

**ENVIRONMENTAL MANAGEMENT COMMISSION**

**COUNTY OF HAWAII**

**MEETING MINUTES**

**Wednesday, March 29, 2023**

**9:22 a.m. to 12:39 p.m.**

**West Hawai'i Civic Center, Kailua-Kona, and Zoom**

Commissioners present:

Georjean Adams, Chair  
Jon Olson, Vice Chair  
Laura Acasio  
Rick Gaffney  
Melissa Cardwell  
Lee McIntosh  
Dell Otsuka

County staff present:

Ramzi Mansour, Director  
Craig Kawaguchi, Recycling Specialist  
Kelly Hartman, Environmental Management Planner  
Chris Laude, Wastewater Division Civil Engineer  
Peter Sur, Secretary  
Sherilyn Tavares, Deputy Corporation Counsel  
Keyra Wong, Deputy Corporation Counsel  
Pomaika'i Bartolome, Office of the Mayor

Others present:

Cory Harden, Debbie Hecht, Dot Norris, others.

**I. CALL TO ORDER**

Chair Adams opened with a roll call and called the meeting to order at 9:22 a.m.

**II. APPROVAL OF MINUTES FOR MEETING ON FEBRUARY 28, 2023**

**Motion, second, and vote:** Commissioner Gaffney moved to approve the minutes as presented, to which Commissioner Cardwell seconded, and the motion was adopted. Ayes: 5 (Acasio, Cardwell, Gaffney, McIntosh, Adams); Nays 0; Absent 4 (Burns, Fulton, Olson, Otsuka). Motion carried.

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

Chair Adams thanked Commissioner Gaffney for his years of contribution to the Environmental Management Commission. This is the last official day that Rick can join us on the Commission and be counted for quorum, she said. Your contributions have been hard to categorize. Basically you take up half the minutes. A lot of passion and the Chair sincerely hopes that he continues to follow us and jump in, when he thinks comments are necessary or if he would like to see something on the agenda, feel free to let me know because the Chair very much appreciates the contributions he has made and it's been a pleasure working with you. The Chair asked if anyone has applied for his position.

Yes, Commissioner Gaffney said. There's a woman named Dot Norris who is a marine biologist by training, who has some experience with wastewater who applied for the position. She was interviewed by the Mayor's Office and she hasn't heard a word since. The Commissioner has met with Dot, spent two hours with her, bringing her up to speed on what we are doing and what the meetings are like and how the whole process works. And he is disappointed that the Mayor's Office hasn't been able to move the process along. He has reached out to Bobby Command, the Deputy Managing Director, to ask him if he can look into it and find out what's going on. But the bottom line from his assessment, Dot would be a good replacement and he hope that ultimately she can take a seat. And thanks for your comments, Georjean, he said. He appreciates what she said, and he is not going anywhere. There's a couple of projects that he has been working on since he started on the commission and he wants to continue to work on those. He will be in the background, but thank you very much.

Chair Adams continued: Commissioner Fulton of District 7 also has timed out and again was a very passionate contributor to the EMC. And the Chair misses her being at the meeting. She kept us lively. She does not know if anybody has applied for District 7. It's important to give representation from around the island, but I will send our sincere appreciation to Dee for the year she's given to the commission.

And then we have a new commissioner, Laura Acasio for District 2, the Chair said. Laura comes to us from a recent stint at the State Senate and is going to continue to be very involved in environmental issues. And the Chair looks forward to your addition to the Commission and getting us moving on some important issues. Ms. Acasio was asked to give a statement.

So it's wonderful to meet everyone and thank you for having me, Ms. Acasio said. I'm honored really to be of service. This is definitely something, environmental management in general, including and specifically wastewater, has been a big issue for us as we served the two years in the Senate, even prior as well following a lot of the cesspool conversion working group meetings and legislation. So that's just been a primary focus in some ways. Also, she does have extensive background in a lot of different areas, but she comes to this with enthusiasm and solution oriented, collaborative efforts with you folks, and she hopes hope to learn a lot about the management and functions of the County in terms of environmental management and offer a perspective of zero waste and also how to bring money also into the system so that we can have the opportunity to create some solutions. So I'm an educator for the past 17 years, she

said. I have a lot of volunteer services in the community of varying types, but this is definitely something of interest to me personally. Look forward to getting to know you for this.

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

Debbie Hecht: Aloha commissioners. Good morning. This is on agenda item 2, the budget, and 4 wastewater. We have a public health problem in the Kahalu'u area in Kona, it's a world class snorkel site that is being polluted. And I did email you my testimony. And what's especially important is the two maps. You'll see a blue map, and that shows the area where there are no sewer lines in Kahalu'u. And the other very crude map shows all where the cesspools are, or cesspits. The Board of Health didn't have that many records on a whole lot of the ones on the map, there are the ones that have no records that are assumed to be cesspools that are cross hatched with blue. So you can look at it really closely. There's a couple of septic, there's a couple aerobic sewer systems. So we've been working on this for more than 20 years, and I know Rick Gaffney has followed it closely too. I used to swim at Kahalu'u three times a week. It was something I just so enjoyed until I got an incredible infection in my arms and landed in the hospital twice. And they never could figure out whether it was staph or MRSA. And I was on IV antibiotics for three weeks. So on those maps, especially the very crude map that I cobbled together out of TMKs, you can really see where the yellow is that the cesspools just wash into the ocean at high tides all the time. And septic are not the answer. Septics still have leach lines with urine seeping into the soils that pollute the water tables, potentially, and also the ocean. They also are susceptible at times at super high tides, king tides, and tsunamis to be inundated, go in and fill up the tank, and then the sewage, the hard sewage, all comes out. As you know, cesspools are holes in the ground where blackwater sewage from your toilet and house goes straight into the ground. When you snorkel on the north side of Kahalu'u Bay, and for those of you that know the area, it's a teeny, adorable little church with a blue roof, and over that side, there's lots of turtles because the algae is growing there and it's increased over the years. It's brown algae now.

So I respectfully request that the Environmental Management Commission send a formal communication to Mayor Roth, the Director of Environmental Management, Ramzi Mansour, and a Deputy Managing Director, Bobby Command and Deanna Sako because the County Council and the Mayor are all going into budget hearings. I believe that you all can send a formal communication to these people, asking them to include money in the budget for Fiscal Year 2023 to 2024 to have enough money in the budget to have an environmental impact statement or environmental assessment, whichever is deemed required, and also engineering drawings to get this project - it's only a mile of sewer - and to get this project shovel-ready so we can apply for Biden's infrastructure. We already missed Obama's infrastructure. And again, this has been going on for 20 years. It is a public health crisis, so it's time to get this done. I firmly believe it's a fundamental job of government to protect the health of citizens. And I think Georjean said I can take questions now after public testimony, so I'll be here for that. Mahalo.

Commissioner Cardwell asked whether an Environmental Impact Statement has ever been done on this area. That's a lot of cesspools. She is just wondering if there's what the history of the area is.

Ms. Hecht said that in her discussion with Bobby Command, Deputy Managing Director, he said that we need to get that done: So based on that, she is assuming that no, it's not ever been done, which is pretty astonishing when you think it's only a mile. It's only a mile and it affects the water. And from the Supreme Court ruling (with the County of Maui), I would think this is not only a public health crisis, but a pending lawsuit. I, frankly, for the last 20 years, can never have believed that this isn't taken care of. I've been working on this since Brenda Ford was a Council Member when I was her legislative aide, so it's a pretty darn long time.

Dot Norris: I'm not a member of the Commission, but I was wondering, the Sylvia Earle Alliance has designated the Kahalu'u area as a Mission Blue Hope Spot<sup>1</sup>. And therefore there is environmental interest in that area to preserve that. And I also volunteer at Kahalu'u as a Reef Teach person, but I really don't go into the bay after a rain. ... I'm wondering, is there a baseline or any kind of monitoring that's being done in Kahalu'u of water quality?

Yes, there is, but it's only done every two weeks, Ms. Hecht said. It takes five days to get the results back and it goes up and down just like what you said.

Well, also during storm events that should be intensified, Ms. Norris said.

Cory Harden: Okay, thank you all for your service on the commission. I have two items. One, speaking for Sierra Club on number VIII.1, the Legislative Update. I sent you information before on County Resolution 73. It had only one reading before County Council, but supported a major change, which is sending all County solid waste to one facility and getting it started within the next three years. That facility would need a steady stream of waste, but as you know, two waste to energy proposals for Hawai'i Island were rejected in the past because we don't generate enough garbage to make it cost effective. And as you know, on O'ahu, taxpayers are paying penalties to H-POWER because O'ahu can't generate enough waste to fulfill the contract. Also, under Resolution 73, green waste is now given freely to people who are farming at a subsistence level, but that would stop. It would be taken to make biochar. So then farmers would need to start paying for mulch, which would be shipped in over thousands of miles, wrapped in plastic. And after the biochar was made, it would not be free. We've been told that Resolution 73 was written at the request of one company, Yummet, and written for its benefit. And that would be an ethics violation. And the Yummet CEO made several claims that could not be verified. I hope you folks will consider recommending to Council that measures that propose far-reaching changes should first go to you, then a Council Committee, and only then to the full Council. And I hope you'll continue to encourage the Council towards source reduction, reuse, and recycling, also to focus on that old Hu Honua site. Lord knows what they're going to propose for that site. It might be a good site for battery storage, for renewable energy or hemp processing.

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<sup>1</sup> Mission Blue Annual Report 2020-2021: <https://mission-blue.org/wp-content/uploads/2022/06/MBSEA-AR2021Final-Online.pdf>

On the second item, I'm just speaking as an individual, I didn't have time to run this by the Sierra Club board. This is number VIII.4.3, the Hilo Wastewater Plant. I really want to commend Director Mansour for all his work on this very challenging issue. And I am conflicted about seeing anything that might cause delays. But I hope Director Mansour will address these questions. I think the original design is going to be used for Phase 1 work. So does that mean it will be 30 year old technology? And will the wastewater be as good as with modern technology? For instance, will it meet modern NPDES standards? Also, will operators know how to work with a 30-year-old design? It's been compared to a millennial trying to drive a stick shift. You know, how is that going to work? Will sludge still be trucked to the Kona landfill? And are there enough mechanics to keep the trucks running over there? Will salt water that is leaking into corroded collection pipes get into the new plant and damage it? Should there be ultraviolet disinfection? And last, I believe there's going to be an environmental assessment done only for Phase 2, but not for Phase 1. But that can be considered segmentation, breaking up one project into a lot of little projects and saying all the impacts aren't that bad, but they seem very closely intertwined. So thank you.

