

ENVIRONMENTAL MANAGEMENT COMMISSION

COUNTY OF HAWAII

MEETING MINUTES

Tuesday, April 25, 2023

9:03 a.m. to 11:49 a.m.

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

Commissioners present:

Georjean Adams, Chair

Jon Olson, Vice Chair

Laura Acasio

John Burns

Dell Otsuka

Lee McIntosh

County staff present:

Ramzi Mansour, Director

Christopher Laude, Acting Wastewater Division Chief

Craig Kawaguchi, Recycling Coordinator

Peter Sur, Secretary

Zendo Kern, Planning Director

Sherilyn Tavares, Deputy Corporation Counsel

Kehau Pauole, Council Aide, Council District 8

Others present:

Kristine Kubat, Jennifer Navarra, Tina Burt-Toland, Dot Norris, others.

I. CALL TO ORDER

Chair Adams opened with a roll call and called the meeting to order at 9:03 a.m.

II. APPROVAL OF MINUTES FOR MEETING ON MARCH 24, 2021

Motion, second, and vote: Vice Chair Jon Olson made a motion, to which Commissioner Otsuka seconded, to approve the minutes as presented. The minutes were approved as presented by voice vote. Ayes 5: (Acasio, Olson, Otsuka, McIntosh, Adams; Nays 0; Absent 2 (Burns, Cardwell). Motion carried.

III. STATEMENT FROM THE CHAIR

Chair Adams hoped for some good discussions today and that our missing commissioners will turn up to be a part of that.

IV. PUBLIC STATEMENTS ON ITEMS ON THE AGENDA

Kristine Kubat: Aloha. My name is Kristine Kubat. I'm the executive director of Recycle Hawai'i. I had the opportunity to watch a video recording of the presentation that Director Mansour made to the County Council regarding the budget and there were some concerns that came up. One is it appears that the director is taking Resolution 73-23 as some sort of marching order. When you talk to the different council people, a lot of them were saying, well, it's a resolution, it's just sort of aspirational. But now we learn that sometime within the next six months there's going to be an RFI going out for what basically is going to be a waste to energy solution to our landfill problem. And that's concerning to us because we've been working very hard on a zero waste plan. There's a lot of activity in the private sector and nonprofit arena to develop resource recovery parks and so there's a possibility that the RFI would be written in such a way as to exclude those opportunities. That's concerning. Also, we didn't see any money in the budget that would expand recycling services. And then some kind of mention about the way to deal with recycling is going to be to reorganize the department. I'm not really sure how spending money on an analysis of the department and reorganizing it is going to get us any close(r) to any of our recycling or zero waste goals. So those are our concerns and I would hope at some point the director would come before the commission and answer some questions and explain to us whether or not this is really happening, if there's this pivot away from zero waste, which is a long standing policy of the County and towards waste to energy. And then finally, I think it would be appropriate to have more information about what will go into that RFI and have opportunities for the Environmental Management Commission to provide input. Thank you.

V. UNFINISHED BUSINESS

Status report on action items from previous meeting

1. Discussion of Planning Department's Zoning Code update and process.¹

Chair Adams asked Planning Director Zendo Kern to discuss preparations for the next countywide zoning code update and everything else that's going on. And our concern is going to be, how are you going to be able to help us with some of the problems we're trying to solve and how can we help you.

Thank you, Chair, the Planning Director said. Members of the Commission, it is great to be here. So what I'll do is I'm going to just kind of do a quick overview of what we've initiated, what we've done to date, and then what we're looking at moving forward. And there's still a tremendous amount of work to do. Last year we got funding for a code update. So our codes that we're looking at are Chapter 23 and Chapter 25. Chapter 23 is the subdivision code. Chapter 25 is the zoning code. Chapter 23 is based in 1983. Chapter 25 is 1996. There's been small amendments made throughout the years, but there hasn't been really any substantial, let's really look at the code. So we got the funding. We then contracted with two consultants, REA, or the long version is Rundell Ernstberger Associates and Orion Planning. We did the professional services process where we sent out the information of what we're looking for. We

¹ V.1: Hawai'i County Zoning and Subdivision Code Amendments Information: <https://reasite.mysocialpinpoint.com/hawaii-county/hawaii-county-home>.

had a bunch of people come through and then we had a panel. The panel reviewed all of the consultants, made the recommendation to me as the Director. And I approved that recommendation that was made by the panel that was made up of various folks on the team. And so it came out to be REA and Orion. They had a lot of code experience because you have different consultants that do different specialties, right? Some consultants are good at putting EA's together, some consultants are good at putting Rezonings together. And code is very unique. So REA and Orion were also brought in by Maui to do their code work. So they already had familiarity within the State. So we got together with them and we also brought in SSFM to help with some community outreach because there are more boots on the ground and helping facilitate some of our community meetings. So the first step was really collect data. Let's get information. We know what we know as a department. There's been a fix-it list going on the department for many years. And so we curated a bunch of number of public outreach meetings, some open house meetings, east side, west side, north, south. We also did a bunch of focus groups that the consultants did where we brought in folks ranging from professionals in the industry, the folks more engaged in the environmental side of it and the cultural side of it, and in between to really try to get a lot of input from the focus groups and community. There's also a website that was put up, COHcodeupdate.com, which is another opportunity to collect data. So basically most of all of last year was collecting the information from the focus groups, from the public outreach meetings, et cetera. And now we've got that information more or less. And now we're going through the information as a department and as a team. And it's one thing for the consultants to help coordinate, facilitate, and then it's another thing for us to go through it and really look at it and sift through that information. How does this actually work, boots on the ground, or what are we really seeing? And that's very critical. I think just having a consultant running the process on their own doesn't really work because even though they're good at code, there can be a disconnect from, what's Hawai'i County? What's Big Island? What's the nuances between, you know, east side, west side, north, south. And so it's really critical for our team, which is the Planning Department, to go through it and really steer that. So we saw that. So we've been trying to set a cadence and a timing on how we're going to do that. And we are short-staffed, as most every other department is, so trying to fit that in amongst our normal, everyday duties. And that's what we're working on right now. We collected the information, collected data. We are still receiving information and now we're sorting through that. We're looking at some adjustments to the framework of the code, but not a lot. I want to keep a lot of similarities. It's kind of the balance of keeping similar aspects, a similar flow because there's a familiarity with it, and making the proper adjustment. So it's not completely new, which leads to a lot of uncertainty, a lot of concern. That was feedback that we were hearing as we were going through funding was, how much are you going to change it? And there was no directive on how much it's going to be changed, as much as it needs to be changed. But format wise, again, we want to keep some continuity in there. High-level thoughts are making it just easier to understand, making it more explicit in certain areas, linking different sections of other codes. Oftentimes there'll be a section within the code that relates to HRS. We should be able to have that linkage of HRS, so somebody can be like, oh, HRS 2.5, 4.5, click, and there it is, versus having to go down some other rabbit hole to get there. So it's trying to make it more user friendly, more straightforward, and that's the concept around it. And so what we're doing is collecting that and now trying to give the consultants the feedback on how we're

going to be doing those particular updates. One of the themes that we heard as we're going around was the concern around the General Plan. The general plan has been in update for now, six years. Started right at the end of the Kenoi administration. It carried through Mayor Kim's administration and then we took it on now. So we've been working very diligently on the General Plan. And so one of the themes was, how does the general plan correlate and relate to the code? Well, it correlates and relates a lot because a lot of the policies and directives in the General Plan are to drive code. And so it's critical that the General Plan is done first and then fed back into the code. Looking at everything that I see, there's a lot of work that we're still doing in the code that's evergreen and at least up for discussion. So we're not having any deficiencies in the work effort that we're doing. So while the general plan is moving through the code, work is being done on the backside. And when the General Plan gets done and approved, we will then look at any adjustments that were made to the General Plan, bring those back into the code, update any last adjustments to the code, and then bring the code back up for those public hearings, public outreach, collect additional feedback on what the draft is, and then once that draft is really worked out, that'll go through the commissions and then ultimately to Council for approval process. So realistically, we're not going to see the code until after the General Plan. And based on the timing of the General Plan, we're hoping that code is coming out sometime late 2024. That's realistic for what it is now, knowing how long everything takes. I like to get things done. So I really wanted to initiate this process, get the funding, get the momentum going and utilize the time whenever we have a gap in the workload to focus on that. So we're going to have a lot of work product there ready to basically press launch when the General Plan is done. That being said, there are some lower hanging fruit areas that we're looking at that are not necessarily contingent on the General Plan that we'd be bringing forward. Like, for example, we're working with Heather Kimball right now on a transient accommodation rental update. That's an update. Looking at some potential updates to the 'Ohana housing code or ADU that we know we can look at right now. So that's the strategy that we have moving forward. And really, I guess I think it'd be helpful to get into a dialogue and answer questions and your comments and your feedback, et cetera. But that's the general overview and happy to get into a dialogue.

