's time consuming, that it's all of those things. But what it's doing to the environment right now is only going to get worse over time. And the only way to prevent it from doing that to the environment is to close it completely and do the right thing. So that's his feeling. And the other thing that he learned as part of the process of raising this subject is that's not the only inadequately closed landfill on this island. There's another one in Waimea, and he suspects there are probably others as well that go back to the plantation days. So yes, he understands, super expensive problem. Don't have the manpower, don't have the time. But the right thing to do, if we're protecting the ocean, which is being impacted by so many other things right now, for the future of the people of this island, for the future of our number one economic driver, which is ocean recreation, tourism, we've got to fix this.

Commissioner Olson said that with EPA, we did a site visit out there decades ago, and the people who were there believed that it was almost inevitable that you were going to have a bad outcome. But they had no legal way to force us to do anything other than what was the cheapest way to get out from under what the law was at the time. They made that very clear. They could tell you that the outcome is likely to be not good.

Director Mansour clarified that the landfill currently is adequately closed under the laws that were present at that time. So to say it's inadequately closed is an inaccurate statement, because it was done when the laws were there. The question is, does the new law provide additional protection on the closure? Currently, you already have an earthen cover and a lot of different landfills, when it comes to closure, they do recommend to put an earthen cover to allow for the landfill to breathe. You do a vegetative cover of about 1-2 foot with low hydraulic conductivity to close the landfill rather than put in a plastic type of liner. And that's what most landfills now pursue. They pursue an earthen cover material to close the landfill because it looks more vegetative. Some of them, they turn it to a golf course if the terrain is adequate. So what we call it is post-closure use. The challenge here, you get a landfill that it's not lined in the bottom, so leachate from biodegrading the waste is always going to leak through. The Vice Chair had brought up before the clean closure. That's probably the only best way to do it. But the challenge with that, our current landfill only got 20 years remaining. And to the Director, clean closure is the best way to do it.

Vice Chair Gaffney said he was glad we had this discussion, and he wanted to be sure that all of the other commissioners were aware that we have these ticking time bombs for our

environment on this island. The Director said it very well, that the right thing to do is a clean closure on these things. And if the will of the people is that, that's what we do, it doesn't matter whether the EPA thinks that's appropriate, we go chase the funding and we get the job done with or without their help, with or without the help of the Department of Health. If the people of this island believe that these landfills need to be clean closed, then they can drive the action, too. But the bottom line is that's why he brought the subject up, to have the discussion, to keep it in the forefront, to be sure that the commissioners ongoing are aware.

Commissioner Otsuka said that after reading all this stuff on the solid waste and the wastewater, it's taking too long to do the things we know need to be done. And it's always the same reason where it's funding and staffing. But nor has she heard what's being done or how much money we are getting. Because as she looks through the revenue and expenditures which are just estimated, she is wondering where is this money going if it's not going toward where it's supposed to go. So there's a lot of money in there as far as the revenue that she sees. But she doesn't know what it is. A clean closure, she was trying to read up on that. But if that's what it takes, that's what we should be doing. Because the money is in there and I she sees it being rolled over every year and it's not being used for what it's supposed to be. And we constantly say the staffing. Everywhere is having problems with staffing, but she also read some of the comments made by some employees that it would be good, because they're union, to maybe elevate those that's been there a while that know so much, and they're just there waiting for new hires to come on. So they can train the new hires when we have qualified people that's already in payroll. She is just having a hard time digesting that the reason nothing ever gets done the way we want it to when it should is the funding and the staffing. That's her old thing because wastewater, that would be my real big concern too, because she lives in Keaukaha and we have the pump station right outside. So, yeah, she needs more justification for the reasons why staffing is so bad and we never have money for the things that we are supposed to have money for.

Well, we don't have money because we're not collecting it, Commissioner Olson said.

But you know, when I'm looking at even only the water bill, there's a \$50 charge, Commissioner Otsuka said. It's just a standard charge and it's for everybody. And when she asked what that \$50 for? Because it's way more than her consumption, and everybody gets that. And it's because in the event something happens and you have to send an employee out to look at your meter or whatever it is, that's what that money is deemed for. And she doesn't know what the sewer cost would be on the monthly charge because she doesn't get sewer. But that's two, and it's how the sewer fees are done. Is it a split charge?

The budget hearing is coming in (April), the Director said. We're not the Department of Water Supply. We only got 6,000 customers at \$50, \$45 for the entire island. That's why you're not paying the \$50 for sewer. Because you don't have sewer. You have septic.

Chair Adams recommended the Director and the Commissioner get together and walk through the budget process and where it goes and how it is spent so she can get some more background

on that. If everybody on the group wants to go through and do zero based budgeting on what DEM is doing with the funds they get, they don't spend more than they get, they're limited and they only get so much that they squeeze out of the Council. So if you want a budget review session, as you say, you'll be going up in (April) to the council to present your budget. Maybe that's an education thing that we could do for another meeting or between meetings.