## V. UNFINISHED BUSINESS

### 1. Wastewater pretreatment code and rules update

Director Mansour asked Chris Laude to update the Commission.

Mr. Laude said we've gone through the County Code. We've looked at it from the perspective of what the pretreatment program and the Administrative Order on Consent requires. Another consideration is past directors have looked at the code and made suggested changes, suggested edits. The Director has looked at it too and has made some comments and suggestions. And then we took the comments and suggestions that you folks gave us, and we massaged it, we rearranged it a little bit to make it flow a little better and easier to follow. And I'm not sure where we are on that, he said. We sent a copy to Chief Beck. Not really clear what happened to it after that. But in my mind, we're ready to have you guys look at it and make comments, he said. Mr. Laude has a PowerPoint but at this point we need to give you a copy of the bill to take a look at it.

Chair Adams said that when the Secretary gets the word that it is ready to go, he can ship it out to the Commission for review.

### 2. Discussion of Planning Department's Zoning Code update and process.<sup>2</sup> Deferred from February 28, 2023.

(This item was postponed to the next meeting).

### 3. EMC county landfill diversion ordinance initiatives.<sup>3</sup> Deferred from Feb 28, 2023.

Chair Adams said this is kind of a brainstorm of looking at what are some of the things that we could do. One of our commenters, Corey Harden, commented about this Resolution No. 73-23

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<sup>2</sup> V.2: Hawai'i County Zoning and Subdivision Code Amendments Information: <https://reaside.mysocialpinpoint.com/hawaii-county/hawaii-county-home>

<sup>3</sup> VI.1: Landfill diversion initiatives: <https://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=1&startid=121745>

that just got passed. She just watched the Council meeting on that one, and basically it says that all solid waste should be sent to a single site that is going to basically burn it to biochar and take any wastewater that comes out and retreat it to make it reusable water. And that's all going to be done by 2026. It's a resolution, which means we didn't get a shot officially at it as the Environmental Management Commission. (If) it becomes a proposed ordinance, we will get a chance to formally comment on any provisions.

But it was represented in that meeting as a policy direction wish and not a prescription that must be followed by DEM. Chair Adams thought was extraordinary when she first read it, and then she went on a trip and didn't get a chance to really comment on it. But in that spirit, apparently the Council is interested in maximizing diversion from landfill. So she wanted to start off the discussion around what can we do or recommend rather as EMC on keeping things from being landfilled on this island. The Chair also wanted to get EMC started thinking about what is it other than this concept of taking all our solid waste to a single site that's going to turn it into biochar by presenting seven proposals:

- 1) We may have a Council that is amenable to looking at landfill bans. (Screen sharing started) So looking at the materials that we know we can divert and get recycled because they're regulated as such, we have programs in place, but we don't have the backstop of you cannot landfill these. You cannot take them to the transfer station and put them in the wrong chute. You cannot as a business do the same thing because there is a way and it is economically feasible and that's always arguable. But looking at where can we get some significant diversion where we've got the ability to recycle, reuse, recognizing that right now we don't. For example, I've got this line down there saying not ready yet, food waste. We're still arguing about how best to do that. And until we get that infrastructure in place, that would be not fair, not appropriate, I think to actually ban landfill because then what are you going to do with it? Paper, textiles, plastics? We're not there, but we can get there.
- 2) A recommendation from the Solid Waste Advisory Committee, is to allow small businesses to do recycling at the transfer stations instead of having to haul stuff to whomever they can cut a business deal with Business Services Hawai'i or Atlas or one of the others.
- 3) Start putting some screws on multifamily properties like the condo association that she lives in to provide not only recycling opportunities, but a collection bin place to do that and set up and pay for transportation to recycling, preferably to the transfer stations, maybe requiring some kind of fee, but start leaning on those that can be leaned upon.
- 4) Looking at commercial facilities, including hotels. Again, require them to do some kind of recycling education because a lot of the problem is people don't even know what they can do today, and provide those facilities or that service of taking waste that can be recycled.
- 5) The other bunch of outfits and government facilities, including schools, again to make (recycling education) available.
- 6) Looking at how do we start putting some screws on businesses, larger businesses that they have to know what kind of waste they're generating, do an inventory and set some

goals and write reports to try to get them to start thinking about how can one reduce the production of waste in the first place and recycle.

- 7) And then the last item is, what are some of the regulations that may exist at the state level that wouldn't allow subdivisions or other groups of residents to set up a recycle collection site. Right now they can't do it because it's considered a solid waste site. And in the Senate they're going to basically ban on any place that has an Aquifer. And the island of Hawaii has been designated as the whole island has got an Aquifer, so you can't build anything.

So anyway, these are just some starting points, Chair Adams said, whether there's some that grab you some that you think might be valuable for EMC to get behind and try to move. Again, maybe this Council is going to be more amenable to thinking about those kinds of things.

Vice Chair Olson said everything you just described we already did and the starting point was the Kea'au Transfer Station, and that was intended to be a full service facility in terms of anything that you didn't need anymore could end up there. We did the work using a federal grant that was tied to a civil rights complaint that we filed against the County. When they investigated the complaint they tied the state to it and all of this has been laid out.

Chair Adams clarified that what she is talking about is at an ordinance level from the County Council to make it illegal to throw into the trash certain materials that we know we can manage. What you're talking about at Kea'au is how we would do the management and to have facilities available for people to use and take things to, but stop it with a ban saying it is illegal to put it in the trash. So you've got to find some other way to do it. Now obviously we don't ban something if there's no way to do it.

That is exactly the problem that we attempted to deal with, the Vice Chair said, and of course both the State and the County ran out of money and there were changes on the federal level at EPA, and the people who were working with us on that, Shannon Fitzgerald. And it's all in the books and he was standing down there the other day just wondering how the wheels came off because we had the land, we had the connectivity issues, we had the water and the thing never grew beyond that initial little, what you see. But it's there. There is a book full of it. Puna alone has a buildout figure of 80,000 and that's on a good day. Wait to see what shows up. It'll be double that, he said.

Chair Adams she heard the Vice Chair and guaranteed that we will again agendize the idea of setting up resource recovery parks and using the Kea'au original planning as a measure. But that's another package. She is having a meeting tomorrow and will see if I can get some more scoop so will have that on a future agenda. But this particular item is meant to get you thinking about, are there some places where we can just outright ban landfilling? There are downsides to bans. The claim is always made that well people just dump it in a ditch somewhere because they don't care. But there may be some muscle that we could put in to say, no, we're just not going to allow landfilling these materials that are perfectly reusable, recyclable. Enforcement is a whole other mess.

I think it's wonderful, Commissioner Acasio said. I think it's a good time. It's very timely in a lot of different ways that we can bring out as we move forward. One of the thoughts that comes to her mind is how to support it statewide and also if we can downsize it to county initiatives around extended producer responsibilities. So rather than looking at it from the ban side on what we can landfill, it would be what we're accepting into our County or helping to guide policy on the producer side, or policy that guides packaging and business models that produce waste in the first place. And so it ties in very nicely with what you're presenting. And I think there's a lot of movement that can be had in this topic.

There is a balance, Chair Adams said. Some of it's going to be reserved to the State. EMC's charter is to advise DEM and the Council. We're not supposed to be sending stuff to the Governor. We can leverage and hope to get the Council to support movement into this state. But she was trying to take the baby step of, what can we get the County to do reasonably and that we practically have alternatives for people. Again, I don't want to just say we're going to ban everything and if you can't find a way to deal with it, well, too bad, you got to eat it, she said.

Commissioner Cardwell seconded the idea of banning certain things from the landfill because unfortunately, that's probably one of the few ways we're going to keep people from throwing stuff in the garbage chute that they shouldn't. But she does have the concern of people just dumping things wherever. I mean, that does happen a lot in Puna. She also wanted to comment on Cory Harden's testimony. It seems like an appropriate time to say she thinks that resolution is a terrible, terrible idea. And so when it does come around for us to say something about it, we should. She was privy to a presentation about incineration and the situation that O'ahu is in, and we definitely do not want to end up in that situation. O'ahu, as Ms. Harden said, has had continual fines because they just simply don't produce enough garbage to keep H-POWER going. Honolulu is a city of a million people, so if they can't produce enough garbage, we're certainly not going to be able to produce enough. She doesn't think that we should go down that road.

Chair Adams noted that we have an official authorization, in fact a requirement, to review any new ordinances that impact DEM. It was represented as policy. There were a couple of different council members who didn't like the language that was in there and thought it went overboard on a single solution. But it was said, this is just a policy, this is a direction. We need to now start diverting waste and quit putting it in a landfill. And the details, we'll work those out, and they'll be worked out within each individual ordinance to make them up. She would like to explore whether we could comment or need to comment as a commission, but we'll get to that when we hit the legislative section (of the agenda), the Chair said.

Commissioner Cardwell said that Commissioner Acasio had mentioned the extended producer responsibility. There's actually a bill that's been passing through, HB 1326 HD1 SD1<sup>4</sup>. She can

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<sup>4</sup> [https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1326&year=2023](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1326&year=2023)

send an email because right now it's at this very crucial point of being up for a hearing. But Senator Donovan Dela Cruz needs to hear from a lot of us, like hundreds of people, to get that bill to have a hearing. And so that's the next step for this extended producer responsibility bill. So that's at the state level, and we're with the County Council, but as individuals concerned about this, we could all send an email. It's an easy thing to do.

Commissioner McIntosh asked if the discussion is about items to ban, like HI-5 and plastics, or are you asking for comments on technologies available?