Thank you very much, Chair Adams said. And she is sure what you're going to find is we don't really understand exactly where all the lines are drawn and what's your responsibility. On the General Plan, is Planning Department still taking comment or is that-

Not at the moment. Anybody can submit information and we'll take it for sure, Director Kern said. What we have is we've received a tremendous amount of comments, thousands of comments and feedback. We have this massive database of comments and information that we've been then going through the general plan and incorporating those comments, feedback, elements of the CDP, et cetera, and all that work that was done, into it now. So we're not in the collection phase. But again, if somebody has a brilliant idea, throw it out there, we'll take it and look at it. What I've noticed is, in my experience, going through the General Plan and any plan, complicated is easy; simple and concise is hard. And that's my goal. It's simple and concise and straightforward and understandable and actionable. And so that's what we've been really working on is just refining that. And so the General Plan, the draft, we're hoping to release

sometime this summer, and then that'll be the next opportunity to collect feedback so that you can look at it, review it, and then offer us feedback in that. And any adjustments can be made, maybe before it gets to Planning Commission or during the process. There's maybe multiple public hearings. We'll go out for public input and then there will be when Windward Planning Commission, Leeward Planning Commission and the committee and then County Council.

Chair Adams said one semi-minor issue is it keeps referring to the last previous Integrated Solid Waste Management Plan done in 2009 and there is a 2019 version out that probably ought to be referred to. But she will get that comment in specifically at some point.

One of the things we've heard, Chair Adams said, is that there is a challenge to getting recyclable collection areas located in a subdivision. Is that true? And how is it possible to overcome that? It may even be a State regulation that's in the way, the recycle collection operations being treated like a transfer station or a solid waste facility, which no, obviously you don't want to have a solid waste facility right in the middle of a development. But you do want to be able to collect things that are recyclable and that could be transferred away. Is that kind of planning something that is within the purview of-

That would be the purview of the code, Director Kern said. The General Plan is on a bit of a higher level where we're solving for our waste, trying to get to zero waste, et cetera. So he does think there's opportunity for that discussion within the code. It'd be good to understand what that looks like exactly. Is it a 20 x 20 foot area with some bends that people go through? Is it a larger area? What's the large size? What's the small size? Where do we embed that into the code or into the subdivisions right now? If it's commercial, we require loading areas, solid waste management plans. Subdivisions don't get that type of scrutiny right now. It's basically your roads, your rights of way, water, wastewater and your lot sizes. It's not really looking at recycled areas. A lot of that generally comes from more of mainland type of thought process, where you get curbside pickup. So it's less of a thought, but I do think it's a very viable thought. How do we look at it then? Whose kuleana would it be? Right? Because it's one thing to have the space and that's another thing to actually have operations that come and collect it. Is it up to the landowners to do so? Is it up to the association to do so? Or is it a County program that would come through and pick it up and we then need just a central gathering place for all of that. So that would be really helpful and this is a great conversation to begin to integrate into the update.

Director Kern said commissioners can email April Surprenant², Planning Program Manager, or you can go to COHcodeupdate.com. That is a way that we can collect that information. And then, again, even when it comes out as a draft, we'll have another opportunity to look at it again and say, okay, now here's what we're really looking at, and what can add more into there? What other nuances did we maybe miss? Or what's modern now? Because things are changing.

² April.surprenant@hawaiiicounty.gov

Well, and it's also the complication, Chair Adams said. And you're sitting right next to Jon Olson, so he can bend your ear about that. But the idea of maybe, there is no real home association to cover the costs, is there a way to push and say if you've got a development, a subdivision, you need to provide these services and they include having a place to consolidate-

That's a settled issue, Vice Chair Olson interjected. It's up to government to provide- in other words, this comes under health and safety. They have to deal with the trash. They have to deal with the wastewater. It goes right through the State, down to the County, down to the public health officials at this end. That is the problem. We have tens of thousands of acres that basically are beyond control. They were never meant to be occupied.

Haven't we had this conversation before, Director Kern asked.

Yeah, he's heard this before since he was about (holds his hand about 4 feet) tall, Vice Chair Olson said.

And he heard it from former Supervisor and Representative Helene Hale, too, Director Kern said.

She was there. She did it, and she was forever regretful, the Vice Chair said.

So part of that conversation, Director Kern said, is we have these large subdivisions that are there. For better or worse, they're there. And what we're looking, that's basically massive suburban type planning, right? And so through the CDP processes, we looked at having little urban centers in there, urban growth boundaries within these areas to provide basic services. We have HPP, Orchardland, et cetera. And while they've been there in the CDP, there really hasn't been the action taken or the desire from, say, landowners to really do something. I do think that would be a critical component to helping with it because-

You're not going to get any help there because they don't have to, Vice Chair Olson said.

So that's what I'm trying to figure out, Director Kern said. How do we get you're going to-

You have to bite the bullet and say this is what we're going to do and just be prepared for the incoming because you'll get it, but it isn't going to be workable otherwise, Vice Chair Olson said.

Right, Director Kern said. I think at one point in time thought if you put that area, say, in HPP, great, someone's going to jump on that, whether it's the Watumull family or private folks, and they're going to build something, something's going to happen, because that area-

They control those properties that those services would otherwise be constructed on, the Vice Chair said. So it's going to have to be some kind of a taking process to see to it that it happens, whether they like it or not.

And that's what we're looking at, Director Kern said. Less in the code but more in the General Plan is the carrots and sticks conversation, you know what I mean? There's incentives and then there's other buttons you can push to say we either have to come in there and do it ourselves or make it very attractive for somebody to do.

For public services that's nearly impossible, Vice Chair Olson said.

So we have the park in HPP, Director Kern said. That's making some movement. There is the EA that occurred. So that's a public area. We've met with Hawaiian Paradise Park Owners Association recently. They're looking at siting a school in that area. Water is a big issue with that. There's potential to bring a water line down part way. It's not going to hit all the sites. So I'm seeing some movement, but it's those actions that I think will really help bring that in, that's happening in HPP this is maybe a little different story in some of the other areas.

Reality is setting in, Vice Chair Olson said. To have it remain livable, you're going to have to have these services within the subdivision.

Absolutely no question, Director Kern said.

Then we move on to the state and their total failure to provide the infrastructure that they set themselves up for, Vice Chair Olson said.

And with the constant conversation around a lot of these issues are infrastructure, infrastructure, infrastructure, Director Kern said. I met with the Governor's Housing Task Force yesterday and again, a lot of it was around infrastructure, even for affordable housing. And so even to get some critical mass in some of these communities, a lot of it has to do with an infrastructure conversation. So what can we do? And the challenge, one of the many myriads of challenges is the infrastructure conversation is it's as severe in Kona in in certain areas as it is in Puna areas. A little different dynamic, but still a massive need for infrastructure everywhere we're looking at. There's the perils of not maintaining and keeping up with infrastructure every year, whatever the frequency is supposed to be, just like our wastewater treatment facility in Hilo, here we are, and it's like, holy crap, we got to put money into it.

We pushed it down the line as far as they could until pipes literally fell off, Vice Chair Olson said.

Which is a bigger conversation we're having around the CIP process, the maintenance program to actually have software to look at this and have a maintenance plan, an actual and integrated system so the different departments can speak to each other from a software perspective, and it's not just a sweep it into the closet strategy, Director Kern said.

All I know is there's all of vacant lots, and every one of them has the right to connect, Vice Chair Olson said.

Chair Adams said one of the things she would like to see happen is to require multifamily apartment buildings, condos, to have to provide certain services, a collection place for recyclables, and a process to get those recyclables hauled away, along with an education program. Is that something within your purview of saying, if you're going to build or manage an apartment building, you need to provide these services?

It's actually in the purview of Planning and DEM, the Director said. So when it comes to a commercial facility, a multi-family, above four units would pretty much constitute commercial. We require a waste management plan, and then a loading area, and an area for those to keep those, whether it's the roll-off bins or the recycle containers in a screened area that keeps still pretty from the street. So we do have that now and then it's oftentimes the solid waste management plan will go through DEM for approval. And It's trying to integrate some of these concepts within that approval. The pickup is, on the commercial side, they're usually able to use commercial private haulers. So that gets a bit easier than the one-off lot owner. That's much harder. The mechanisms are there to do that. It's getting more direct on the recycled side of it.

Chair Adams asked whether the place to look is, what are the units that have to be in this waste management plan and what are the approval criteria that DEM has?