Commissioner McIntosh said it sounds like the bigger issue is not really the money and the manpower and equipment, it's more of where are you going to put this trash. From what he understands the clean closure is, you're essentially moving the trash to somewhere else. They can't do that because our landfill only has 20 years or less left. It's quickly disappearing. Eventually we have to figure out what we're going to do. that's the bigger issue that is facing us and we got to figure something out quick because it's coming fast.

Commissioner Burns said that the Department of Water Supply is semi-autonomous with their budget. That way, they're able to charge fees to reconcile projected costs. At the simplest level, would having that semi autonomy be an improvement to the current system and budget that you're using or do you look at that as something that only works for that department?

They (DWS) run it well, the Director said. There's two things with our department. We have the wastewater, which is a special one, which is similar to the water board, the water department. But the challenge here is not everybody connected to sewer. So your revenue is controlled by the people that you provide service to, which is very small amount because everybody is on cesspools and septic tanks. So we need to get off cesspools and septic tanks and expand our revenue base by having more people connecting to the sewer. Very simple equation, right? But it takes money to build the capital and improve as far as the solid waste. The solid waste account is part of the property tax. So every year we get budgeted based on the status quo. So we have to budget the same amount we are being budgeted every year so we don't see an increase. Right. So it counts to about 4% of the general fund. So we get about \$28 million a year from the entire county general fund to do the solid waste management. The Director agrees with Commissioner Burns. His intent is to get that out of the property tax, to create its own fund such as an enterprise funds, special fund, whatever you want to call it. And then because a lot of people on this island would love to do more recycling, zero waste, to do more diversion. But unfortunately, when they did the property tax way back then, they included the solid waste program or solid waste services within that property tax. But back then and today, two different things. We didn't have recycling, we didn't have diversion, we didn't have environmental impacts, we didn't have climate change. So the demands are going up on the solid waste.

Commissioner Burns said it almost seems like solid waste needs to track user information, how much is going in, and then have that on a sliding scale fee like Department of Water Supply does somewhat. It's two different systems. But that static property tax fee just doesn't seem realistic for what's going in the landfill.

The Director agreed, he said. Maybe we need to put it up to the people to vote. Maybe that's the only way to get out of this mess. He doesn't know how to go about it. Maybe the legal minds could tell us how could we put it to the people to vote? Because most of the people he talks are willing to pay the extra money to get the recycling, to get the diversion, to get to do their waste, to get to where we need to be environmentally.

Chair Adams said we have made recommendations that DEM operates on an enterprise fund basis where their revenue covers their costs and they've got the ability to get it. Funding is a never-ending challenge in how we do it. And in fact, on next meeting, you'll see on a future agenda item, we'll get a reading from Deputy Corporation Counsel on Jon Olson's idea of an advanced disposal fee is another way. Funding is a big thing and maybe we can focus next meeting on the whole budget issue and again try to figure out what it is we need to go to the Council with. And maybe it is, go to the council with a recommendation that we have a referendum or whatever they call it on this island, a charter amendment for the next vote.

VI. NEW BUSINESS

1. Annual election of the Chair and Vice Chair.

Chair Adams said she was willing to continue to serve is but more than happy for someone else to want to step forward if they would like to be chair. The first time she joined EMC, she was amazed that the person who got voted to be chair wasn't even present at the meeting. Surprise! So who's missing from this meeting? We'll nominate them for chair. Nominations for chair? Motions?

Motion, second, and vote: Jon Olson made a motion to nominate Georjean Adams as Chair of the Environmental Management Commission, to which Rick Gaffney seconded, and the motion was adopted. Ayes: 5 (Burns, Otsuka, Olson; McIntosh; Gaffney); Nays 0; Present 1 (Adams); Absent 2 (Cardwell, Fulton).

Motion, second, and vote: Rick Gaffney made a motion to nominate Jon Olson as Vice Chair of the Environmental Management Commission, to which Dell Otsuka seconded, and the motion was adopted. Ayes: 6 (Burns, Otsuka, Olson; McIntosh; Gaffney, Adams); Nays 0; Absent 2 (Cardwell, Fulton).

VII. REPORTS/CORRESPONDENCE

Director's Informational Report⁴

1. Legislative update

Chair Adams said she was very pleased that the Council is not going to loosen up the requirements for the DEM director anytime soon. It's basically been put on the back burner in the closet and will probably never be revived again. That's okay by her.

Director Mansour said we need to start thinking about introducing any bills with House representatives, state senators. This is the time now to start working on introducing a new bill.

⁴ VII: Quarterly Director's Report: <http://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=120887>

He wrote a handful of stuff so will be sitting down with Rep. Nicole Lowen and others, and our County Council as well to be able to maybe introduce some of these to ease our jobs as we move forward. If it's pertaining to funding or new ideas that could generate revenues and cover the actual cost of service as we move forward, that's our challenge. He asked EMC to think about anything they legislatively want to introduce. He has been talking with Steve Bader in the Mayor's Office. He's in charge over all these legislative matters and any potential bills that may come through. So definitely there are certain things that we need to look into.

Chair Adams said she would raise her hand if there's an opportunity to see what you're working on or participate in any of the meetings and just be prepared for EMC to chime in on support for making some of those changes. Give us the time to be able to do that, she said.