It could be either, Chair Adams said. The question is, is there enough energy in the EMC to keep digging into this area, looking at how we ban landfilling, but also we cannot ban landfilling if we have no alternative other than landfilling, or it will wind up in the ditch. So how do we make sure we've got resource recovery parks, we've got transfer stations that work, we have collection methodologies, we are using the latest, greatest technology that may be out there? So it's all of it. It's looking at, is banning landfill a route that is reasonable and then how do we make it practical so that it can be achieved, and technology is part of that. So if you have any "oh, I've got this biochar burner thing is the answer," okay, that would be one way. Is that all right, we're going to ship stuff off, and which stuff is appropriate to ship off to a biochar facility?

We already have some items that are banned from the landfills like tires and such, Commissioner McIntosh said. So if the County really wanted to move in that direction, picking items that we already recycle and have programs for like the glass, the metal and the HI-5, you can do that. I see no problem with that, he said. But problem he sees is enforcement, the Commissioner said. You throw it in a plastic bag, you toss it in, they don't know what you're throwing away and they're not going to go through it either. He has seen people throw tires into the dumpster.

It's very frustrating, Chair Adams said. We cannot track everybody and what they happen to throw in which bag or barrel. But there may be some things we could do to reduce it. The analogy is the pay as you throw programs that you pay less if it's a recycle bin as opposed to your trash bin. And for example in the State of California they have basically trash police who go and look at your recycle bin and say no, we're not taking this, we're going to charge you and fine you and we're going to shove this education brochure down your throat. There are various ways to tackle it, but a lot of studies have shown that, there's a jump in, illegal trashing out on the land, but then it goes down as education improves, as people have more convenient ways to recycle and divert the waste, and it reaches a nice, steady state of doing a lot of diversion, but it's not easy, and you have to have programs in place to achieve it.

And also, Commissioner McIntosh said, HDOT is working with plastic pellets to introduce into their road mix so that they can use up plastic and it allows them to cover more ground when repaving. And they've indicated that if it is successful, that they would like to purchase the equipment and do it on island. So potentially that is a solution for plastics that all the islands can ship to O'ahu or maybe they'll have a facility on each island since the State is responsible

for each island's highways now, that each island can ship their plastic and we don't have to worry about recycling plastic.

That could be a wonderful option, Chair Adams said. Where we have capability to use it, we would add to that landfill ban list. It wouldn't be a static list as conditions change. As new technology, new facilities are available to us, new uses like Department of Transportation finds that those kinds of plastic roads work just swell in this climate, great. We've got a market now, so we can divert, and we can say, no, you're banned from landfilling and stuff because we've got a really good use for it. So it would be something that would need to be added to as we get more capabilities. It's a good idea.

Commissioner Acasio said that microplastic degradation, as we put it in the environment, is a huge problem. And there's studies coming out now finding microplastic in amniotic fluid. And as we put more of it into the actual environment, it degrades a lot faster, even with our UV radiation. So while it sounds like a great solution, we really do need to look into some of the deeper science around it breaking down in the environment and what that means for our oceans and our aquifers, et cetera. So just putting that on the table as something else. And just while we were quickly on the topic of extended producer responsibility, she did want to also point out there's a lot of nuances to be learned about extended producer responsibility. And even herself in the past two years have been learning an extensive amount. But she would also encourage people to look at Senate Bill 1458, which is currently sleeping. It's the start of a biennium, so it could come up next year. But if one is going to look at the EPR bill from the House that has moved this year - also there was one last year as well that went all the way to conference committee - but look at the nuances between the two and one focusing much more on reuse and refill and compost as opposed to recycling, which we don't necessarily have the infrastructure here on this island. So just to really dive into the nuances and the differences as opposed to thinking it's a one size fits all solution.

Chair Adams agrees. She is very much a proponent of the life cycle analysis and making sure that you're considering all the impacts of particular technologies. It might make a great road, but they wear out, they have to replace those roads all the time. Well, where does it go? In our case, out into the ocean. So you need to look at the whole picture and to evaluate whether or not we're really doing a better job. She will be interested to hear whether this life cycle analysis has been done yet on what we are currently recycling, the Chair said. Pick a topic and we can dive deeper next time, and she can work with Solid Waste Division.

## **VI. NEW BUSINESS**

1. Discussion with Reuse Hawai'i regarding barriers to expanding business.

(This item was postponed to the next meeting).

2. Discuss and possible recommendations on revising the schedule for priority cesspool conversions. Review Senate Bill 426<sup>5</sup>, as amended, or other active legislation relating to cesspool conversion.<sup>6</sup>

Chair Adams said there is a Senate Bill 426, that would follow the recommendations from the Cesspool Working Group to move up the deadline for replacement of Priority 1 cesspools. Last time she looked, it was 2030, but they now changed it to 2035. The year 2050 is the state overall conversion deadline where we will have no cesspools - yeah, sure, but they're going to try to do Priority 1 cesspools sooner rather than later. But the concern was if we've got money and plans in place and we're going to sewer an area, we would rather people hook up to the sewer than to put a septic in, because sewerage is better than septic. And if that time frame is outside of whatever the pushed-up deadline 2030-2035 is, would we want to allow people to defer to sewerage as the preferred method and not be caught by an arbitrary deadline. Is that what you were concerned with?

Yes, Commissioner Otsuka said. For her district, in Keaukaha, we're looking to get federal money to put in the sewer. And her concern was having homeowners pay for the sewer system- (inaudible). The Cesspool Conversion Working Group is looking to get funding, now that we can, from the federal government to pay for the sewer system that we need. And so they were looking at maybe homeowners having to pay for it using low-interest loans from the banks, working with the banks. And her concern was, if we're getting the money from the cost of the sewer, why are homeowners having to pay for that? I can understand paying a monthly fee, but not for the cost of that. Because as we mentioned before, Hawai'i County is the poorest county, and to have the homeowners in Keaukaha or other places like that foot the bill for that, I don't think it's fair.

Chair Adams asked Director Mansour to comment on the sewerage plans for Priority 1 areas and whether he sees that 2030 or maybe it's 2035 deadline as being a challenge.

The Director said yes, it could be a challenge. Cesspool conversion is a State-driven, State-mandated requirement for individual homeowners because DOH is the department that issued the permits for such conversions. Our role as a County is to try to create a layout that could assist the constituents. He calls it a roadmap or a cesspool conversion master plan that he just finished talking to our staff about going out and soliciting a consultant to come back with a roadmap for the entire County, based on priority areas and the options they may have. So that way if Priority 3, let's say in the Puna district, and they don't have a wastewater facility, but there is a master plan that is being done as we speak, if the master plan says yes, it's more feasible to build a wastewater facility for that district, for that area, then how are we going to fund it and when are we going to have it constructed by? If it's Priority 3, we may be able to do it prior to the 2050 deadline. That way people don't have to convert because eventually they may have a wastewater treatment system, but we're working on that from that angle.

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<sup>5</sup> VI.2: Senate Bill 426 as amended, relating to Cesspool Conversion deadlines:

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=426](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=426).

<sup>6</sup> VI.2: Cesspool bills/resos: <http://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=1&startid=122209>

So the West Side and other areas, like Hilo and West Side are true to that as well. We need to put our hands on that master cesspool conversion plan. Hilo has a service area there that is already committed to go to the Hilo Wastewater Treatment Plant. So we need to look at the hydraulics and the expansion of that sewer collection to include cesspool potentials. But it is Priority 2 and some of it is within Priority 1. That's seven years from now. So the idea is could the County or the Department be able to fund and complete design, construction, environmental assessment prior to the 2030 to be able to allow these people the connection to these sewer lines. And to do that, the only vehicle that currently we have within the county is to create a Community Facility Sewer District. And that require us going around communities, or creating leadership within their community to go around and be able to solicit 55-plus percent votes from the community. We have to have 55 percent to constitute the creation of such a district. So there is a complex process to get there and trying to get that 55 percent of the community in agreement, if that's the way they want it to go. Rather than converting to septic, then that will be implemented and we could act on it and we could go through the environmental process and what have you once that district is created. So that's for the area that we see has to be sewerred. And if that became the roadmap, then people could say, okay, I'm within this area, therefore I don't have to convert to septic because eventually I'm going to convert. So this is what the Director is envisioning, trying to create that roadmap to help our constituents. The State has their own deadlines, but if you have watched our presentation on the cesspool conversion, we are the biggest county within the State and we have the least sewer collection system. We about 21 to 23 percent sewerred for the whole island where Honolulu is about 97 percent sewerred. So this type of bill that allows for acceleration of the deadline definitely is going to benefit Maui County and Honolulu because they already got their infrastructure. But unfortunately we don't because we only about 20, 23 percent sewerred for the whole County. So that's going to be a challenge. Is it possible? Everything is possible, but it takes money and it takes commitment. It's going to be a challenge. But we need to- one of the idea that he recommended, and maybe you could give us advice on it and analyze it further, is to make the entire County as a Community Facility Sewer District. And maybe it would go out to the people to vote on it. So now the entire County will be a sewer district where the county collects the fees from the constituents and we'll take over the infrastructure and everything else. If the entire County becomes a sewer district, then we could be able to generate revenue and based on the priority area, we could start allocating that money to sewer infrastructure. And if we do that, from a financial point of view, we could go out for general obligation bonds or certificate of participation as a standalone district rather than being tied to the entire County's debt ratio, because they already are at the 15 percent maximum. Once we expand the revenue generation, if we make it a whole county district, sewer district, then to the Director, financially, we could start getting more money coming to the district to allow us to do the infrastructure, because now we know we're going to offset it with revenue coming in. So let's assume the entire county is 70,000 constituents. Then that revenue comes from the 70,000 constituents rather than the 6,000 we have on the books now. And then we could start planning just like the Department of Water Supply. You have to have revenue to be able to put the infrastructure. So maybe that's something for you to look into and analyze and advices on the feasibility of such creation of an entire County sewer district.

Well, that's certainly a bold approach, Chair Adams said.

Well, it is bold, but what other option do I have, Director Mansour said.

Chair Adams said Commissioner Otsuka is thinking there's all this federal money that's going to rain down on Hawai'i Island to give you revenue to do this stuff.