Yes, Director Kern said. Having that in there and being more clear on what we want to see in that waste management plan would be helpful with an emphasis on recycling and recycled collection, et cetera. And you folks know as well as I do, the recycling has been very challenged, and it's not a lot of motivation right now or even appeal to it. So we as a County, this is just my personal opinion, need to step up our game to then be able to push it back to the landowners, developers, et cetera. When all that, hey, we are recycling, we are dealing with our waste efficiently and effectively, then I'm just a two-way street mandate kind of guy. I think government and private should both be held accountable, he said.

Chair Adams said the next question on her list is dealing with the issue of construction and demolition waste. So the building code, building permits that's under your purview?

That's Public Works, DCC Tavares said.

Part of it is kind of that waste management planning, Chair Adams said. For example, she would do a renovation of "XYZ property," and wants to know how and try to minimize waste going to landfill, and here are the ways I'm going to do it.

So I totally agree with you on that, Director Kern said. And I used to run a construction company that specialized in green building. And that's one of the things that we did was waste management on site, where you recycle everything that you can, you know, use everything that you can. You order your lumber properly, use the scraps for blocking, et cetera. And then other things, you do have people that will use it. There is a use for some of those what might be a scrap, and you really try to limit all of that, which is actually sound practice for the contractors

as well, because there's a cost associated with disposal of that waste. Unfortunately, when it comes to the building code, I don't have any authority. I have just lots of opinions and comments, he said.

Commissioner Acasio asked would the authority come from the Council on waste mandates. In Oregon, for example, there is a mandated percentage of construction, especially if it's deconstruction. You don't have the authority. Who has the authority?

Yeah, I'm trying to think it almost feels like a combination between DEM, DPW and potentially Planning in there, Director Kern said. DPW oftentimes looks at, was it built to code? We look at it as, does the land use fit for what the request is, and then you have your waste policies on what's getting taken to the landfill or diverted from the landfill. So anyone on their own, maybe without the support of the other might be challenged. But something where if we come together, and most likely it might be the strongest is going to be some type of ordinance saying, this is what we need to do on construction sites and then be able to articulate that clearly and have a pathway for contractors to be able to utilize actually, efficiently and effectively do it. Personally as having direct experience, when it's done right, there's an efficiency to it. And it feels good at the same time. So I do think it's going to probably be most likely, and this is just me kind of thinking out loud here, it's probably a directive more from the waste diversion side, from the entity that controls waste and then integrate it. Then it's like, okay, who's inspecting it? Who's keeping up on that? They don't have staff, then it's like a building inspector that they take a look. Oftentimes things are cleaned up prior to an inspector going out there. So it's one thing to say, here's the practice that we want, and then how do we actually monitor it and have it be implemented effectively? That's where I think it gets harder with the staffing challenges that we've had, especially when you're looking at, we don't have a similar type of development where we see in the mainland, where you have larger developers and most of them are bigger tracts and they can just house everything in here, you can have one area. We have a lot of independent, especially in Puna, it's individual builders, so it needs to be harder. But I think that's where-

Well, even with them, the packages are coming so much better managed, Vice Chair Olson said. Just in the last four or five years, when they pull out, there's nothing. I mean, they pick up the nails.

Director Kern thanked the Commission for the opportunity and was happy to come back in the future and talk story. I understand what it's like being a commissioner and it is a lot of work and thank you all very much, he said.

2. Pretreatment rule draft

Chris Laude said the Director has temporarily assigned him Chief, which is good, but it also means that he has a lot more on his plate. But he committed to having the draft of the ordinance that includes the pretreatment program done today. He was not able to do that. So it is still high priority to finish today so that he can get to Corporation Counsel and get them to agree that we need to share it with the Commission now so that he can get meaningful input

while it's still in the draft phase. And his opinion is this is separate from the public comment period. We need to coalesce around what this thing should look like, what we're covering, what changes we need to make before we go to public comment.

Chair Adams seconded that concept. It's important for us, especially when you're still at some of the conceptual stage, that that's the best time we have for providing advice and then when it is ready, as a final draft, that we would provide comment as appropriate along with the public. She asked if DCC Tavares would like to comment on why we should not be able to see it?

There is nothing that is preventing the Commission from being able to take a look at it and provide comments, DCC Tavares said. So once we have that, she will be talking with Diana Mellon-Lacey, who is the Deputy Corporation Counsel who handles Wastewater, and figure out the steps that we need to take to provide the draft to receive these comments.

Chair Adams said she will continue putting this on the agenda. It's important that the sooner we can have a chance to chew on something, the better our comments and guidance is going to be.

Vice Chair Olson said that we did look at waste to energy before, and the issues that it raised. Chair Adams said that is a separate discussion from wastewater pretreatment.

Director Mansour said this is about the pretreatment and the current wastewater code that we've been talking about for a while to be able to revise the code, the laterals, the connections, sewer trunk main size lines, and the pretreatment, what have you. So our intent is at this time, since EMC is the advisory committee to DEM, he would like EMC to review such document once the DCC gives us the green light, but it is not a public document now. He wants to make sure it's done through your advisory committee so you could review it and see if we have missed anything or anything you would like to advise us on or add or modify. So that's the intent for it. You are an advisory committee and it will be very important to have your comments on the draft before it goes to the public. Thank you.

3. Draft letter to DEM regarding inquiry for DOH regarding studies of advanced disposal and point of sale fees for solid waste management³

Chair Adams said that DCC Keyra Wong had recommended EMC first go to DEM and ask them to see whether the state, who really is the one that can manage a point of sale or advanced disposal fee that the County apparently cannot do on its own, it needs to go through the state- so she drafted that letter. It's in the package, and we need to get approval from the Commission to send that letter. Everybody have a chance to look at it? It basically says what DCC Wong had written up. If the state's solid waste division of DOH has done a study, give it to us. And if they haven't, do one. That's basically what it says.

Motion, second, and vote: Vice Chair Olson made a motion, to which Commissioner McIntosh seconded, to approve and send a signed letter to the Director with a copy to the County

³ V.3: ADF-POS letter to DEM: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=122719>

Council. Ayes: 6 (Adams, Olson, Otsuka, Acasio, McIntosh, Burns); absent 1 (Cardwell). Motion passes.

4. EMC county landfill diversion ordinance initiatives^{4 5}. Deferred from Feb 28, 2023.

Chair Adams referred to her writeups (see footnotes). She did a breakdown on the many options listed at both our February and March meetings of how do we do more diversion from landfill. One of the things she didn't put in there as a top option is waste to energy or going to H-Power. And she probably should have included them just as an option, but they aren't high on her list as the way to deal with waste. But the one she chose to write up specifically was, if we were to ban additional waste from landfill, period, as a way to stop filling up our landfill, how would we go about doing that? And hopefully you had a chance to at least skim over what she put together. The concept was that we'd have a set of criteria that you'd work through to decide are there some designated recyclable waste that legitimately, easily, could be diverted and safely managed outside of a landfill.

(Screen sharing started) We do ban certain things from landfill, mostly because they're hazardous to go to a landfill. We don't have a hazardous waste landfill on the island. But if we were to ban additional waste, you have to have places to collect it. If somebody can't throw it in their trash or take it to a transfer station and put it down the chute, you've got to give them a reasonable place to put it. So we need to have enough collection locations available to the majority of residents. We're not going to have transfer collection stations everywhere on this island. So it's not an easy criterion to meet, but it would be a significant one to look at if there's a way to actually collect the items without a whole lot of pain. So that'd be one criterion that you would score against any additional waste you wanted to ban from landfill.

Second one would be the reasonable fees, whether we can accomplish this upfront advanced disposal fee that Jon Olson is trying to deal with, or at a purchase point like we do with tires and car batteries. Can we make it not so costly that people are not just going to dump it in a ditch someplace?

Third criterion would be that you can actually reuse it or recycle it. It's economically feasible, there's a market out there. There are places preferably here instead of on the other side of the ocean, but there needs to be a viable economic return to support an ongoing recycling or reuse operation.

Next would be that the life cycle cost makes sense to do the reuse recycle as opposed to sending it to a landfill?

Are there education programs? Are people going to understand what they can and cannot recycle? Primarily this is to make sure that that recycle stream that is being diverted is clean enough that feeds back into- it's not going to cost a fortune to clean it up in order to reuse it or recycle it. And people know they can do that.

⁴ V.4: Landfill Ban Initiatives: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=122720>

⁵ V.4: Landfill Ban Initiatives: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=122721>

And then the last criterion that was that it's worth the bother. It's got to reduce some significant volume from going to landfill. It's not going to be a joke.