The Director agreed. Definitely, you are part of it. And just keep in mind, landfill operational challenges continues. Twenty years will go so fast. It takes 15 years to site a landfill. So we need to be working on that yesterday. He keeps putting the pressure on the Solid Waste Division because he cannot afford any mishaps. We're not going to fall into the same predicament as we did when East Hawai'i Sanitary Landfill reached capacity. In addition, the latest Mauna Loa eruption took place when we sat down with the Administration in trying to figure out options, how we're going to continue transporting waste from East to West if that Saddle Road shuts down. It was a challenge because we collect from all over the island and half of our tonnage comes from the east side of the County. So is that sustainable? I could tell you it's not, he said. We know that it's not sustainable. Because they had no options.

We opposed it then, Commissioner Olson said. This is not news.

Director Mansour said he is always forward looking. His vision is tackling now before it becomes a problem. So we need to start thinking even about another landfill on the east side. It could be an option. I know you heard me about maybe transporting waste to O'ahu as a feedstock for their H-Power. That also could be considered as an option. So we need to bring them together. The Division Chief could tell you, he is putting so much pressure on that Division. We need to start. The fiscal year is almost going to be done in six months but we set aside money so we could start exploring these options because we don't want to wait until 11:30 p.m.

2. Solid Waste Division Projects and Updates

1. Wai'ōhinu Recycling and Transfer Station updates

Director Mansour told his staff he wants this completely done no later than the end of this month. They were supposed to complete it December 31 because we added the asphalt we extended the time. Unfortunately, that project was done without even putting in asphalt for traffic to come in and go out, which was insane to him. So we have to do a change order to allow the area to be asphalted. So it's a matter of just getting the material, securing it, but we got to get there.

The trailer pull through is what they're doing on Oahu, Commissioner Olson said.

You could pull a trailer in, but the question is, our size is limited to the maneuver. Oahu is a different layout, Director Mansour said.

Yes, they plan for it, Commissioner Olson said. We were taken on a tour of what all the other counties were doing, and Maui and Oahu were doing the trailer pull through 20 years ago.

For Wai'ōhinu we have the consultants do the AutoTURN were when we first started, the Director said. They did not do it when they signed the contract 2017, but it was a requirement when the new administration started. They had to go back and use the AutoTURN to do this to make sure that what they designed could accommodate the trailers. And we have a report from them says it does. So Wai'ōhinu, at least, based on the designer that designed the site and us asking him to go back and do the AutoTURN to see if it works, his understanding is that it does. But unfortunately, we inherited sites where that was not considered. But as we move forward, hopefully we don't need to design any more transfer stations. We got 21 of them.

No, you got a lot of redesign to do, Commissioner Olson said.

Redesign or maybe elevate, the Director said. Because if we got to go with another landfill in Hilo, we got to go to curbside collection, you don't need that many transfer stations. We have a lot of work ahead of us from curbside collection to control it at the source, to promote recycling, to promote diversions. It never stops, right? But keep building these transfer station is not sustainable either.

Later in the meeting, Division Chief Mike Rivera addressed the construction status. He was out there last Friday, They were laying base rock down. It looks like about 60-70 percent complete at this time. The plan is to lay the asphalt. First we got to move the recycling bins, and HI-5 near the entrances there on the right side, down to the new location so they can begin that pavement project toward the end of this week, beginning part of next week. So once that paving is done, the railings for the facility would be put in. And essentially that's most of the completion. The hang up with Wai'ōhinu is the delivery of the metal chute there and also the delivery of the new trailer that goes with it because it's a walking floor trailer versus the compacting trailers that we normally use. So most of the project by the end of this January will be probably 85-90 percent complete. But the end of it is you're still waiting for the chute delivery, which is coming from Seattle, as well as the last concrete pour because we didn't want to pour the concrete while they're installing the chute there. So there's still security fencing to do and the electrical tie into the trailer. And then that essentially will complete Wai'ōhinu sometime before March of that in terms of 100 percent. Most of it, though, will be ready for use and they can do the recycling probably toward the end of this month if we can get the signage up, at least for the recycling portion. And yes, we can get a trailer through that, and pull-through, all those options. So that is one facility that actually is designed pretty good.

2. LCA report status

Chair Adams understood the LCA report is still languishing and will be anytime soon.

3. Recycling and Landfill Diversion updates

(See pages 21-24).

4. SWD accomplishments 2020-2022

Director Mansour highlighted two things. Number one is that we're doing the trailer study. If you remember we banned trailers, he said. Last year we went before the County Council. Council Member Kierkiewicz wanted us to look at the possibility of allowing trailers to certain sites. So we changed our administrative rule. We committed to do a study by a third party to look at the maneuvering of these trailers. So the consultant is using AutoTURN software that they could drop each site and bring a trailer and a truck and go through the animation and the maneuvering of the actual vehicle. So we did that for every facility. The idea is we're going to come back with a recommendation about the potential and which site is going to require a site improvement to even make it doable. Or some of the sites we know may not even entertain it at all. So that kind of information will confirm our initial concerns about the safety and what have you. But the other sites we probably may need to do site modification to continue to bring the trailers back in. But the challenge, and we're going to be working with you, EMC, as an advisory committee, to tell us, should we go in with allowing trailers to be at certain sites that may potentially need site improvement and should we do it one day a week? Or should we do it commingled with the existing services, but it may create delays. So that would be coming to you. The Division Chief will bring that presentation to you, as we should. This is a report that we should share with you, and so we get your input and ideas before we take it to County Council. Chief Rivera should have it for the next meeting because they already completed the report. So the Secretary will put it on the agenda for the next EMC meeting to present it to you.