Commissioner Otsuka said that with this new infrastructure money, weren't they (the County) talking about getting money to help with this? Because that's all she was looking at. If that were the case, why would we pass to the homeowners the cost of it when we're getting it paid for by the government? Her concern, too, is the Department of Hawaiian Homelands. DHHL will help with whatever infrastructure needed for your sewer hookup because they are doing it already. And presently, or currently, they're doing one street in Keaukaha now, and they dug up the whole road, but they couldn't find the plans for the water pipes from the Department of Water Supply. So they can't go on putting the sewer line in. So she is saying it's good to have the whole County buy into it and we look at as one. But Keaukaha and maybe Pana'ewa is separate because DHHL will fund it if you work with them to do it. Because we're willing to do that.

You're right, Director Mansour said. And we have been working with DHHL, through Kelbert Yoshida and Nina Fischer. We've been meeting with them. We already gave them the authorization to put the sewer infrastructure. And their challenge is they're going to put the sewer infrastructure, but they are still expecting the homeowner to do the connections. And I told them, how could you guys do that? They need to be able to help their homeowners, but that's something between them and the homeowners. But yes, they intend to put the sewer within the roadway, but they still anticipate the homeowner to do the connection to the street.

So then am I to understand that we're not going to apply for any federal monies to help with the sewer for the County, Commissioner Otsuka asked. Because she thought there was talk about doing that. But if that were the case, then again, to find low interest loans isn't going to help the homeowners. And if they have to sign a lien to their homes if they forfeit payment, then that would not be ideal.

Director Mansour said that within these Senate bills- there's two things. As a government entity, the County could only apply for projects already within the County right of way. We cannot enter private properties to do connections and what have you. That's why they try to set aside financial benefit to the cesspool conversion within a certain income. If you have seen the presentation that we did in February 21 by our consultant, she said financially it's going to cost the State about \$2 billion total. The County of Hawai'i is 55 percent of these conversions. So it is going to be hitting our County with a big dollar figure to convert. But usually we try to do either a tax credit or up to \$10,000, \$20,000 assistance to these homeowners they could apply for. Currently our Housing department is working with the Department of Health. They set aside \$5 million for the whole state. So Hawai'i County is getting \$1.8 million out of that \$5 million to help our disadvantaged homeowners to do the conversion.

I understand, and that's appreciated, Commissioner Otsuka said. But even if you gave them say \$20,000 as a credit, a lot of them can't afford it even with the credit. But with the current customers on sewer, that's over \$3 million a year and 70,000 more people would put a lot of money into that fund. So again, she only brought it up last time because she thought we're going to apply for some federal money for the sewer.

Yeah, good questions, Director Mansour. It finally dawned on me, if we do a whole county Community Sewer District and have the people vote on it because they're going to end up paying the monthly fees. So if everybody is on board to pay the monthly fees and have the County take care of their sewer system, we could do that, because now we have revenue generation that we could go start planning around it, to be able to project and get loans and get grants and stand alone as an entity rather than being under the mercy of the General Fund, or to subsidize our capital projects or because of the low amount of our constituents that already sewered. Our revenue doesn't even cover the operations and maintenance. So, yes, it's challenging. The constituents need help. We totally understand that the County of Hawai'i has the lowest household income probably within the State. So we understand that it's going to be a challenge. Financially, how could we go about assisting our constituents, even though it's a state-run program and a permitted program, but I see as our obligation as a County to be able to provide our constituents a good roadmap that could allow us to become the fiscally responsible party to implement a good vision to our constituents. If it needs sewers, collection expansion and what have you, then we need to be able to convey that to our constituents. How are we going to sewer it, how are we going to finance it, and who's going to pay for it, et cetera. So definitely it's a challenging issue, especially with bringing the deadline to 2030, 2035, for these high priorities. It's a challenge.

Commissioner Gaffney said he likes that the Director is really thinking out of the box with this, looking at the entire island as one problem area. However, he is concerned that the one thing that that proposal doesn't consider is possible public-private partnerships. We already have a number of high-end sewage treatment plants on this island that are managed by private companies, and those private companies are willing to expand. They're looking for expansion opportunities. And secondly, we can't do as Honolulu has done and have one major recycling plant for the whole island, much less wastewater treatment plants for the whole island. So we need to look at opportunities that exist already to manage wastewater. And that model should include bringing the private wastewater systems into the fold. They have markets for the R-1 water out the back end. They're experienced in this. They're doing it all over the country. These companies are not just local companies. They're much bigger companies with bigger resources and assets. While he likes the idea of planning for the entire island and getting all of the island on board, he doesn't want to miss the opportunity potentially to utilize already existing plants and already existing areas that are already asking for R-1 water and they're unable to get it. Because just like we can't afford the expansion of our current sewer system, we are also, in parallel to that, unable to expand the R-1 water distribution system as well. And that's going to be very supportive of a massive sewer system in the long run. He understands the complexity of the problem, but doesn't want to eliminate opportunities in the creation of that solution.

These are good concerns, Director Mansour said. He has also been working on that issue as well. He even had a Zoom meeting just within the last three weeks with a friend who used to work back in California to create sewer annexed area. And he brought to EMC's attention last meeting about the possibility of expanding the private entities into a more of a sewer service area. That way their boundary will be expanded. They guarantee the connection within that boundary so that annexed area, sewer area, becomes their district and then they would be willing to put the capital cost up front because now they are guaranteed the area of service. This also is controlled by the Public Utility Commission. And that cannot be done unless the PUC signs off on that. So he had a meeting with American Water Service a month ago to discuss that possibility with the Puakō expansion. They showed some interest. They also were talking about the possibility of how the PUC would approve such additional service because they are mandated it at a certain rate. So they cannot break the rate structure into two different rates unless they create two separate districts within one district. So also that it's complicated process. But to the Commissioner's concerns, he was ahead of that and had that solution prior to coming up with the countywide sewer district. Because it seemed like every time we come with outside the box thinking solutions, something comes and tries to make it more challenging. And Commissioner Gaffney is right and the reason the Director started talking about it is because we tried to pass Senate Bill 997 in 2021 but that didn't go well. So his outside the box thinking was the annexed sewer area just for the current facilities that already exist, run by the private sector, that is willing to expand to service the surrounding neighbors. It makes total sense as part of the cesspool conversion. If the County doesn't have the facility and these people are within reach of an existing private wastewater system, why can't we just allow them to connect to it? It's just the laws and the legal obligations, sometimes it doesn't make logical sense when we have to be boots on the ground trying to accomplish things. So it's definitely a challenge. The community needs to go and deal with these private entities on their own and we could set the framework for them, but we cannot put County and Federal funds into it because the *Konno* decision is going to jump in and bite us. So you have to be the facilitator between these two entities with the hope that the community and the private sector work the deal together.

Chair Adams said we do have the discussion of partnerships with private wastewater at agenda item VIII.5. She also hears the Director talking about this concept of a county wide district and then the county will take over this monstrous sewer system. Maybe the topic we should have on next time's meeting is how would we integrate a public private management of countywide sewer system, and how do we need to change laws, and probably at the State level to allow some portions of that County-wide management to be performed by private businesses. She assumes there need to be some boundaries, which maybe the PUC is responsible for setting on how customers are treated. Maybe we need to do some work between time on coming up with how to describe the potential projects here and providing some background materials for next meeting.

3. Review, comments, and recommendation on proposed administrative rules of practice and procedure for the Solid Waste Division.<sup>7</sup>

Chair Adams said that if anyone had opportunity to read and have comments on the proposed Solid Waste Division admin procedural rules that were in our meeting packet (please comment). She had some relatively minor comments that she had already sent in to DEM. Does anybody have anything specific we would like to formally submit to DEM. They're having a public hearing in April on the 10th and the 11th.

Director Mansour asked commissioners to review the proposal and if you foresee a need for change or modification or addition, just let us know. And you could also participate in these upcoming public hearings as well. So we are going to be taking comments, but we try to make it as simple as possible. There's not really too many hard changes, but we are still struggling with the idea of revenue generation because in some areas we are losing money. We allow certain small businesses to utilize the Hilo reload facility, but the County ends up pulling that waste all the way from east to west at our cost. There are some challenges. We raised the fees a little bit to at least offset some minor costs. Maybe just cover the gasoline or diesel cost just to get us from east to west. His recommendation is to take the time to review it and comment. If you foresee need to add more stuff to the current admin rule, let us know.

Vice Chair Olson said he was under the impression that there has got to be some kind of a rule change to create more transfer stations.

Maybe you could propose that to the Planning Director next meeting, Director Mansour said. And as far as subdivisions, his recommendation would be each subdivision could create their own designated collection areas, like what you have in apartment complexes, where you have the 3 to 5 cubic yard bins that get collected once a week by a commercial hauler. So think about it. A lot of resorts, a lot of apartment complexes or apartments with home associations, they have these collection areas within the subdivision itself. So maybe in future subdivisions, we need to make it a mandate where when each new subdivision comes in, rather than demanding a transfer station expansion or building a new transfer station, maybe we need to start controlling it within the source itself and have them create 20 x 10-foot enclosures within their subdivision, maybe two or three of them, where the future homeowners carry their garbage bag and put it in these three cubic yard or five cubic yard bins that they contract with somebody to go in there and pick it up and take it to the landfill. If it's recyclable, take it to recyclable entities. So that way it could assist us. Based on your earlier discussion about controlling the source and doing more diversion, let's stop the bleeding by starting to plan smarter for the future and try to deal with the existing dilemma that we have. Otherwise, if we continue with the same practices, it's going to get worse and worse, because we need to start thinking creatively to start diverting away from the landfill. And if we control it at the source, if we make it a requirement for a subdivision or developers to start doing that, that'll be the way to do it.

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<sup>7</sup> VI.4: Admin rules: <https://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=1&startid=121380>

That was my number 7 on my list of possible diversion things, Chair Adams said. She does not believe that that would be appropriate to initiate in these administrative rules. I think we're talking about something that would have to come out of Council and would involve zoning and building code and Lord knows who all. So this is just the narrow topic of the changes that they proposed to the administrative procedural rules, and not everything solid waste is doing.