So those were her brainstorming six criteria. You could develop an algorithm where you might weigh one higher than the other, or you give more points or less points and come up with a score. And while she didn't actually come up with a score, she ran a couple of examples:

HI-5:

We have a program for HI-5. It does pretty good. People more or less know, except for the tourists. The tourists are a big issue here as far as how do we get education so that we get things done properly. So we've got lots of places we collect it. The fees are a pain in the butt, but they're doable. People have even talked about, we could bump up the fees for the advanced disposal. We're going to see what we could work out with the State. But there is a system in place. It's well known. The Life Cycle Analysis showed it was a good thing to recycle HI-5. And that the volume issue, the last criterion, we could increase it if we sucked in the wine and liquor bottles. So HI-5 is one of those top candidates she would propose for a landfill ban. Just say no. You can't throw it in the trash. Make yourself turn to another container and recycle them.

Green waste:

Again, it's an existing program we have. How can we make it better? Many, but not all transfer stations can take green waste. We've got the Hilo location, which is pretty major, and commercial operations can also use the sanitary landfill on the west side. Fees, eh, you save for the commercial side. It costs half as much to bring green waste. Residential is free, so fees are pretty reasonable. The recycling cost goes back to that HER contract. We're paying way too much to have them just turn it into mulch instead of compost. So that one's going to get a lower score. Life cycle is favorable as long as you're keeping the pests and the fire hazards down. And it's pretty well known around the island that we can indeed recycle the green waste. So again, the idea would be, we would ban it, we'd say no, you cannot put green plants in your trash. And will people do it? Will they follow it? Enforcement is an issue and a lot of that is education. And how do we keep informing people don't do that, et cetera. It's a significant volume, that last thing on the screen, 7 percent. And you can argue all over the place on how much actually is green waste that could have been, should have been, recycled that wasn't. So we would see a big difference in the amount of waste going into our landfills. Obviously, if we could add other organics, whether it's food or paper, that would really ramp up the volumes, because those probably represent the largest percentage of "should not have been a landfill waste" that we have on island.

Corrugated cardboard:

Again, we have collection sites at each of the transfer stations. You can take it to Atlas Recycling and Business Services Hawai'i. The big box stores already do it themselves, so that gets a high score. Again, the fees are favorable. If you're taking it to a landfill, you shouldn't be, but it should be less costly. There's a market for it. It's actually worth money to send it. Life cycle,

again, that report came back saying that from an environmental impact standpoint, it's certainly worthwhile to recycle the corrugated cardboard. Education: She sees a lot of crap going into those corrugated bins at the transfer station, or at least in Waimea. So we've got to do better job on education. And again, it's a significant amount of stuff. If you could add other paper and do a paper recycling collection and recycling, it would be even better. So again, corrugated cardboard I think is a good one that we could say no, you don't throw that in the trash. Other cardboard, we'd need to work a little bit more on

Glass:

Again, the non-HI-5 glass is pretty favorable overall. It's not an insignificant amount. This one has the advantage that we're actually using it on island. Maybe not in the best way, but we are using it on island. So we don't even have the environmental costs of shipping it off island.

Chair Adams also came up with some examples of things that are not quite ready yet.

Electronics:

Collections once a month on west side. You can take it to Mr. K's, but that's where you can take it. And it's not all electronics. It's a fairly narrow set of categories of things that are taken through that EPR program. Presumably the fees are going to be covered shipping that stuff. And it's also not a very high volume of what's filling up the landfill.

Plastics other than HI-5:

Again, we have limited collection right now. There are no fees. But maybe we could expand the HI-5 program and look at EPR recycling of these. Again, the market is up and down and oftentimes down. That may be changing from a life cycle standpoint. If you look through that study, landfilling is not a big deal for plastics, but it's a better deal to recycle it. Education, she already complained about that. She doesn't know how much it is in the landfill. It's been argued that it's gone up since last studies, but she doesn't really know for our island. Her basic question to you as EMC is, is this worth exploring further and working out in more detail? Because there is a heck of a lot of details involved.

Commissioner Acasio said it's a beautiful pulling together of all of this information. So just looking through it, she would also like to look at and add construction waste and perhaps ordinances that we could suggest in our County to do deconstruction instead of demolition. And the difference- and of course, education and training around that is going to be necessary and purposeful when it comes to that- but being that construction materials is such a large component and it would be an opportunity then to take that into consideration and set up larger scales of repurposing of that material. Of course it's a huge endeavor. It's almost a category in itself, it seems like, but it's very important.

It is, Chair Adams said, and hopefully we'll have somebody from Reuse Hawai'i show up at the meeting and who could talk about doing just that and what some of the hurdles are that they face. Partly she wanted to punt on that one. It's on the top of her list of, if you want to get

volume down in our landfills, it's got to be construction demolition, favorably known as C/D waste, because a lot of it should not be waste.

Commissioner Acasio said she would like to learn more and research more about food waste diversion too. And that also comes with its whole set of Department of Health pieces. But looking at what the barriers are and what that would look like- and a big component to this is really setting up infrastructure for reuse and refill in a larger scale for our conceptive habits. And so, again, it goes back to a much larger shift, but it's really important in terms of that zero waste approach. And when you were talking about the compost, she was curious if we know what it would take to convert the mulch to compost, and is that much bigger undertaking as well? Not that that necessarily is as high priority at the moment but she just was curious as we're going through it. And then the last thing was in terms of the corrugated cardboard, is that shipped off island or is that something that gets incorporated into moving forward? Could we look at what it would take to perhaps shred locally and mix that into our compost? As you mentioned the paper additive, et cetera and also the difference between accepting corrugated and non corrugated. So the question on that would be, could we additionally shred the non corrugated cardboard and add that or what are the limitations to that? So those are some of her questions for her own research and also thinking about the deconstruction of telescopes that are going to be happening. There's at least one decommissioning in process already and she believes that there's one more right behind it. And so as far as scrap metal, that is something that we might need to prioritize. What are we doing with that scrap metal?

Great questions, comments, things to look into, Chair Adams said. She was trying not to write a book with ideas, so more conceptual. Yeah, there are humongous issues involved and she can offer, maybe offline, some comments on your questions and thoughts.

Commissioner McIntosh asked would we really need to look at look into the details of all this? Wouldn't we just sort of send a resolution to the Director and ask them if they could look at expanding the list they currently have to items that we can already cover, and then the Department would look at if that's a feasible job or not, because we don't know everything involved. Because we're more suggestive rather than instructive or authoritative. So he just thought we shouldn't get bogged down in detail, just look at broad strokes and suggestions that we could make.

Chair Adams said we can ask the Director about that. She is sure they would like us to do more of their homework for them. She shared these ideas before with Sanne Berrig and George Hayducsko. She did sit down and talk a little bit with the former solid waste chief Mike Rivera and I haven't hit up Craig Kawaguchi yet to beat him over the head with all these ideas. But we could do it as more a resolution: This is what we'd like to see, the direction or some specific response. Or we could create a new Permitted Interaction Group, a couple of people who'd like to work on the issues on the side? It's what the Commission would like to do. And that's her question- what do you want to do, Commission?

Vice Chair Olson said he tries to keep track of things like the construction debris, what the builders are doing with it. Cardboard is interesting in that it does seem to be disappearing on its own at a pretty high scale, at least in his end of the world. Just looking at the three transfer stations that are of high use in Puna, the overall reuse items that end up in the bins, it seems to be going down.

Chair Adams said she doesn't know how much isn't going into the landfill. She also knows they have to be rejecting some of those bins because they've got so much other garbage in it.

The Vice Chair said in Puna the reuse component is quite high. If it is reusable, it grows legs and wanders away. So that's how we make east meet west and further lower that bar.

Commissioner Acasio commented on EPA funding. It seems like DEM would be perfectly positioned to be tracking EPA funds regarding much of what the Chair has compiled in this, and have those opportunities, the grant funding opportunities, be setting up infrastructure to implement and further many of these ideas. So she is wondering from the DEM side if they are actively pursuing and engaged in those conversations with EPA.

Chair Adams said maybe we can wait for the Director when he's talking about the budget. That was in the presentation that he did to Council. And their issue is always a never-ending, they don't have people to put together the upfront work that needs to be done to get those grants and then to manage those programs once they're in place.

Commissioner Burns said all the discussions sound reasonable to him.

It's an issue of energy, Chair Adams said. We could take the route that Commissioner McIntosh has offered and write up some general conceptual- part of the reason she does these things in these meetings is she knows the Director and the Recycling Coordinator is sitting there listening, so we are communicating to them, but if we want to formalize it, we could put together, this is the direction we think you should go. These are some of the priorities in the focus areas that EMC sees as being valuable for the county. Again, her focus on this was, what could the County do at our level without having to go to the State that we could start making some significant changes here on the island for diversion because our landfill is filling up? Or we can put some more homework into it and maybe that's where the Director needs to come back at us. If all we did was say, here, this is the direction you think we think you should go, is that enough or do you need more?