The other thing, the Director said, is we heard you loud and clear when it came to two contracts we have, which is Hawaiian Earth Recycling and Waste Management of Hawai'i. We've been hearing you from the day he started. We heard a lot of concern from other people, the Cost of Government Commission. We're going to address these two contracts very soon. So just to keep you apprised, we have not ignored any of what we heard.

3. Wastewater Division Projects and Updates

Fabulous, fabulous, Chair Adams told Ms. Hartman. Kelly, I can't believe it, she said. That set of charts and tables that you provided are really great. And the issue for this commission is, are we seeing enough that we know where we need or could help or complain about the status, particularly the items that are behind schedule? She understands the ones that are and why and that you're working on them, but she was very impressed. Are there any questions that you would have of the material? Otherwise we'll ask the Director and Chief to pull out what highlights they really want us to focus on.

1. Pāhala and Nā'ālehu AOC

We had put the project schedules together, Ms. Hartman said, so they all have the project milestones except for the Nā'ālehu and the Pāhala project. She pulled out the AOC deadlines for the next three months. That helps us kind of gear up and prepare for what we need to submit. (Screen sharing) The reports also include a list of late tasks, the project milestones.

You'll notice the indentation on the project milestones. That's important if it's under- it's called a subproject task. Each project has an overall project view. It gives you the start and the end date of the project, an overview of what's complete, the big picture, high level stuff from project execution all the way to construction. For this project, Ms. Hartman pulled out specifically the AOC deadlines that we're looking at for the next three months. That helps our team internally plan and coordinate these tasks and getting them ready for submittal. She has have a report for late tasks here. This one happens to be not an AOC deadline, but an internal process deadline. Also listed here, the project milestones. You'll see the indentation. That's important so if you're looking at the the Pāhala Elderly Apartment Compliance Plan, this indentation notes it is part of the construction of the project. So keep an eye on the indentation here. And for the rest of them, they pretty much follow the same format. For the rest of them, she also included a list of tasks starting soon, so you can see the list of tasks that are we're going to be getting into the next three months. This was a good cover all, and so if you want these to be, you know, simpler than this in the future, just, you know, feedback is good.

Chair Adams asked about any comments or questions about any of the reports that are in here. If there's something we can help with as a commission or that we are very distressed at seeing how far behind you are on something- but otherwise, it's kind of up to you individually on following up with DEM, on exactly what's going on. If you have some concerns.

Commissioner Otsuka asked about the cost of each of these projects. Is there a way that we can know how much? So that's kind of good to know.

Not in the project schedule right now, Ms. Hartman said, but we can get you that information. These are all projects that have been executed, so we already have the funds for these projects. If getting the funding is your concern.

Funding has always been an issue, Commissioner Otsuka said. She was wondering how much money has gone into each item. So then when we talk about a budget, we know where all that money is going and it all kind of balances out.

Director Mansour said that Ms. Hartman is doing really a marvelous job of putting that project list together. The goal is to create a roadmap for every project. He calls it the master schedule that kind of takes every project we have, identified the resource, if it's staffing or funding, that it needs, and it also refers to who's going to lead the project. Within each project, you may have a different leader or project manager. So these are the tools that, from a managerial point of view, we have to provide to our staff. So between Ms. Hartman and the Director, we're doing all that so staff could have a clear direction of all the milestones. And the question about delays should not- hopefully you will never worry about it, because our goal is to create that roadmap, to allow our staff to stay within time and budgets. So that's the whole idea. It's, create a roadmap with all the tasks, assign it to certain leaders, project managers or project leaders, to focus on delivering the tasks within the time allowed and the budget given. So you'll have a resource. We are creating also in addition to what Kelly has, we have the master schedule. The master schedule has columns. Each column will have an indication of the funding source, how

much the project is costing, who's in charge of that project, and the status and percentage elapsed, all completed. So all that also we've been working on and his intent also is to present that during the budget hearing in March as well, because without that roadmap and people working in silos, we're never going to be able to complete a project. So now you have a start, you have to have an end to it. So it's a good thing.

2. West Hawai'i wastewater projects

(No discussion; see written report.)

3. Hilo WWTP upgrades

Director Mansour said we just had a marathon meeting with the Hilo Wastewater Treatment Plant consultant last week over the 100 percent completion plan. Phase 1, the good news is the consultant delivered on time. Kudos to them, kudos to staff. We spent three or four days, the full 8 hours, sometimes more, people taking stuff home and reading it. It's about twelve inches thick, the contract itself. The technical specifications, the design plan is about probably eight inches thick. It's a huge \$100 million contract. We were able to finish it within less than a year. It's going to go to construction in about two months in March. Hopefully we'll have the bid opening, give notice to proceed probably by June, and that's going to start June. It's going to start this year. In the meantime, we're working on Phase 2. To him, this is one of the greatest accomplishments within this just within last year to be able to put up that big of a project in less than a year, it's never heard of.