Just to let you know, Director Mansour said, the Planning Department is going through their 2040 general plan amendment, and they've been having public meetings. It's a burden on you to start participating and giving them recommendations because they're going to lay the ground rules for all these developments.

Each of you individually are welcome to comment on the zoning stuff, Chair Adams said. The item we're talking about are the specific proposed changes, which bumped up some fees and cleaned up some language, had a little confusing thing, and she doesn't even want to talk about feral animals. But there are fairly straightforward things that are in those proposed changes. And if nobody has a burning issue that we want EMC to deal with, I think you're kind of on your own boat.

Commissioner McIntosh said he didn't see anything about changes about trailers at transfer stations.

Director Mansour said he has not received a final report from our consultant and our staff on the recommendation of which sites we are going to allow. It's different because the trailers already was (part of the admin rule package) last year and we feel good the way the current admin rule is written as far as trailers. So we're still under the study phase and that's not going to impact the current admin rules as it's proposed. We agreed how to move forward with the trailers when we did the addendum last time for the admin rule.

Okay, so the study is just going to inform which transfer stations and what changes to do? Chair Adams asked.

Yes, and that would be subject to the Director's decision, the Director said.

Chair Adams noted she is not seeing anybody wanting to develop some formal comments from EMC on these changes. So you're on your own if you want to do it. She sent in some individual ones and you are free to do the same, she said.

## **VII. REFERRAL FOR EXECUTIVE SESSION**

Legal opinion from Deputy Corporation Counsel Keyra K. Wong, dated March 29th, 2023, 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 the query came up of whether or not the County could institute a point of sale advanced disposal fee on products purchased on island. We have a legal opinion on the issue and in order to hear that legal opinion we need to vote for an executive session.

Deputy Corporation Counsel Keyra Wong said that for purposes of discussion right now it's okay to stay in open session.

DCC Wong said a question came up about actually the County's authority to institute some sort of advanced disposal fee or point of sale, point of purchase, type of fee, where the purchaser has to pay something. And the intent would be that that fee would be used towards, 1) diverting the waste away from the landfills, incentivizing people to recycle, be more aware of how they're using their disposing, their products, and then also 2) to create a funding mechanism for the county for solid waste. Her research led to the conclusion that the County would be preempted at this point by state law to institute some sort of advanced disposal fee or ADF or point of sale fee. HRS Chapter 342G is sort of a comprehensive statutory scheme that includes different provisions regarding advanced disposal fee, for example, for glass containers. And within that provision, there's a statement that says the Legislature has exclusive authority over the matters that are subject to this chapter. And so even if the County were to institute an ADF for other products besides glass containers, her review of the case law and of the applicable statutes in conclusion, is that we are impliedly pre-empted from introducing our own ordinance to institute something like that in the County. If you look at HRS Chapter 342G-14<sup>8</sup>, it sets forth the powers and duties of the Office of Solid Waste Management, and that is a division of the state department of health. That office is tasked with a number of things, but for purposes of this question, provision (6) states "assess the feasibility of employing disposal fees, including fees at the point of introduction or sale of any product that would require eventual disposition of solid waste as possible funding sources for waste management activities." So it's pretty clear in that provision that it's the responsibility of the Office of Solid Waste Management, which is a State entity, to assess the feasibility. And it makes sense because it would need to be implemented statewide at the level of the State if it's going to be something that all the counties are going to have to do. And so DCC Wong set forth additional reasoning and rationale for her conclusions. But is happy to answer any questions. And if she feels that we're maybe getting to a point where we should go into executive session, she will recommend that. But at this point, she is happy to answer any questions right now.

Commissioner Gaffney wondered whether it would be appropriate for EMC to suggest this option to the Council and ask the Council to request putting this in their legislative package to basically free up the counties to take on this responsibility.

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<sup>8</sup> [https://www.capitol.hawaii.gov/hrscurrent/Vol06\\_Ch0321-0344/HRS0342G/HRS\\_0342G-0014.htm](https://www.capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0342G/HRS_0342G-0014.htm)

DCC Wong said it would be okay for EMC to send something to Director Mansour with a copy to the Council. The thing is, was there ever an assessment done? And if not, why? And if there wasn't one done, then one should get done so that all of the counties are aware or informed, at least of whatever that assessment and the report would state. So if EMC wants to do that, the commission can send a correspondence to the Director with a copy to the Council to do that. Also, the Commission can ask the Director to send a communication directly to the Office of Solid Waste Management under DOH and request that information as well. And you can copy Council on that communication as well, she said.

Vice Chair Olson said this has come up before. And when we go off to the state level, our problem has always been Big Island, small population, and the combination of the geographics of it and the headcount. The rest of the other counties don't want to hear it because they're not having anything that looks anywhere near what our challenges are in terms of management, just the vastness of the area. And so getting the State Legislature to weigh in on our issues as a separate- unless you could tie them into it somehow, they just basically don't want to hear it.

I think in order to start, DCC Wong said, the Office of Solid Waste Management has to do the assessment, and our County can request that happen. She doesn't think we need all the other counties to jump on board with that. We can move on our own, because at the end of the day, that's the power and responsibility of this office, and if they're not following through with it, then they should or at least provide a reason for why not. But that's the first step.

Vice Chair Olson said the last time we tried working this through, our elected state representatives, in the Senate and House either didn't want to hear it, or the ones that were somewhat interested weren't able to get any traction on it.

Director Mansour said he was curious about if we are able to set up tipping fees, why can't we be able to set up fees to recycle and others come into the landfill? Can we maybe tackle it from that angle rather than the angle we try to tackle it through now? If you look at our tipping fee structures, to him that's kind of similar to that type of structure. Can we expand into that to start charging or setting fees to what the Commission is trying to achieve?

Maybe, DCC Wong said, she isn't sure. Her research just covered the advanced disposal fees and the point of purchase fee or point of sales fees. So maybe if that's something that EMC and DEM want to consider, sure, you should probably look into that.

Yeah, so don't call it point of sale. Just call it point of discharge or disposal, the Director said

Chair Adams said DEM can change, just as you're doing in your current solid waste rules, you're upping the tipping fees. It would not be by product, it would be by load. And what your constraints are at increasing the fees you're currently charging is a separate issue.

Yes, the Director said. Everything purchased eventually is going to make it to the landfill or a recycling center. So the idea is try to recoup the cost up front. Maybe we just call it disposal fees and set it up within the admin rule rather than anything else. We are already doing the tipping fees, right?

DCC Wong said yes, because that's at the when you're discharging. Her research covered when she is going to purchase a product at the register, there's an additional fee that she has to pay for the purpose of disposing this later at the landfill or whatever it is. And that's where the difference comes in. If you're going to the landfill and disposing of it there, then that's separate and different from if she goes to the register as a consumer and pays an extra added fee at the point she purchases the item.

But they already have it for ... tires, the Director said.

Yes, which is state law, correct, DCC Wong said.

Right. And if it's already state law, why can't we tap into the current state law, the Director asked.

Well, we would have to go to the state, Chair Adams said. Has it been assessed? Is there some work that's already been done, work it up to the DOH solid waste group and then when they come back and say, we looked at it or we don't want to look at it, then we follow up and say, well, we think for these particular materials. It may make sense for a state ADF, but that's the process that we could go through, and then it would be identifying, okay, which things are we going to push for a state ADF?

We have 21 transfer stations, the Director said. We don't collect tipping fees there. If we get recyclables and stuff coming in eventually, if we cannot catch it up front, we should be able to catch it at the transfer stations.

Chair Adams said that that is a separate topic, and she would be glad to agendaize charging for transfer station activities. It's a whole interesting argument, and we could certainly have that at our next meeting. But for purposes of this item, the question at hand is, does EMC want to follow the recommendations that DCC Wong had in her memo on asking the question of whether or not assessments had been done at the state level, and then follow up with depending on the answers? Or do we just let it lie and say, well, that idea probably isn't going to work at this time?

Vice Chair Olson said he would like to know what they come back with.

Chair Adams if there is a motion for somebody willing to make a motion that we follow the recommendations in DCC Wong's letter to write that inquiry.

**Motion and second:** Commissioner Otsuka made a motion, to which Vice Chair Olson seconded, to send a letter requesting the DEM Director to ask that the Office of Solid Waste Management conduct an assessment of an advanced disposal fee at the point of sale for various product categories pursuant to HRS 342G-14(6).

**Discussion:** DCC Wong clarified that for purposes of the motion, if somebody wants to take up doing a draft letter prior to the next meeting and then come prepared to have the other commissioners review it so that by the next meeting, there's a motion to adopt the contents of the letter and it can be sent off. It just expedites things versus coming back and having to wait for someone to draft the letter, and then so on and so forth.

Chair Adams said we have a motion and a second and a comment to just draft a letter. She volunteered to draft a letter and to bring it up at the next meeting.

Vice Chair Wong said we don't want it to refer to it as a fee, because it is not a disposal fee in and of itself. Like the bottle bill, it has a specific purpose, and that's its only purpose.

The language for glass bottles and for non-HI-5 glass is a fee, Chair Adams said. She asked if the maker of the motion wants to withdraw it, and she could bring a draft of the letter we could send next time.

No, you can take a vote now, DCC Tavares said. So there's a motion to basically adopt the recommendations that DCC Wong had provided in her letter. There was a second to that motion. And so the Commission is going to vote whether or not we're going to proceed with that. And the Chair can volunteer to draft the letter to bring to the next meeting.