It's tricky, Commissioner Burns said. And then one thing that can be constructive is having some back and forth feedback, if this makes sense. So we've had turnover in waste management, but when he spoke with folks before, Greg Goodale and a few others, if you're trying to think about the best way to use everyone's time efficiently, we could make a lot of recommendations or ways we see things to happen. In the Commissioner's experience, like working behind the scenes in a state government, there are often a lot of complicated and nuanced reasons that have many, many layers of bureaucracy as to why it's never as simple as just, okay, let's attack

that problem and fix this. And so he does think it's really valuable sometimes to get almost an initial set of input on their end in terms of what are tangible decisions that are on the radar within the fiscal year to the next few fiscal years, where the input can be most valuable. And he hopes that this makes sense. He is not trying to sound negative or anything, but you could make, for instance, certain recommendations, but they just might be wildly outside the scope of what's possible to be done that year. So then you have to ask, okay, if we're trying to make improvements, was it an efficient use of time to put forth these recommendations that aren't able to be, say, directly addressed right now, versus if you have a back and forth where we look at it as how can we help you with these upcoming decisions that whether or not we like it, might be constrained to these several options? At least then, the input we're giving is a lot more directly related to decisions and problem solving that is occurring based on what just has to be done. So it's a suggestion to do the best to work within the system so that our feedback is as valuable as possible. This is going back to over a year ago now, maybe two years, when we each had small niche endeavors. And he went and met with them a few times and it was, like, really enlightening to just see what they were already working on that he wasn't aware of, what other folks weren't aware of. And it was helpful to realize, okay, these are things that they could really use support and they're making progress in those directions, and so it could be good. It is tricky because we also have elections and all these turnovers that occur every few years. So it's not something he wants to trivialize and say it's easy. The constructive back and forth can be a lot more fruitful sometimes than just recommendations themselves.

Great discussion, the Director said, and thanked Commissioners Burns, Acasio, and Adams. Just to let you know, we secured a consultant. We have \$500,000 in this current year budget. Our intent is to look at the current operation, evaluate it, analyze it, from transfer stations to having one landfill to transporting waste east to west. So we need to analyze it, understand it, and then the consultant will also in addition to that, they're going to look at recommending what are the best routes, more efficient routes, cost saving routes, environmentally protected routes that the County should take, and you as commission members will be involved in the process. We knew recycling is the best way to go about doing things rather than taking it to the landfill. C and D, inert material, need to come out of the landfill. We need to figure a way and we need to define the outlets. The big challenge we see is to get the outlets here locally to start investing into these projects and putting them back on the market. So the scope of service is to perform a more comprehensive operational study, including landfill practices, capacity, lifespan, vertical, horizontal, or deeper excavation if there's any possibilities, the recycling, diversion, waste to energy, resource recovery, staffing level needs, the logistics. In a government system, the logistics of getting from A to Z is totally different than in the private sector. So we need to analyze that. We need to look at regulatory constraint policies and procedures, rules, financing, that may include forecasting for future funding. Revenue generation analysis, how could we improve our revenues? And that's the stuff that you all hit on. Is it Pay As You Throw or is it maybe partnering with somebody else's that could generate revenue but give us and expand our current lifespan on the landfill? Because every ton that comes in, it takes space within these expensive cells we have, and also look at the culture and any other vital analysis that our current operation faces. We've been talking about it since he started two years ago how are we going to get there? Finally we had the money secured this

current year. It took us a while to get that funding secured. So we're going to put it to use and you're all going to be part of the process because eventually this is what's going to be hopefully going for the administration and County Council for either adoption on new policies and procedures or change of current operations. They're going to be looking at the possibility of curbside collection? So they all interconnect. Diversion, resource control, all of that connect. So it's very complicated but his intent from Day 1 is to get a better grasp of the situation and look at the venues and the outlets that we have currently here and how we could utilize them to be able to produce here locally and divert and redirect things from the landfill.

We would certainly love to have you bring the consultant once he's on board to come and talk to EMC, Chair Adams said.

Yes, Director Mansour said. Staff just went through the short listing and yes, that's the intent is you are all stakeholders within this process. County Council members are stakeholders, the Mayor's office is a stakeholder. So the intent is this consultant will interview all participants that have an impact on creating policies and procedures. We're going to reach out to the public through this SurveyMonkey process and figure out what the public would like to see and all that data is going to come in and it's going to generate this recommendation at the end of the day. The Director wants to make sure we get on the right track from Day 1 because we don't want to start something with a consultant and find it out later we missed some type of analysis and what have you. We are limited on budget but we have money this year and we added extra money next year. So that hopefully should get us there and should address concerns from commissioners. What you presented is a great presentation, he told the Chair. I think we need to share it with the consultant. Great work. Hopefully that will give you an idea of the direction and how we would like to continue having you participate in the process as well.

Chair Adams said she wants to look at diversion opportunities other than hauling it all to some biochar bucket. It is somewhat to counter the whole idea of the resolution (73-23) as it was made, that our focus should be on diversion and utilization of resources and not biochar.

That's two different topics, the Director said. Resolution 73-23 is specific. They want it by 2026 and what have you. It's non-binding. I just want to make sure Ms. Kubat understands. It's a nonbinding resolution. But as R&D and our department are always looking for ways to get to zero waste and ways to be able to capture the new energy, green energy, that everybody claims it's out there, right? So our intent is to continue working with R&D and put an RFI out to see who's out there, what type of technologies they have. It's nonbinding. It's an RFI. The idea is we always have to do our due diligence to pursue any technology that exists. It doesn't mean that we're going to marry that technology or going to implement it, but it's for us to do our due diligence. We have to chase that technology. There's so much funding out there for that as well, under climate change, under green energy. So if anything pans out, you can be part of the process, if it works out for the County and it makes dollar sense and environmental protection sense, that may be a route that could also be considered. So we're taking two different routes.

Commissioner Acasio had a question about how current long-term contracts might be affected by this analysis. And then in talking about the two seemingly different pieces, the analysis and then the RFI, would the result from an analysis and hiring a consultant for this impact the potential directions that a future RFI around this, whatever comes up from the analysis- it seems like they're actually one and the same. Or is there different funding for the RFI or is that something that needs funding as- it's just very confusing because we're having an analysis that we're putting money toward. And then it would seem like some of the input that would come back from the analysis would help to guide what an RFI would even look like.

Two different things, Director Mansour said. RFI, you don't need to fund- it's an RFI. You just put a document out there to throw the bait in the ocean and see what comes out of it. And if there is a response or anybody out there. And it's the outlets he was talking about earlier. Is there any outlet out there willing to deliver on diversion into green energy and to climate change and whatever you want to call it. And it's our staff just putting in the RFI out, working with R&D. The other one, it's more of policy and procedures-driven. That current operational analysis is something that we have to deal with and something that we need to rewrite our policies and procedures. Because we cannot wait for somebody to come in and build or manufacture. And it may take 10 years to even get to that point. But in the meantime, we need to deal with our daily operation.

Chair Adams said that was a significant recommendation from the Solid Waste Advisory Commission and the Integrated Solid Waste Management plan, a need for an operational evaluation and study. She is thrilled that that's going to happen. It's the reality check.

Not only that, the Director said, if you remember when we had that Mauna Loa eruption and the discussion was, we may end up closing Saddle Road, and people calling to ask, "Ramzi what are you going to do with the waste from the east side to the west side?" So there are a lot of challenges we need to revisit and that's what the operational analysis will address in case the emergencies, our current operation and what have you. So yeah, two different things.

Commissioner Acasio said in terms of the RFI, the Director mentioned the analogy of throwing bait, but depending on what kind of bait you throw, you're going to get a different kind of fish. And so that's where she goes back to asking the question about the analysis because the result from that consultation would seem to help dictate what kind of bait gets thrown based on the information gathered. And if we're spending those funds to do that kind of research, it would seem like those would inform that next level of RFI. How would the analysis impact current long-term contracts that we have at this moment?

Director Mansour said your current contracts mandate us to stay on track with the same thing that we've been doing. We have two contracts that we cannot get out of because of contractual obligations. So we have to continue the current operation we have no matter what because it is just the current contractual agreement. So the RFI definitely is out there just to see what we could do outside these two contracts or within the limitation of these contracts if possible. But

the operational analysis is going to address the current contractual obligations we have and unfortunately will have for very long time.