It is absolutely fantastic, Chair Adams said. And in terms of a critical priority where there is real imminent hazard both to our workers and the environment of failure of that Hilo facility, she is absolutely amazed and thank you. It certainly was the right thing to focus on.

We have been having a meeting to go through the design process for Phase 2, so we could make decisions right on the spot. What helped us through the Phase 1 is we have a good relationship with the consultant, but also the decision making was right on the spot. So we couldn't afford to say, okay, we'll get back with you in a month. We were making decision as they were designing, so it really allowed us to move fast enough to get it.

4. Puna wastewater projects

Director Mansour referred the Commission to the written Director's Report. Ms. Hartman has taken the lead on the mini-master plans, so that's also moving as per the schedule. (See written report)

5. South Kohala wastewater projects

Director Mansour referred the Commission to the written Director's Report. Ms. Hartman has taken the lead on the mini-master plans, so that's also moving as per the schedule. But one more thing I want to bring to your attention. (See written report)

6. WWD accomplishments 2020-2022

(No discussion; see written report)

4. Information requests to DEM from Commissioners

1. (Adams) Capacity of the West Hawai'i Sanitary Landfill

1. Current estimates of the remaining capacity and options to extend the lifetime in the short term and the long term⁵ and

According to the latest figures, Chair Adams said, if we keep at the rate that we've got going, we're only going to have 23, give or take, years left in that landfill.

That is correct, Division Chief Rivera said.

Chair Adams said the only way we're going to get out of it is by keeping the waste out and diverting it, reducing its creation or finding another landfill, which, as has been stated, is a 15-year effort in itself. O'ahu cannot find any place on the whole island. What can we do instead? In the Director's Report, you were looking at- we could divert a lot if we had recycling reuse capabilities. And the question is, which ones do we focus on? How can we do it? And what your plan is? She had offered the idea of construction demolition landfill in coordination with increasing the amount of reuse of construction materials as much as we could. We have one outfit down in Kona that takes demolition and construction waste. But that's one outfit. They focus primarily on commercial demolition, construction issues. C/D represents a fair amount, 65 tons a day. How much of it can we reasonably keep out of the landfill?

Division Chief Rivera said we're in Cell 13 right now. It's going to be full sometime in the first quarter, going into the second quarter of this year, where we'll now be going into Cell 14. So that leaves 10 cells remaining for the West Hawai'i Sanitary Landfill. At that point, if we do not change any practices, we fill a cell in about 2.3 years, which means we have about 23 years left. Of all the tonnage that goes into the West Hawai'i Sanitary Landfill, 40 percent of those materials can be diverted out. So we can do a better job as a Commission and as an island, maybe creating diversions for commercial recycling and maybe C and D diversion and those types of things to try to divert more materials from the landfill. Now, the remaining 60 percent of trash materials going into our landfill, there's another component there. There's a lot of contamination. So working with Mr. Kawaguchi and the recycling group and doing more focus on community outreach and recycling, updating our transfer stations to become more- not necessarily a resource recovery park, but the capability to handle single source recycling, more C and D, household hazardous waste, e-waste, used motor oil - make the facilities without being a resource park where you need 3 to 4 acres, but you can convert and redesign some of the larger transfer stations to be able to become more of a resource to our community. And you're creating more diversion for that. But also on the other end for the 40 percent, creating some mandate via legislation, ordinances and regulations to create commercial recycling, make us recycle as well. There's no mandates for the resident to recycle, enforce recycling on multi-family dwellings. And then that would help tremendously in increasing all of that diversion from our landfill. And if we do all those things 100 percent, you can add another probably 10 years of life onto the 23. And then additionally operational efficiencies - our equipment is aged over

⁵ VII.4.1.1: Landfill options (Adams): <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=119838>

there in terms of compacting and bulldozing, replacing that equipment. We're going to get ready to try to do that for the compactor this year coming up. Making some outreach with Mr. Kawaguchi, getting in front of the schools and doing some of those things with our residents at certain community events, maybe we can add a few more years onto the life of that landfill while we're siting another landfill, either on the east side or another one on the west side. He agrees with the Director and stated it before. Going from east to west is not sustainable. In terms of mileage, the amount of miles we drive in a day, going east to west, is about what a normal solid waste division would do in a week.

1. Feasibility of establishing a Construction & Demolition landfill

In terms of establishing a C&D landfill, Division Chief Rivera said he does not believe we have enough C and D for that. So at the 65 tons that we generate today, there are some opportunities there to have that diversion in terms of how we recycle that. And that's the sticking point for our island. What do we do with that material and how do we manage it from there? But there are some definite opportunities there for us to improve on that versus a C&D landfill or a monofill.