**Vote:** Ayes 6 (Acasio, Gaffney, Otsuka, Olson, McIntosh, Adams, Absent 3 (Burns, Cardwell, Fulton). Motion passes.

## **VIII. REPORTS/CORRESPONDENCE**

### **Director's Informational Report**

#### **1. Legislative update**

Director Mansour said he submitted testimony in opposition to SB 388<sup>9</sup>, about trying to eliminate any expansion of solid waste facilities. Subtitle D, based on federal rules, was enacted in accordance with the Clean Water Act. And nowadays technologies do exist to allow for better design of these landfills. And you could line them, you could put in a monitoring system to be able to evaluate any potential possible contamination. He feels good about the design. He is very knowledgeable of what a landfill design consists of. And he did world-renowned research on the closure of these types of liners that are utilized for the bottom liner and the closure liner, the bottom and top liners prevent any water or leachate from percolating through and making it to the groundwater. So there's good design criteria that do exist and monitoring systems that could prevent any concern of any possibility of leachate with high VOCs making it

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<sup>9</sup> [https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=388&year=2023](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=388&year=2023)

to the groundwater levels. So that's the reason we opposed what they recommended. He understands the reason behind it is because of the Red Hill water contamination, but the ramifications of that bill could hinder the County as a whole when it comes to the solid waste operations. So that was the one kind of that required some quick immediate attention from our side. He heard also that H-POWER may have some capacity. There may be a misconception there about what's going on. He had personally met with the director of the Honolulu Department of Environmental Services, and we had a great discussion about the possibility of taking our waste to offset their shortage. But his understanding is they really didn't have that much shortage. So he keeps hearing that CCH is getting penalized because they don't have enough capacity and feedstock but that may not be true statement. They were in the process of upgrading their boiler. So they just spent about \$380 million to upgrade their boiler, to become more efficient and to have better air emissions. But there is also interest in continuing communicating with them. So maybe a bill need to be passed or presented to recommend that H-POWER maybe needs to be a statewide facility, especially based on what the current bill that we opposed may lead to that eventually. So we opposed it, but eventually, if it goes through, it may lead to H-POWER being the only facility in the state that could still function for solid waste. So these are the things I think we need to start communicating to legislators to take our ideas and maybe see if they could pass it through in legislation. And his role is to continue providing this type of possible policies that somebody would be willing to take it on and carry it all the way to legislation. With the idea of going to zero waste, with the idea of Resolution No. 73-23, with the idea of this bill coming in to assist City and County of Honolulu (CCH), we need to jump ahead of everything else and figure out what does our county need. And we need to- even though with our population, it's not as bad as O'ahu and Maui, but hopefully the louder we talk, maybe we get more attention.

Chris Laude, Wastewater Division Civil Engineer V, said that when he was assistant chief of Environmental Quality for CCH, bringing in other counties' waste was the thing we looked at. But the current rules of Honolulu preclude them accepting waste from other localities. So there are going to be some hoops to jump through. There'll be a public comment period. He agrees with the Director it's possible, but he can't reiterate enough the difficulties with making that happen. There's going to be a long lead time.

The Director agreed, saying if that's the intent of us moving towards zero waste and moving through Resolution No. 73-23, we better start taking actions and taking that route and defeating these roadblocks. But Mr. Laude is right. Our County doesn't have that hinderance. Our County could export waste. We could do it tomorrow, but the CCH cannot take it. So they need to change their codes and they need to get the buy-off. And given where they are at currently, where they're going to close their current landfill by 2028, they haven't sited a new landfill and now somebody else is presenting this bill where they cannot actually do any landfill because of the groundwater issues. So they're going to be stuck. They're probably going to come back to us and say, all right, did you guys take our ash and we take your waste. And that's what he is looking forward to.

Commissioner McIntosh said he looked at all this a while back and other than the city law banning taking waste from the other islands, the biggest hurdle was the cost of moving it or the H-POWER accepting it. It was 2018 or 2019. They gave a quote of how much it cost and it would take a year's operating budget for the DEM just to do one month of sending it all over. It doesn't work that way, but it was so expensive, it was prohibitive. That's why they would need to build a facility here on the island rather than ship it to O'ahu, otherwise we wouldn't be able to afford it. So that's the biggest issue.

Well, that may be true, the Director said, but you need to keep in mind the cost of landfilling is not as cheap either. CCH is looking more than \$200 million just to buy property and to go through the siting process. And the annual operation cost was not even included. So for barging waste from here to O'ahu, either you do the upfront capital investment and you buy the barge system, or you make a deal with Young Brothers at a certain rate. They could haul that waste because their containers are empty anyway. Some of the containers come back empty, some of them goes to O'ahu empty. And the way you process that, you wrap the waste with a waterproof plastic, put them in a container. The plastic gives you high BTU when it's burned under this new boiler system that CCH installed, which gives you a Tier IV system, very low in any type of emissions. But these are ideas, but we are being faced with a challenge statewide. But there's no mandates. But if these bills become mandates, where you have to be zero waste by 2040, or where you cannot do landfill or expansion, or you cannot build a new landfill, that become problem. Then what is the solution? The only solution is currently if CCH cannot find a landfill, they cannot build a landfill. They're running out of time because they only got five years to close that landfill they currently have. And if they end up closing it, what are they going to do with the ash that they generate? So that is going to bring a lot of issues to the whole State. There is a bill (HB 1326)<sup>10</sup> in the Legislature to allow creating a committee for the state from each county to discuss more in detail the needs similar to what they did on the Cesspool Conversion Working Group. So the idea is to create a committee from among the different counties within the State to address these type of issues. And we supported that bill because it kind of makes sense. It's really not a County issue, it's a State issue that needs to be addressed because we don't have mandates. Our population is different, but a direction from the State may allow us to fund it as we move forward.

Mr. Laude said he just loves that Commissioner McIntosh is doing back of the envelope calculations, and asks that when he has an inkling to do something like that, let the Director know so he can get us working on it as well. Because you have to buy the land for a landfill, then you have to excavate it. You have to manage getting the waste in. And then after it's full and it's closed, you still have to maintain it basically forever. So it might stand a little more detailed analysis, especially in the long term cost, to see if it makes sense. We need those ideas.

Yes, Chair Adams said, looking at total cost and what is the best option again, within the lifecycle, considerations of where the true costs really lie is critical.

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<sup>10</sup> [https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1326&year=2023](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1326&year=2023)

Chair Adams said Commissioners are obviously welcome as citizens to look at what the State is up to. She and the Director did send in these comments about basically prohibiting any new landfill or expansion of any facilities, which would capture our transfer stations if it's over an aquifer. And the entire Island of Hawai'i is identified as being over an aquifer. Most of O'ahu, all of Hawai'i County, which was rather interesting. So just be aware stuff's happening and moving and we need to make sure if we need to make comment that we get that in.

Commissioner McIntosh asked about the consideration of sending our trash somewhere on the mainland rather than just another portion of Hawai'i.

That would be a longer haul, the Director said. Then the cost will quadruple. You don't want to end up taking it to California or somewhere else, it becomes very expensive. Oahu is nearby and we already have ships and we have ports that get daily activities between the west side and the east side. Hilo has its own port, the west side has its own port that connects to O'ahu. If legislators or the CCH is willing to take on that challenge, to adjust or modify their code to allow interisland waste acceptance, that would resolve the whole issue. And plus they're going to generate energy. We may get benefit out of that as well as a credit, or we may get it as revenue coming to the county. So that's going to lead to your question, that's going to offset the cost because instead of providing electricity for 70,000 homes, you could provide electricity for 300,000 homes. So the idea is energy comes at a cost that the County of Hawai'i could benefit from as well as a cost revenue offset. That has potential. He has been preaching this, but hopes somebody will listen up there from legislative point of view. Especially nowadays with everybody's thoughts of what's going on with Red Hill and what's going on with landfilling and leachate and everything else, maybe this is the time to start introducing these type of bills and with the Zero Waste concept, with the Resolution 73-23 concept. So if the majority of the people want us to get outside that landfill business, let's find an alternative. And the current alternative we have is H-Power for the whole State. That could be a win-win.

Chair Adams said that when she sends back the landfill or the ordinance ideas, she will focus on the landfill ban and the pros and cons involved and will work H-POWER as well as biochar, et cetera, as part of the options or at least identify issues. So stay tuned for an issues paper coming next time.

## 2. FY 23-24 Budget

DEM's budget presentation to the Council's Finance Committee is coming on April 13, the Secretary said.

That's coming up in two to three weeks, the Director said. So stay tuned and hopefully you could log in and watch the presentation as well.

Chair Adams asked if there is something that EMC should be pushing.

We requested positions, the Director said. Unfortunately, all of our requests were declined by the administration, and it's going to tie our hands even further to get things accomplished. He sees that as a hindrance.

### 3. Solid Waste Division Projects and Updates

Director Mansour confirmed that there is a vacancy for the Solid Waste Division Chief. We have not yet opened recruitment, he said. He needs to look at the job description and also maybe do some modification to be able to secure a candidate that has full knowledge of the solid waste and also constructability, operation, and design. He is looking at a modification to the current job description as well.

#### 1. Recycling and Landfill Diversion updates

Mr. Kawaguchi, Recycling Coordinator, said the new manufacturer-funded e-waste program is doing really well. A lot of e-waste is coming in. There's a permanent site in Hilo at Mr. K's, and Kona is still a once-a-month event.

Director Mansour said there was a report on Hawai'i News now. They had few minutes about the e-waste and it seemed like it has its own benefit. But also they pointed out that because the cost is going to be borne by the manufacturers, and now the amount of electronic waste is being shipped because they got to be reimbursed based on how many pounds that is going to weigh. So there's the fear that we're going to pay more for these electronic products as we purchase them because that cost is going to be passed onto us. But it also provides for daily service. So his understanding is that anybody could take e-waste every day of the week because now it's a business. So Mr. K's and others within the state, that's their business. They get it from you and they package it and they submit the weight to these manufacturers and they get money back. So for them is the more you give them, the more money they make, it's a business. It's going to generate revenue for the counties, for the private businesses. So it was taken away from a government entities and given to private entities. Most of them are open daily because that's how they're going to make money. But it might still be once a month because Mr. K's still has not found a location on the west side. He's working with the Planning Department on getting a location.

We have been supportive of encouraging private recyclers to get more stuff and having them paid by the manufacturers is sweet, Chair Adams said. She agrees that we'll probably see it in the price. Everything costs at least \$1 more on the Big Island.

#### 2. Life Cycle Analysis study

Mr. Kawaguchi said this is still being reviewed.

#### 3. Trailers at transfer stations study

(See Page 17)

#### 4. Next studies: Curbside collection, new landfill siting

Chair Adams asked if there is any news on curbside collection or the new landfill siting.