Good topics, good issues, Chair Adams said. She is willing to see how this consultant works out and what kind of conversations we can have on that. Perhaps you can share with us the scope of work that you're going to have looking at and part of her reason for throwing out the concept of diversion possibilities and banning it from landfill was just get you thinking there isn't a magic bullet, an easy solution to it. But she is willing to see what this consultant is going to be able to come up with. We are stuck with those two contracts and will be behind the scenes trying to push on that, because at some point we need to come as a commission and say no. Sometimes contracts are worth walking away from because they're so bad, but we'll see.

Vice Chair Olson said the 80,000 plus buildable lots in Puna is the gorilla in your backyard, and not a single one of the transfer stations are going to be usable going forward. That's the reality of that.

Well, presumably that is going to be a good chunk of this consultant's operational study, Chair Adams said.

Just so you know, the Vice Chair said, we tried before. We had two really superior grant writers get us the grant for what turned out to be the Kea'au Transfer Station. It is in a totally inappropriate place. It has only killed 14 people since it came online. You're turning in and out of traffic that's moving at the slowest pace.

Chair Adams appreciates the Vice Chair's passion and concern about this and wants him to take time and sit down with whatever consultant they wind up hiring, and you tell them about the operational idiocy of Kea'au so they can incorporate it in their report.

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

(Postponed)

VI. NEW BUSINESS

1. Discuss EMC meeting schedule for rest of 2023.

Chair Adams said that we have been alternating between Tuesdays and Wednesdays this year. Part of that was to help out Commissioner Burns. Is it a help? Should we continue?

Yeah, it's an enormous help, Commissioner Burns said. If we can keep it on Tuesdays, to be specific, that is an enormous help for him during the semesters because he teaches Monday, Wednesday, Friday.

Chair Adams asked the Secretary to do a SurveyMonkey, if our attorney will allow that, for the rest of the year, whether we want to continue or if we can move ourselves to Tuesday. Part of our constraint was that in our charter it says we meet on fourth Wednesday. We have some

flexibility as needed. And so we've been trying this bouncing Wednesday-Tuesday option. So we just need to know, okay, what's going to work for the rest of the year.

The other issue is in June, Chair Adams said. We will be picking up a new commissioner, we think, in Ms. Dot Norris. She's out the last half of June. And more importantly, the Secretary is out on the scheduled day of June 27 and he's not here. It happens to be Tuesday. She asked commissioners to check their calendars to see if we could move that date up. She asked the Secretary to give them more dates to see if there's another way to capture June so that we can have enough quorum. The Chair might be unavailable in October, but will see how she can cope with that, and would defer it to offline checking of calendars for the new business item.

Commissioner Burns said he had more flexibility during the summers, but it's always tricky because this has come up multiple times. There's never perfect times for everyone and he recognize if it's in the rules, he will do his best. He just wanted everyone to be aware. That's why it is more challenging. He tends to miss several during the academic year because there's just times he cannot reschedule courses or exams.

We will follow up and see how we can maximize attendance for the rest of the year, Chair Adams said.

VII. REPORTS/CORRESPONDENCE

Director's Informational Report⁶

1. Legislative update

Director Mansour said as noted in the written report, our requests for equipment have gone before the County Council's Finance Committee, and we had a great result. All of them have been approved. So the process of purchasing is going to move forward. As far as other legislative matters, you have the list of the bills and resolution that the department in favor of. So if you have any questions, please ask.

2. Budget for FY 23-24

The budget presentation is attached to the Director's written report, Director Mansour said. We just went before Council a week ago and we presented our department budget request.

3. Solid Waste Division Projects and Updates

1. Recycling and Landfill Diversion updates

Recycling Coordinator Craig Kawaguchi said we recently started the We Can Do It outreach campaign. That's where we're going to try and focus on the first two Rs, which are Reduce and Reuse, and then Recycle, and then also reinforce the proper recycling procedures. We were excited to do that along with our regular ads for household hazardous waste and e-waste. And this past Saturday, we attended our first event, the Volcano Earth Day Community Fest. So that was our first event since the COVID shutdown.

⁶ VII: Director's Report: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=122726>

HHW collection events are completed, and now we're focusing on our August events. E-waste collections have been very popular, and we do now have a permanent site in Kona for the coming months. He asked if Jennifer Navarra could give an update on the EPA solid waste infrastructure recycling grant.

Ms. Navarra said there was not much to report. They finished the initial weeding out process of applications of those that didn't just meet the minimum requirements. But the project that we're working on is to create a system for reusable food ware in Hilo, and we applied for the grant for dishwashing infrastructure and other components that we would need for that. And so that project is moving along, funding from the EPA or not. And we are doing some community engaged or starting some community engagement. We have a meeting this week on Thursday and then we also will be presenting to the commission next month. So you will get to give your own feedback and input on that.

Mr. Kawaguchi said the last one is that we have the contract signed for our grant writer. So we'll be meeting with him soon and just seeing what ideas we can come up with and look at different recycling grants that we can go for.

2. East side landfill options being explored by EMC

(No discussion)

3. Life Cycle Analysis study

Mr. Kawaguchi said DEM recently reviewed the study and then we're just going to wait to see if EMC had any comments on it.

Chair Adams said she would like throw out just some opinions about life cycle assessments as a general proposition. When you're looking at these tables and the pie charts, recognize that what this is looking at are adverse environmental impacts or lack thereof. It is not looking at the economics of establishing a recycling program or paying for waste to energy or landfilling. It's strictly the cost to the environment being monetized. So don't be misled by, there's all this money to be had. No, there's zero money to be had. All of it is still going to cost. All of it is still going to rely on logistics and then transportation costs and the recycling costs and whether or not there's a market out there. This is just saying from an environmental impact standpoint, recycling is a lot better deal driven mostly by climate change. But interestingly, the landfilling of plastics isn't much of an environmental cost. Landfilling of things that can be composted and turned back into corrugated boxes, for example, is stupid because there's a big savings in terms of avoiding global warming emissions as things degrade in a landfill to a degree. The other thing she cautions people about life cycle is it's a comparative study. Those are not absolute dollars to put your confidence in, but it does show relative impacts for the things they happen to cover. There were a couple squirrely assumptions in there, but not that big of a deal. But in general, she was surprised at the extent of recycling, on either east or west of the Pacific, assumptions that the values were that large. Apparently there isn't much involved with transport by ship in terms of environmental impact. But anyway, it was an interesting study. It may inform how if we were to go, for example, in that kind of analysis she did on what should we ban from

landfilling. It would say for example, there isn't a high environmental cost to landfilling plastics. It was an interesting study. She needs to think about how we may apply it to the future.

4. Trailer study

Director Mansour received the recommendation from our consultant and we requested to present it to Council members during the budget hearing. This came up as one of the accomplishments, and they want us to come back and present the options that were recommended because eventually it's going to have impact on staffing. So out of the 21 transfer stations, there were nine potential candidates for taking trailers back with traffic control measures, personnel directing traffic. So we need to navigate through that with different districts and council members to figure out the extent of how many transfer stations we should allow trailers to come back, given the cost associated with that program going back. So stay tuned. You could review both reports and also try to give us recommendation or advice on, should we go with the nine sites or should we go with four sites or should we not do anything. So it'll be good to hear back from you and your thoughts with this and the LCA study as well. Comments, feedback, how could we convert that to policies, procedures? Because it's one thing to do the report. The second is we need to take advantage of that report rather than just put it somewhere on the shelf and let dust pile up. He wants to make sure that we take advantage of these recommendations and your advice so we could start implementing more policies and procedures that could benefit our constituents here on the island.

Vice Chair Olson asked whether there has been any discussion about relocation of the site to make them more usable.

When you say physical relocation of the transfer station, Director Mansour said, it comes at a cost, but he's not going to jump the wagon and say anything about it because that's the reason we are having that operational analysis to be looked at. If curbside collection ends up being the way to do it or Pay As You Throw or more transfer stations, then that's the time when we need to talk about relocation and funding and trying to figure out the siting process and what have you. This is the whole idea of going with the operational analysis and trying to figure out first before we start relocating transfer stations and building MRFs or larger facilities. We need to pause, make sure we are taking the right direction moving forward, so we could start asking for capital expenditures when it comes to these facilities.

I definitely agree with that, Chair Adams said. We had in actually the ISWMP the concept of even shutting down some transfer stations in order to save money, but doing that operational analysis will better inform that decision.

Vice Chair said he was talking about the body count on the highway.