One of the top recommendations from the Integrated Solid Waste Management Plan, Chair Adams said, was to allow small businesses to use the transfer stations. And you're talking about 40 percent of material that is recyclable that is now going into the landfill. If we allowed more people, encouraged recycling by everybody that we could think of, and allow small businesses to use a recycling opportunity in their local transfer stations, can we staff it? We need more trucks, we need more drivers, we need more pickups. The bins are overflowing as it is with the people who do recycle and the issue of contamination. He is glad to hear the Chief is thinking outreach, but we need higher capacity to take this stuff. It's like closing the Kona landfill. If you wanted to clean it out, it's got to go someplace. Well, if you want to recycle it, it's got to go someplace. Can you reasonably absorb that much more recycling material at the transfer stations and what would it take to be able to do that?

To highlight what the Director was saying, if you go the route of curbside collection, you have to reduce the amount of transfer stations around the island, and then you'll condense those 21 down to five or six, and he is not sure with curbside collection, if we can get to all the rural areas. You still will need some of those transfer stations in the rural areas. But with that then with the Director talking about the fee structure and trying to modify that, there are opportunities for businesses to utilize the transfer stations, especially the smaller ones. It's how we design it and how we plan it for the future that would determine how do we get there.

2. Current status and contracts for county recycling

Deputy Director Brenda Iokepa-Moses said that we are at the mercy of third-party contractors to handle our recycling. For instance, at Volcano RTS, we didn't have any successful bidders. We had nobody that wanted to recycle at that site. One, because of, for odd reasons, theft, people will actually break into the facility to steal the glass bottles. It's just incredible. But anyway, we're relying on those third-party vendors to answer our bids and to come on and to take those recyclables. Recycling is not a lot of money because we're on an island. We have to ship

everything off-island. So it's another aspect of, how do we make it attractive for the third-party vendors to gain interest? Again, especially our country sites like the ones that are remote, takes a lot of staffing to reach that destination. And for instance, Atlas Recycling, they're short of staffing. They're having a hard time as well, so they're dropping places that they can't reach to pick up recycling. So it's a problem that is out of our control. But we need to address it and try to figure out how we can make it attractive for those vendors to come back on board.

One option for cities on the mainland, Chair Adams said, is for of automated HI-5. You stick it in the box and cha-ching, it hands you your money for the bottles and cans. Is that worth investigating? Automate it. If you can't get staff, you try to look at how can you automate the crusher?

We're looking at it getting that glass crusher so it's not so attractive for people to steal, the Deputy Director said. You put the bottle into the container and then it crashes it on site and keeps it in a container. How can we make it easier? How can we make it more affordable? And the contamination part of it is always going to be a problem because even before she started working for DEM, she never really rinsed out bottles or cans for recycling. She just threw them in the dumpster and then took them down to Atlas until she figured out that you need to have a clean, semi-clean product when you bring them into recycling. So it's education to the public. And if anybody contaminates that source, does it contaminate the full source Maybe that's a subcommittee we should meet to talk about these challenges and how we can go outside the box to figure them out.

We got to start at the front end, Commissioner Olson said, and that's getting the funding to do it. And the only way we're going to do that is to get the cost of disposal at the point of purchase. Would you rather give them a nickel or a dollar? And that's basically what- the nickel is easy. They give it to you. The dollar, not so much. And it worked with bottles, it worked with cans. There's absolutely no reason it won't work across the board. Everything that we are disposing of came in a box.

Chair Adams guaranteed it will be on the next month's agenda, that we'll look at expanding and what our abilities are for an advanced disposal fee. But that's the money. And even if we had the money, nobody wants to do the job. They can't get the staff to want to show up.

Commissioner Otsuka was wondering because the Department of Parks and Recreation picks up the trash at the different parks. She has only seen trash bins, not recyclable bins. So she is wondering if that's one part of it that the County can help us, when they pick up the trash, to make sure they have designated receptacles for recyclables. And she was at Wong Stadium, too, and they don't have recyclable bins, only trash bins. So we can start there because she was looking for one to throw her bottle and there was only trash.

The Deputy Director said that Parks and Recreation did declare to the County Council several months ago that they are going to have recycling bins at all of the parks. So that's on the way.

Commissioner Olson said the parks in Pāhoa have recycling bins out there already, although sometimes they disappear.

We're hoping that if anybody wants to take what's inside the bins, like the recyclables, take them, the Deputy Director said. If it helps the person that's recycling, the end game is it gets to the end point of recycling. Hopefully they just don't take the bins right. They just grab what's inside of them or empty it out or whatever. But unfortunately, some people, even our thieves, are a little bit lazy, and they'll probably end up taking the whole bins and taking the recyclables with them. So that's unfortunate.

Changing the topic, Chair Adams said, the Director's Report listed out all the current contracts for taking recyclables. Can they expand their capability if we were to divert so much more?

Yes, Mr. Kawaguchi said. It's possible to expand what's being taken in, but it goes back to the outreach and education so it doesn't come in as contaminated and mixed.

Chair Adams said that in that listing, you had several places about expanding to the Resource Recovery Park concept, where there would be contractual issues of collecting and letting other parties manage those recyclables. What is the nature of the contract issues?