Director Mansour said we were going to capture some of the money that set aside this year to secure a consultant to start looking into that. He needs to sit down with Gene Quiamas and Mike Kaha and figure out where we are on the selection process. During the Mauna Loa eruption, we all recognized that one landfill is not going to cut it. We need to site a landfill on the east side and maybe the DHHL and DLNR will be willing to give us the land. But we're going to have an uphill battle. It could go either way because it's just the land preservation and the historic land issues and people don't want a landfill anymore, we know that. But yet we have to have a place. So it's not going to be an easy ride. But it probably would be the best decision we could ever make to have another landfill sited on the east side just to avoid the mishaps. Because we do live in an area that potentially we could have a road blockage between east and west. Saddle Road could be shut down and services would be interrupted and what have you. So if it's not to H-POWER, east side definitely needs to have its own landfill. So hopefully we could continue focusing on doing the study and getting the consultant selection as well. But if SB 388 passes, that's going to put the kibosh on this siting. So it's going to kill the whole idea of having a landfill on the east side.

Commissioner Otsuka asked for more information about the curbside collection study. How do they propose to do that?

Director Mansour said the idea about laying out operational options is to look at whether curbside collection is better fit for our County than having these 21 transfer stations. Would it reduce the amount of waste? Would it allow for better diversion? Would it allow for control at the source point? So now residents will be very cognizant of what they need to throw, what they need to recycle. So what you do, you provide the three containers, the green, brown, and blue, and you pick them up once a week for each individual container. That will put the user into a mood of, "all right, now I'm going to limit my waste to one container once a week, I'm going to do more recycling, I want to be able to purchase less so I don't waste more." So all that type of mentality and behavior could be eventually changed and reprogrammed by that type of curbside collection.

In California and Clovis, they do that, Commissioner Otsuka said, and they're so on it and it's so efficient. But because Hilo is so big, the curbside collection, would that be looking at private partners, or is the County actually going to try and do that? Or are we going to just do it by districts in Hilo? Because it's a big County.

It's a challenge, the Director said. Because of the *Konno* decision, it is probably going to be done by public servants because, because CCH already does it with public servants. So we cannot privatize that. So under *Konno*, it has to be done. But that also is going to disadvantage the current garbage haulers and that's also a challenge. So nothing is easy on this island. Everything has to be done carefully. So you're doomed if you do and you're doomed if you don't. But we have to look at the study.

Chair Adams said that's certainly a role for EMC. She served on the Solid Waste Advisory Committee, and the recommendation to look at where curbside makes sense and how to get it accomplished was a high one, and we'll have the opportunity to evaluate it and to advocate for legislative changes where we need to. The Mayor's office is also looking into how we can work *Konno* to make it less binding than it appears to be.

#### 4. Wastewater Division Projects and Updates.

##### 1. Pāhala and Nā'ālehu AOC

Environmental Management Planner Kelly Hartman said the cesspool closure project is in compliance with all the AOC deadlines. We held our public outreach meeting in February. The draft Pāhala Preliminary Engineering Report was completed and reviewed by the County. We're currently developing the Environmental Information Document Request for Proposal. And we're negotiating the Nā'ālehu Preliminary Engineering Report contract. We're looking into the management models for all of our feasible wastewater options, and we're developing a memorandum of agreement with State Historic Preservation Division and the Department of Health to streamline how we're going to submit such a large-scale conversion to SHPD for review. We are going to review comments with our contractor Friday on the Pāhala PER. The final PER is due to EPA coming up on May 6. We have our April quarterly EPA meeting, and then after that, we have to submit the Environmental Information Document 180 days after the approval of the PER by EPA, and then we get to work on the Cesspool Closure Implementation Plan, which has to be completed 30 days after the approval of the EID.

Chair Adams checked to see that everything is moving along according to schedule and the County is not going to slip because of the lack of positions being filled. Is there something EMC needs to do or support to make sure that all stays on schedule?

I think we're on schedule, Ms. Hartman said, and we're going to stay on schedule. Ms. Hartman, Mr. Laude, Mr. Mark Grant, the Director and Deputy are working on that project, but we're also working on all the projects, so it's a load.

Very much appreciate it, the Chair said. She asked Commissioner McIntosh about any comments, positive or negative, from public meetings.

No, everyone's just wondering what they're going to have to do, Commissioner McIntosh said. The one thing they're wondering is, will it be - at least for Pāhala - did the county decide if you're going to go with one system or if you're going to go with the individual systems?

Director Mansour said probably will be revealed once the PER is submitted to us. We cannot predetermine prior to the facts, so we're waiting on the study. Once the study is completed, we'll figure out the best direction for that community and the County. So the PER is looking at that option of either a package unit or IWS, or a low pressure system type of design, so they will look it into. Once we get the report, we'll let you guys know what's the best option to choose. And once that's determined, then we're going to start following the environmental assessment and everything else that comes with that preferred option.

Commissioner McIntosh asked about a rough date of when you think you might have that done.

The completion of the PER is due May 6, Ms. Hartman said.

So it's coming near you within a month, the Director said. Hopefully by the May EMC meeting we could share that with you. On the question about staffing, if anybody knows engineers looking for positions as project managers, construction managers, please let them know. Put it on your LinkedIn, put it on your website. Put the word out for us. Anything you could do to assist us widen the recruitment process will be greatly appreciated, he said.

## 2. West Hawai'i wastewater projects

Chair Adams asked the Director to address West Hawaii wastewater projects, including the extension of the line southward on Ali'i Drive.

Director Mansour said we have the Kealakehe WWTP odor control, R-1 sand filter, and headworks that is under contract with a consultant to do the design. We inherited a site that consists of an old treatment type system, an aerated lagoon, and it is also tying our hand from maintenance because it's under Fish and Wildlife Service regulations for bird habitat conservation for endangered species and what have you. He has been working with our consultant Carollo Engineers with the idea of Department of Health allowing us to do a pilot program to bring a mobile unit on the site to allow for the learning and education of cesspool conversion.

Chair Adams said he did mention his plan to make an information park and facility to look at things. Are you moving anywhere with it, getting money to accomplish any of that?

That's why he's bringing it up, the Director said. We are getting the money to do the mobile unit. His take is if we do that ecosystem facility to allow for bird watching and allow for native Hawaiian plantings to utilize that R-1 recycled water, that would be a good facility for the County to generate revenue because it becomes a tourist spot. Has the Commission considered any advice, any pros and cons to push it through? Maybe we could start talking to County Council members, since it is a budget season. We need to capture what we inherited and convert it to a money maker revenue generation type of area because we cannot be sustainable based on the current situation we have. But there is a lot of demand to get the R-1 going. So it could be a win-win for the entire community and the entire State because we'll be the only one in the whole state, potentially even in the world. Because if we put a floating solar powered system over our reservoir to extract energy as floats over the reservoir to prevent algae from building up, that energy could feed the blowers and the facilities and yet generate R-1 to be able to create nature center that could benefit the community as well and create a bird watching location. It takes creativity, it takes money and it takes effort. But it could put a good twist to put the County of Hawai'i on the map when it comes to eco facilities utilization.

Intriguing ideas, Chair Adams said. She encourages everybody to think about how we could contribute and connect with other organizations to make that happen. She asked whether there are specific plans for that area down in Kona for Kahalu'u Bay.

Director Mansour said he had heard the testimony earlier and we have been working with them and Deputy Managing Director Bobby Command. He got a lot of emails as well. But remember, the entire Kailua-Kona area is considered as Priority 1 based on the state reporting. So everybody is going to say, I only got 1 mile away from my sewer and that's true for the whole service area. So it's the idea of doing that cesspool conversion master plan could allow us to create that countywide district because even if we go and said okay, let's set aside \$250,000 for an environmental study for 1 mile sewer, the next community is going to say, well, we only have half a mile and we got cesspools. So we cannot pick and choose. Our intent here as a County is to be able to provide solutions for all of our constituents. It's an issue that potentially is going to impact the entire Priority 1 area. So how could we present solutions to all the constituents within these service areas?

Chair Adams said EMC is already on record saying we want to see integrated wastewater plans. So go for it and do that, and she doesn't want you to be killed by 1,000 cuts.

Commissioner Gaffney said that with regard to the Director's big idea for Kealakehe, he wanted to add a comment about the potential for pumped hydropower generation using the current 1.8 million gallons per day of wastewater that's coming out the back end of the plant. The requirements to do that are big. We need 600 feet of vertical rise and enough space for a reservoir or tank storage for that amount of water. But it's doable and it'll produce a significant amount of power. And it's the kind of power that the PUC wants to see because it'll fill in those gaps between when the sun goes down and we lose all of our solar power on the island. It also fills gaps when the wind is not blowing and we're not getting any wind generated power also. The great thing about pumped hydro is that you can literally switch it on momentarily. So the moment that the power generating company, HELCO, needs the additional power, they flip a switch, they've got the power. It also eliminates the need for batteries. And the reason that he is suggesting this is because we do have an expert on the subject on island, and Commissioner Gaffney been talking with him at great length. And Senator Schatz is looking for a large environmental idea in Hawai'i to fund using IFR monies. He is happy to sit down with the Director any time and talk about it, introduce him to Richard Horne, who has developed hydropower all over the planet and is quite knowledgeable on the subject.

Commissioner Gaffney wanted to let the Commission know that there is a small group of people that have been working toward a possible solution to the environmental issues that Debbie Hecht is pointing out for the Kahalu'u area. The one thing that he wanted to put on the record was that what Ms. Hecht is suggesting is only the coastal homes be sewered. And what our small group is doing is looking at all of the cesspools that are uphill from Kahalu'u Bay, and that is roughly 300 homes, and it includes one ATU with an injection well that's right across the street from Kahalu'u Bay. We are on the way toward creating or trying to create the improvement district that's necessary to get this done. All of the questions are currently in front

of Corporation Council, so this project is well along its way and he essentially sees it merging. One specific question he has for the Director is, has there been a determination made as to the capacity of the Queen Kalama Avenue connection? Would it have the capacity for 300 homes?