We have the growth, but unfortunately we are always budgeting for the status quo, the Director said. Capital projects have to go into this wish list and it has to be prioritized based on countywide priorities. So it's not a standalone fund where you could say, okay, let me manage it and let me relocate facilities. I wish it were that easy. You probably know the process more

than I do. You've seen it develop over these decades. We need to pause and figure out what is the best direction, and how we're going to fund them. The growth, it's happening. He heard some of the comments about subdivisions and he would like to see allowing subdivisions in the area to create an association for their wastewater and solid waste. So somehow, an entity needs to be built in within these large subdivisions to be able to pick up their waste. Similar to apartment complex, you put a waste enclosure area, it's usually a 20 x 12 foot enclosed area. And you could allow it for commercial pickup. That way you could reduce the amount of people coming to the transfer stations. So you don't have to go through the expense of building these transfer station or enlarging them or do a relocation. But let's get to the analysis so we'll have numbers before we start any type of recommendation. But it's all out there. And once we get it, we'll have a better educated recommendation to make.

Yeah, most of the larger subdivisions do have set-asides in their planning document that says to make space for X, Y and Z, and solid waste is one of them, the Vice Chair said.

The challenge with that is ownership, the Director said. Most of these subdivisions are not under any type of association because they're not apartments or condominiums and are not enclosed residents. So they build the roads, they dedicate roads to the County. What type of mechanism do you want to have so at least everyone who lives within that subdivision contributes to the cost? And that's where we need to navigate. But maybe the creation of home association just for services. These are things to continue talking about.

In theory, as the Vice Chair understands it, that is part of why you were paying property taxes to the County. Now, if we're not asking for enough money to get the job done, then you need to be asking for more money to get the job done in terms of the property tax.

That's the challenge, the Director said. Solid waste is a service. It should not be within the property tax. Just the idea of raising taxes, even a dollar or two, it's not favorable. But if it's a service you don't have to tie it to raising taxes every time you need to improve services because it's driven by the people that wanted the service. So if the majority of the people wanted recycling and you could go to the people and you get 50 plus one vote to support whatever additional program you need, then you get the raise you need to provide that service.

OK, so we'll call it a fee, but you still have to ask for it, the Vice Chair said.

Yes, the Director said, and you have to ask for it, and you have to explain it. And if the majority of the people want the service, then it's not an issue, right? Either they vote it in or vote it out. And that's how you can manage whatever services people would like to have. But the majority of the people will speak out on what they like to do versus going out and saying, I'm raising taxes because taxes cover Police, Fire Department, et cetera, et cetera. So it'll be a harder message to get across because the recycling is going to get lost. And even if you go and increase the property tax to provide more recycling, that money is not going to go into that basket of recycling. It's going to go into the taxes, and it's going to be divided up to other services. And technically, you may not get it to deliver on the service that you want.

Chair Adams called a time-out. That that's an interesting topic for us to cover, maybe at the next meeting to talk about how we recommend looking at more of a service model rather than property tax as a way to fund it. We've talked before, certainly in the wastewater arena, of treating the service as an enterprise fund, and you lay out these are the costs to provide this service, and here's how we're paying for it through these service fees. There may be a way to deal with it in terms of helping associations create an association and helping sell the concept of providing a service and paying for it. She has done it with her homeowners association but had to get on the board to do it. But there are ways to do it, and that might be something worth ginning up for an agenda for another time. She asked if Commissioner McIntosh had any comments on the trailer study.

Commissioner McIntosh said he quickly glanced through it and noticed that at the beginning of the document, it said that prior to 2022, trailers were not allowed. That's inaccurate. He moved here in 2005 and we used trailers until they were banned in (2020), so maybe they didn't word the paragraph correctly for background. And he also noticed through some of the diagrams that they did some pretty weird, outlandish backing and turnings with the trailers. For Wai'ōhinu you just drive around the bin and you do a circle. You don't have to do any backing up or anything. Also it looked like, they're using a 12-foot-long trailer. But you only wanted to limit trailers to I think it was 6 feet by 9 feet. So they're using a larger trailer than what you're going to allow that's going to skew trailers that you allow in when making that decision. And so we should be able to use the 12-foot trailer that they're using or at least 5 by 10 feet.

The other thing was, why does the County think that we can't back up trailers? We bought it, we learned how to drive it, we can back up and we can drive forward. Looking at the designs, he doesn't know how anyone is going to be able to throw off trash without backing up any type of vehicle, trailer or not. And we don't need flaggers telling us how to back up. We're smart enough, when we had trailers going through Wai'ōhinu, we knew, okay, trailer coming in, you sit there, you wait till it's clear, then you drive in. Sometimes you have to wait for someone who tries to sneak in behind you. You wait till it's clear, you back up, you do your business, and you leave. And yeah, it might take 20, 30 minutes but we understand we're not paying for it, so you just be courteous and wait. And he hasn't heard anyone dying from being hit by a trailer. He hasn't heard of any accidents from trailers being used. Of course all his experiences are from Wai'ōhinu, there are some transfer stations that are pretty tight.

The County is going overboard with this whole trailer thing, Commissioner McIntosh continued. We did it for who knows how many years. We can police ourselves, or the attendant who is there all the time anyways. If he needs to step in, he can. The County does not need to hire individual traffic planners for each site where they allow trailers. And the other thing to consider is that because the County is limited to three days a week- before we could go all week long and that spaced it out, just regular traffic. Now sometimes you wait 20 minutes and there's no trailers. So of course when you allow trailers and you only have three days, it's going to be crazy. So that's another thing that the transfer stations, where you allow trailers, you're going to have to expand or do something. He shudders to think what that's going to be like.

The Director said the Commissioner could speak with Gene Quiamas. Addressing the concerns, the issue is the 30-minute delay. He talked about when somebody in the morning has to swing by to get rid of one garbage bag and has to be at work by 8:00, he cannot afford waiting 30 minutes for somebody to take his or her time. So you create friction and we've seen it, our operators, the SWFAs have seen it. He has seen it personally in Waimea just for that purpose one time to just get an observation. This guy comes in with a trailer and the guy behind him driving a Tesla and they almost got in a fistfight. So it does happen. Wai'ōhinu, fortunately with the new design, you are not going to have an issue. None of the restrictions applies for Wai'ōhinu after we open the new facility. But the other facilities as far as safety and having somebody there to make sure that people don't get upset and start fistfighting and going around taking the 30 minutes, and not being considerate to the people behind them- all that was considered. So we just need to make sure we manage our facilities and allowing everybody the time to come in and go out without any potential conflicts. One other option could be that would be up to Council members to designate one day for trailers and they could do whatever they wanted to do, they could hatch it out between themselves if they want to take 30 minutes or an hour. We have to be considerate of everybody involved, everybody that comes to the transfer station for service.

Chair Adams recalled the purpose of the study was to respond to some Councilmembers concerned that you look at, how can you make more places amenable to trailers? And that was the purpose of this study. If there are some questions about the assumptions that were made in setting up the study review, that's where she would wonder, maybe Commissioner McIntosh needs to talk offline with Mr. Quiamas and understand where they came from. But the Council is going to be the one that decides where the trailer issue goes.

The whole issue was safety, Director Mansour said. Safety was number one for these consultants to look at. That's why they looked at maneuvering, accessibility, and how to maintain safety within that facility and yet be able to come in, go out, and stay within that window. Hopefully that answers the questions. As far as the size of the trailer is concerned, each trailer is limited to three cubic yards per load. But the dimension of the trailer from where you tied into your truck to the end, it could vary. But the actual dimension where you put the waste is limited to the 6 by 9 feet because that gives you the 3 cubic yards. So the idea is because we don't have scales at the transfer station, the idea, the actual dimension where you limit it to 3 cubic yard is dictated by that dimension that was given. That way, we could ensure we are only getting 3 cubic yards coming to our transfer stations.

Commissioner Acasio asked whether there were safety issues that triggered the study.

We have two safety committees that went and looked at the site, Director Mansour said, and they recommended way back then to ban the trailers. So we have our County's own safety committee, which is not the department, the entire County's safety committee. That's where the recommendation came from.

5. Administrative rule proposal update

Chair Adams asked if there were any comments to be made about this.

We signed it, the Director said. It's supposed to be effective within 10 days, and both meetings went well. So we look forward to these admin rules. As you know, it's subject to change every year or every time something comes up. If we do that operational analysis or any type of studies that may trigger admin rules, policies and procedures modification, and that's where we need to be able to apply that. He looks forward to working on that operational analysis and others that could trigger policy and procedure changes as we move forward.

4. Wastewater Division Projects and Updates.

1. Pāhala and Nā'ālehu AOC

These projects are moving forward, the Director said. (No further discussion)

2. West Hawai'i wastewater projects

(No discussion)

3. Hilo WWTP upgrades

Commissioner Acasio asked whether Phase II still has components of resource recovery and if so, what are you currently looking at?