Mr. Kawaguchi said we need to check with Corporation Counsel also, but currently we're collecting greenwaste. We have a contract for greenwaste, non-HI-5 glass, plastics, and they're also looking at cardboard, and those are currently being contracted out. So he is not sure if we put out another contract for another group to collect at the stations. That could be a conflict of interest, he wasn't sure.

So you're thinking that if we had to bring in another party or allowed another party to take the recyclables, that would be a separate contract that would need to be written up and you'd need to negotiate somehow with the current contractor, the Chair said.

The Deputy Director noted the restrictions of the procurement code. Say we had a nonprofit that was interested in helping with recycling or taking some recycling. We'd have to let that go out to all nonprofits so they have the same fair chance in putting an offer or bid for that service. And with our recycling, the less recyclable goods they can collect, the less it's profitable for them to do it, and they may go away if there's another competing person coming in to grab some of those recyclables. So those are two things we have to consider.

Okay, the Chair said. One of the options that she has mentioned before is to ban the landfilling of green waste. It has to be recycled, either a transfer station or take it to West Hawai'i. Is that something we should recommend? What problems would be involved in that?

I think that's in a discussion, and that's what Division Chief Rivera spoke about earlier about mandates for commercial and possibly residential, Mr. Kawaguchi said.

That's part of the 40 percent of materials going into the landfill, Division Chief Rivera said. Around 10-15 percent of the 40 percent is greenwaste going into the landfill. So it's pretty significant. It's just looking at making sure it's the right material that can be used for the composting or mulching process out there in East or West Hawai'i and having some sort of mandate. He would agree with that. It would help that process along.

It's a source separation issue, Commissioner Olson said. Because you could get people to do it if you could set the bins up side by side, but then there's a cross-contamination, which is the price you pay. If you could get everybody to get on board with doing the source separation, which actually most of them will do, but it just takes a little bit to screw it all up.

And that's what Mr. Kawaguchi was talking about with outreach and education, Division Chief Rivera said. And it's just part of that changing the culture of how we handle and manage waste on the island.

Vice Chair Gaffney wanted to make a comment just from a recent experience. He brought in a 15 cubic yard bin to do some major landscape renovation. And he was advised by the trucker, the bin delivery company, that once they got to the West Hawai'i landfill with this 15 cubic yards of green waste - 2.5 tons, actually, is what it came out to - that it would be very carefully inspected by the management company at the landfill, and if it didn't pass their initial inspection, that it would go into the landfill as opposed to into the green waste section. We were very careful and he passed muster. But he wonders how many kind of random decisions are made by an employee of the contractor that may or may not be legitimate and literally forcing large amounts of greenwaste to go into the landfill instead of to go through the recycling process. And he understands they don't want big rocks because they're trying to mulch this product down, but that was a surprise to him. So again, just from personal experience, he can see where some of the that 40 percent is coming from. It's just coming from potentially arbitrary decisions. That's really what the trucker was getting across to him, is that it just seemed like on any given day you meet the wrong guy and you have to go around to the other side. And get this: the contractor at the landfill then gets an additional \$164 for the cost of delivering that bin into the landfill versus the (mulching) side. So there's actually a financial incentive for them to divert from the greenwaste side into the landfill.

The Deputy Director can appreciate that comment because we pay that management company as well. When we bring our waste there, we do get a charge for that. So it's not free to us. And they're not looking for those big rocks, but they're looking for contamination. But what level of inspection? Because it's a headache for the contractor to go through that inspection, then get turned over to the other side and do they just avoid that whole process and just go to the other side to begin with? So we should be making it easier and a more consistent manner of inspection. We'll look into that.

Chair Adams said that's also another point of upfront education, to know a label sitting on your bin, what can go in there so that you can do proper source separation. Other thoughts? Comments? This isn't going away, so we need to figure it out and frankly she is really kind of

disappointed at the minimal volume that's going to be tackled with the infrastructure grant process. One response she had was an issue of scoping, trying to do too much, too big, too fast of a project and it's going to be a killer. Do you really need a 3 or 4 acre site if you want to start small and incrementally increase the number of materials that you can accept? That's again, part of the challenge of taking the time to work through a really complex set of issues.

2. Update on report and final recommendations of the Cesspool Conversion Working Group
(https://health.hawaii.gov/wastewater/files/2022/11/ccwg_final_report.pdf)

Director Mansour said we are going to ask for a cesspool conversion briefing meeting with the County Council and the mayor's administration and you also might as well be able to attend this meeting. The intent of that meeting to bring everybody on the same page to the new state law and the state report that was published just recently. The Director and Deputy attended the state legislative hearing about two weeks ago when they presented the cesspool conversion report that was completed by the Department of Health to the Senate (and House). Rep. Lowen did a great job in presenting that report. So now his duty is to bring it down and do the same presentation to our County Council, to the EMC, to the Mayor and administration, so you all understand the process, priority areas, what the recommendation was that went to the legislative bodies so they could start somehow be able to fund these other conversions or provide assistance. So we're targeting sometime in February, maybe the end of the month. The Secretary will keep you informed. We need now to bring everybody up to speed on that report because it does play a major factor on how our wastewater eventually down the road will be predicted. If we're going to go- septic is not the solution to certain areas, priority areas, and especially if you have a wastewater municipality service, you want to stay within that service area to provide connection. And also that could help the Planning Department as they move into the 2040 General Plan. Now they have a document from the State telling them these are the rules and laws pertaining to cesspool conversions and maybe that will get us out of this mess that we've been in.