Director Mansour did not think that determination has been made. That's the hydraulics he was talking about earlier that we need to do as part of that cesspool conversion master plan, because we have to look at the hydraulics for the current existing system, the pipe sizing, and figure out how much capacity there is. That is in the works. It has not been started, but our intent is to start evaluating the collection system and figuring out what type of improvements we need to do to be able to serve cesspool conversions. He is very aware of those 300 homes. And we also met with Hawai'i Water as well, because they have that treatment plant at the Sheraton Hotel, and they were entertaining the idea of, yeah, we're willing to take those 330 homes, but who's going to enforce connections? And that was their concern. If they put in the capital cost, what guarantees them that the 330 homes are going to connect? So there was that discussion as well. So there's a lot of bowls in the air. He would accept the Commissioner's invitation and meet with Mr. Horne and understand the pump hydro capabilities. Six hundred vertical feet equals about 260 PSI of pressure.

Speaking on Resolution No. 73-23, Chair Adams said the only the only thing she was encouraged about was the openness to try new things, to be innovative technologically, to look at some of the new opportunities that are out there from the Council. Exploring how we could turn that area into an eco park land and try out some of the latest technologies, get out of the same old, same old, that we get stuck in on this island, it's great. So ideas keep coming in.

Commissioner Gaffney, commenting on Kahaluu, said the Director is correct. We also recognize the potential opportunity of sewerage these 300 odd homes that are uphill from Kahalu'u and moving that to Hawai'i Water Company. So there's two options here, and the legal question about whether or not that kind of specific public private partnership is possible in this case has been presented to Corporation Counsel. So that's on their desk. And just for the record, one of the people that is engaged in the process our small group is working on is a retired planner from the County Planning Department, and he's worked both in the public sector and the private sector, and he understands each step of the process. Roy Takiyama is his name. He's retired now and he's working on this project for free because he believes in it and he believes that it's essential and it's the kind of solution that we need to be able to move forward. So it's exciting stuff and we may end up being slapped later down the road, but we believe that this solution is essential to the health of our community, the Commissioner said. Ms. Hecht is not the only one that's had staph and MRSA and other issues at Kahalu'u. Rick Gaffney's legacy is to keep working on some of this stuff. And he hasn't given up on sewerage Honokohau Small Boat Harbor either. It's just gotten a whole lot harder with the loss of J. Nickerson.

Later in the meeting, Vice Chair Olson asked about any chance that Wastewater Division is going to deliver some of that R-2 recycled water to the park.

It's not the R-2 water, the Director said. It was envisioned to be R-1 to go across the street for that regional park. And that's the project that was going to cost the county \$168 million. If you recall, it was not R-2, it was R-1. We currently have R-2.

Vice Chair Olson recalled that it was supposed to be only taken to R-2, and then it would have been used in basically beautification projects for the park.

Unfortunately, the Director said, R-2 water has restricted usage. For regional parks, it has to be subsurface. It has to be buried underground to irrigate trees. So they have different restrictions than R-1 because it's not filtered.

### 3. Hilo WWTP upgrades

Director Mansour said he heard the testimony earlier from the Sierra Club. He appreciates what the Sierra Club does and continues to do and they are a major part of us staying on track to provide environmental protection to our island. Phase 1 is already out to bid and we should be able to receive bids probably sometime in mid-April. So we'll get an idea of how much the bidding on that Phase 1 is going to be. And we are projected to break ground by June. Also, this wastewater treatment plan within the fencing area is already exempted. It's already permitted. It already has its own EA, which even allowed for even the expansion of that facility as well. But we are being transparent and that's why we're going to do it in Phase 2 as well, even though we may not be mandated because of the exemption clause within the current HRS Chapter 343 that allows us to do so. But we took it upon ourselves to say yes, we'll spend the money and we will go through the environmental assessment for Phase 2 to cover both of them. But given the catastrophic condition of Phase 1, we feel very comfortable with the exemption requirement within the EA. So that's why we're moving forward with it. It's a great project. We were able to finish it, within less than one year. Kudos to our consultant Carollo Engineers and both their staff and our staff that worked all day, all night just to get this project done within eight months from the minute we signed the authorization, which is amazing. This is one step toward the right direction. We came, we conquered, now we're going to deliver.

It's great, Chair Adams said. I have to say I've been scared since I moved here about the decrepit nature of what our wastewater treatment was on that site, she said. The comment in the testimony was that you were putting in ancient repairs. That's not true, is it? I assume you're not redesigning the whole facility in this Phase 1, but that you are fixing what's broken. But do you feel like it's going to bind you or cost double when you get to Phase 2?

You all know what we inherited, the Director said. We inherited a headworks that was going to collapse. We inherited digesters are not functioning. So what we're doing is we need to go in there and fix the current system. To fix the current system, we are replacing the headworks and we doing new digesters and what have you. These are not old technologies. These technologies are going to exist forever because these are the preliminary treatment that you are required to have for headworks. We got great equipment that could minimize the amount of solids, grits removals and snail removal. So we are using new technologies to give us a better treatment and better removal of the solids that are a hinderance to our pumps and motors and what have

you, and we're doing that. So Phase 2, we're going to be based on the bidding of Phase 1. Phase 2 may require us to spend an additional \$20 million, maybe to upgrade it to a better secondary treatment, because the bio-trickling filters are old technology. And I agree. And I don't want to add another bio-trickling filter myself. I wouldn't recommend it, he said. It depends on how the cost of Phase 1 comes in is going to drive the decision making on Phase 2, secondary treatment.

Chair Adams said the bottom line, and one that the Director has shown himself to be quite capable of, is we have to fix it now before it catastrophically fails.

Later in the meeting, Commissioner Otsuka asked about a generator or backup power source introduced with these? Because every time the power goes down, there's leakage in Keaukaha. So when you are doing this whole plan, does it include a backup power source?

Director Mansour said we just got extra eight generators through FEMA. So we are mandated to have secondary power for our facility because it runs 24/7. So we never had an outage where we didn't have generators. It's a mandate under our permit because it's a health and safety issue. All of our facilities are mandated to have a secondary power source.

Commissioner Otsuka said she raised the issue because when they had the leakage on Waiānuenue Avenue and part of what the news had published several times was when the power went out, it just stopped. And so all the leakage went through.<sup>11</sup>

Director Mansour said he had not heard of that. It could be a switch malfunction. But all of our facility, by law, we have to have generators.

We had a couple of recent incidents where we had equipment malfunctions that resulted in discharge of incompletely treated wastewater, Mr. Laude said. One of them was a disinfection pump went offline, and there was another one with a power- he would have to look through the records, but yeah, the plant continues to run. We have backup power generation, so it's not a question of, hey, there's no power and everything shut down. It's a question of individual components within the plant stop working because of mechanical breakdowns.

#### 4. Wastewater plans

Ms. Hartman commented on the Puna preliminary environmental impact statement that's going to be filed with the state Environmental Review Program coming up here on April 23. There's a 45-day comment period between April 23 and June 7. And so you can go to DEM's website, look for the Wastewater Division, look for the link for that specific project and they'll take you to the project website and there's a form where you can link where you can submit your comments directly.

#### 5. Partnerships with private wastewater treatment companies to increase areas served by sewers and accelerate cesspool conversions.

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<sup>11</sup> A partially collapsed sewer line, not a power outage, caused a blockage that resulted in 6,300 gallons of sewage to exit a manhole and enter a storm drain on Waiānuenue Avenue on August 1, 2022.

(See also discussion on pages 14-15)

Chair Adams said this group has shown we are very supportive of looking at private partnerships and how to make that happen. It's ridiculous to let resources lie unused.

Mr. Laude said we are compiling a list of private treatment works that are on the island using various state databases. They're surprisingly not comprehensive, so we're in the process of getting that all together in the context of the pretreatment program. So we want to let them know that, hey, we do have a pretreatment program started. We need to know what kind of waste you're collecting, what do you do with the effluent water and the sludge that's produced? So we'll have that database developed shortly here in the next couple of weeks and we can start contact. One of the goals here is to work together. We get these requests periodically from Planning on, hey, should this lot be connected to sewer? And a lot of times we don't have any assets in the area, but if we knew that Waikoloa water or whoever does, then we can forward it on to them.

Commissioner Gaffney asked if the research includes looking at all the State facilities and the Federal facilities on island as well. Mr. Laude replied yes.

## **IX. FUTURE AGENDA ITEMS**

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

As always, if you've got something you want us to cover, get back to Chair Adams, she said. She has a laundry list of items to do. We had the two speakers who didn't show up, so we'll ask them again next time. And I'll come up with a revised potential landfill diversion options paper for you, and we'll talk about maybe work with the Director on some ideas about how to talk about this option of a countywide sewer area. And I want to bring back up the resource recovery park concept. And if there's anything else you guys want or if I've dropped it, the Secretary will catch the Chair when we do the minutes.

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

Chair Adams asked commissioners to send her their thoughts on future agenda items. She will be putting together some information, including the request on the advanced disposal piece. Otherwise, again, she wanted to thank Rick Gaffney for all his passion and ideas and offline work that he does in the area.

## **X. ANNOUNCEMENTS**

The next meeting is scheduled for Tuesday, April 25, 2023, at the Puna Conference Room of the Hawai'i County Building, 25 Aupuni Street, Hilo, and via Zoom.<sup>12</sup> Please contact the Secretary for the Department of Environmental Management or review the agenda posted on the County Calendar within six days of the next meeting for confirmation.<sup>13</sup>

## **XI. ADJOURNMENT**

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<sup>12</sup> X: 2023 EMC meeting schedule: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=120846>

<sup>13</sup> X: Hawai'i County Calendar: <https://www.hawaiicounty.gov/our-county/county-calendar>

**Motion, second, and vote:** Commissioner Gaffney made a motion to adjourn, to which Commissioner McIntosh seconded, and the motion was adopted. Ayes: 6 (Acasio, Gaffney, McIntosh, Olson, Otsuka, Adams); Nays 0; Absent 3 (Burns, Cardwell, Fulton). Meeting adjourned at 12:39 p.m.

Respectfully submitted,

Peter Sur, Secretary