The Director's recommendation to EMC as an advisory committee is to research service area within a certain private entity. If they annex a service area, they should be able to provide service to the people within that annexed service area. It's done all over the country. He doesn't understand why we cannot do it here. Because you have Hawai'i American Water, you have Hawaii Water Service, you have county, you have other private wastewater owners, they are run under the Public Utilities Commission. So the idea is they could expand maybe somewhere in the county laws, or we could allow these private districts to expand and annex a service area. Once they do annex as service area, that's incentive to them to put the capital cost to expand the sewer collection system with the idea they're going to have return on their investments from a sewer collection. We have multiple private wastewater big companies. We can call them utility districts or wastewater districts. What would it take to have in these people annex a service area. Once they annex it, they could provide the service to the people within that annexation. He could connect Commissioners with people that he dealt with over the last 30 to 40 years in dealing with this type of thing. It's doable.

That's a good topic, Chair Adams said. She had listened to the presentation to the Legislature. One of the options allowed for a cesspool conversion is, set up your own little package system that can handle sewers. Instead of going into a gang cesspool, you'll go into one of these wastewater treatment plants in a box kind of system that would be set around and it's one of the solutions being offered at Pāhala and Nā'ālehu. Well, these smaller places that are going to choose to convert to a package treatment plant, if you will. They'll own it, they'll start it, they'll pay for it initially, but then the County should take it over because you can't count on residents continuing to do the kind of maintenance necessary. And the Director did a really good job of responding to that, that there's no way he can take over management of hundreds of scattered package systems all around the island. So what we line need to talk about, and maybe the state is looking at it, as making private public partnerships, encouraging private outfits like Director Mansour is saying, to do more for us and not always expecting the County to do it for pennies, because the County cannot. So, yeah, let's think about how we can put that maybe as a future issue. It's one we've recommended before and we need to continue on it. How do we leverage somebody else managing it? It's become a relatively standardized business and it's about reducing the barriers that exist for companies coming in and doing the jobs for us.

VIII. FUTURE AGENDA ITEMS

a. Follow up on action items determined today.

Lots of follow up issues, Chair Adams said, and she has to go back to her notes, talking about budget, talking about the zoning and the need for more space, more land. She will figure out how to roll those topics together. Legislative initiatives, hopefully we'll see what DEM's wish list is. We should get a better feel for what's popping up at the State Legislature and also Council. There are still efforts looking at what didn't pass last time, including the extended producer responsibility. So there may be an opportunity to tackle that and have you start thinking about it. Other items that you want us to address, let me know, she said.

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

c. Previously postponed items.

- a. 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 Parksopes & 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.

We already have some items we postponed from last meeting that they couldn't make at this meeting, including Ashley Kierkiewicz talking about this grant she got for making plastic art, Chair Adams said. So she can explain that to us.

b. Discussion of Planning Department’s Zoning Code update and process.⁶

We think we've got maybe even the Planning Director lined up for our next month's meeting to talk about zoning, Chair Adams said. The Chair said she was going to try to make the public

⁶ VIII.3.2: Hawai'i County Zoning and Subdivision Code Amendments Information: <https://reasite.mysocialpinpoint.com/hawaii-county/hawaii-county-home>

meeting they're having at Waimea tonight, and they're having another one at the West Hawai'i Center Civic Center tomorrow, 5-7 p.m., if anybody can make that. There are some on the Hilo side. But the whole issue of zoning and how particularly in Puna, that we can see if there's a way to make sure they're taking into account sewerage and recycling and reuse opportunities within the zoning, planning, that they're doing. So, again, if there are any other items, let me know and do some homework on it, she said.

- c. Legal opinion regarding the Commission's ability to make a recommendation to the Environmental Management Director on the County implementing an advanced disposal fee.

And then we will also hear, hopefully, from Corporation Counsel on the idea of advanced disposal fee that Commissioner Olson keeps bringing up, Chair Adams said. So we'll get a legal opinion and we can talk some more about that.

IX. ANNOUNCEMENTS

The next meeting is scheduled for February 28, 2023, at the Puna Conference Room of the Hawaii County Building, 25 Aupuni Street, Hilo, and via Zoom.⁷ 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.⁸

Chair Adams announced the next meeting. She also said, if you know anybody from our imminent vacancies that are going to occur and are existing, we've got District 2, 7 and 8. Thank you very much, Rick Gaffney, for being willing to come to our meeting still, and hopefully Dee Fulton will come to our next meeting. But we need people who are interested and want to participate and think and read all the stuff that we pull together.

X. 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 3 (Burns, Cardwell, Fulton). Meeting adjourned at 11:35 a.m.

Respectfully submitted,

Peter Sur, Secretary

⁷ IX: 2023 EMC meeting schedule: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=120846>

⁸ IX: Hawai'i County Calendar: <https://www.hawaiicounty.gov/our-county/county-calendar>