Phase II is on track, the Director said. We had listed it under our 12-months objectives to make sure that we get it out to bid. Currently, we just turned in our application. We've been working with Research and Development, and we got \$228,000 that's going to be U.S. Economic Development Administration grant funding to look at capturing the hydrogen out of the effluent from the Hilo WWTP, and also look at capturing the gas out of the anaerobic digesters that we're going to be constructing. So, green energy capturing technologies, and hydrogen extraction out of effluent. Could we extract hydrogen out of that 2.8 million gallons per day? We're going to be doing that study once we get the green light. We turn in the application today to R&D. So it's going to be submitted, the understanding is that \$228,000 will be given to our Department to do that, and if we are applying the technology and are able to extract hydrogen out of that 2.8 MGD, that'll be great to do.

And then we need to figure out how we're going to fund it, the Director said. There's a lot of money under the climate change bills, so we're going to try to tap into that, take the lead statewide of trying to capture hydrogen out of wastewater, something we've been talking about for a while, but now we got the money to be able to get the science behind it and see how it all goes together. As far as the extracting gas out of these digesters, currently, the way we are designing it, some of the gas will be captured to heat up the boiler. Our sludge needs to be maintained at a certain temperature, so as the flow comes in from our secondary treatment, units get heated up with the gas that gets generated from these digesters, so we are putting it to use. The remaining gas will be flared, using the highest technology to flare it with the carbon emission in mind. It's a Tier IV unit but with the idea of, that study may come back and say, okay, you got enough gas from these digesters to convert it to transportation energy rather

than burning it. We don't have that much because we are constrained by the amount of flow that comes currently to the facility, because our facility is designed for 6 million gallon per day. We could take up to 13 million gallon per day, but we currently at less than half. So eventually we need to start increasing our customer base, allow for more people to connect to the sewer, encourage people to connect to sewer so we could generate more biosolids, more sludge that we could benefit from and capture.

Commissioner Acasio asked about sludge, and noted that we're apparently not looking at using the R-2 water for something else. If there is water, if it's going towards hydrogen, this is something new to her.

We are working with R&D and certain farms to figure out the challenges, the Director said. You need to have the land. DLNR owns most of the land there. Could we cultivate the land around the facility and that becomes our disposal area? There's a lot of challenges just to kind of switch the flow from going where it is to more of land irrigation. You still have to go through a totally different environmental process and try to secure the land, try to figure out what could you grow there, understanding the water balance between rainwater and the water you generate, how could you offset the differences? Because we do have about 265 rainy days in Hilo. So the idea is, how are you going to balance that with the amount of water you are producing, but how many acres do you need for the plant to uptake that flow? So it's complicated because you have to go through these complicated design equations just to make sure that you are capturing the nutrients, but you're not allowing the wastewater to percolate into the groundwater. And you need to have enough land and the right crops to be able to extract these nutrients at a faster pace. And these are the challenges. Most of that area we looked at, it's all rocks, as you know, so it's not even terrain. So it's unfortunate, we're not somewhere in the mainland where you could, say, direct the R-2 water to irrigation. We may need to import some type of soil, but we are working on exploring every other possibility on that site.

Commissioner Acasio said it sounds like it's still in analysis and conversation and it's not necessarily determined at this point. Is DEM looking at light industry as opposed to agriculture being that Hilo doesn't necessarily have the same needs as Kona, for example, in terms of irrigation with the R-2?

That's why the Director mentioned either the hydrogen and gases or R-2 for ag, he said. We're looking at industry versus farming.

Chair Adams was also thinking about the sewage sludge. Do we make enough to recover the sewage sludge into fertilizer, et cetera.

If the ag route ends up being the way to do it and you grow some type of grass that will be for land application, the sludge will be used for- it has to meet Title 40 CFR 503B regulations, Director Mansour said. Unfortunately, nobody composts biosolids because you have to go through certain certification with Department of Health. Only one firm does it in the state, in Honolulu, and they create these beautiful material that would be great for ag use, but they use

it for H-Power because it's high in BTU as well. But they have challenges so they end up taking it to the landfill after they spend that much time and energy to produce it. But there are challenges with it. If you get somebody that could compost the biosolid, mix it with mulch, and create a soil amendment, it would be good. The challenge here is dealing with the human factor, because it is a human waste. The likelihood of people taking it for compost and bagging it and saying, okay, here's 10- pound bags and you are going to start using it- We need to do more of perception and rebranding of product. That's where the challenge may be. It's just trying to get that human factor satisfied with the rebrand.

4. Wastewater plans

Director Mansour said during the budget hearing, as noted in the attached documents in the Director's Report, we had pointed out the objectives for the next six months, next 12 months, and beyond the 12 months. He recommended that that become our objectives moving forward and we're going to pay attention so we can deliver and be able to measure such objectives. So the concept here, something is going to be measurable as we move forward based on the master schedule that we have created and the milestones that we have accomplished. That way we could deliver on these projects within these windows that we presented.

5. Information requests to DEM from Commissioners

1. Further information on a countywide sewer district concept for managing public and private facilities. (Adams)

Chair Adams said the Director had mentioned this concept of designating the whole County as a single sewer district and somehow managing both private services and county services as a whole instead of all these little piecemeal sections as part of the integrated wastewater management planning. And the Chair wanted to hear more about what that means and how does it get accomplished and what's in the way of happening. It sounds like a very intriguing idea, but we need to see it in a little bit more detail and understand why you can't do that and is there something we can do about those barriers?

DCC Tavares said she would prefer a discussion at a future meeting. The Director has a work request submitted to Corporation Counsel and we're currently working on doing the research because we need to essentially have ordinances and potential state law amendments that would provide that opportunity for us. So we are still working on that.

2. How are new rules and proposals communicated to potentially affected parties? (Adams)

Chair Adams said she had attended the Hilo public meeting on the administrative rule amendments, and there was a bit of agitation by haulers who used the Hilo sort station. And she was concerned whether they understood the current requirements, the new requirements, and the new billing.

Director Mansour said he got a call on that one over the weekend from the mayor and Linda from Leo's Refuse from Hilo. So he talked to Linda. They were confused. The Director was not able to be at the meeting, but was at the Kona side meeting. He got the same message, but

their concern was they thought the limit was 5 cubic yards per day rather than per load. So the Director redirected her to the language and for some reason they were under the impression that effective today, they're going to be limited to 5 cubic yards per day. And that got their attention.

Chair Adams said she saw at the meeting there was lack of understanding about the current requirements and that changes had been made previously to the rules, and they were not adequately informed. So it kind of goes back to that general issue that we had raised before about the importance of having a public information person that can let people know, hey, rules are changing. Now, the rules have changed. Here's what they are, be aware of them and we've got consistent enforcement. There was also a question of who is being told what at the sort station by staff. But the issue of communicating changes in the admin rules, there are going to be new rules issued. They include fee increases and some other minor changes. How are they being communicated? How are you tackling the issue of letting stakeholders who are affected by this know they've got something new other than having to have read something that got posted on the website?

DCC Tavares said that with regards to the question that came up about the alleged admin rule changes, there were no admin rule changes. There was a fire that occurred at the Hilo sort station that required an emergency rule to be put in place limiting the amount of waste that we could take per day because Department of Health requires the floor to be clean every single day. And so that was the reason for that temporary, immediate change to the amount of waste that we would accept from commercial haulers. So what the Deputy Director had agreed to do, and with her consent, is that when these rules take effect for our commercial haulers, they're going to receive a copy of that so that they can't say they didn't know.

Good, the Chair said. It's a general issue of, we've got to make sure that stakeholders are informed.

And this might be just Ms. Tavares' commentary, she said, but sometimes people want to use that stance because they want to get what they want. And unfortunately for those individuals who were hollering that they knew better than what the posted rules were, is that the supervisor was present at that meeting and thereafter the rules were enforced the way they were supposed to be. But that was the agreement that we came to, is that we're going to provide them with a copy of the amended rules because these are actually the rules that are now going to be in place that affect them going forward with regard to the fees at this list.

And in addition to that, the Director said, the good thing is they showed up. So they must have looked at the website, so they were informed. Otherwise they wouldn't have shown up. So they did get the message. That's how he understood it. What the admin rule did is just extended that rule till June 30, 2023, of that limit to loading. But like he said, it goes back to, they were panicking because they thought, "Oh my God, it's 5 cubic yards per day, and that's the new rule." So it's really not a new rule, it just extended the current rule that took place in 2020. So it was only clarification and communication. But the good thing is, they did show up, so they were

cognizant of the rulemaking and changes and they were able to access it, be able to be present at the Hilo meeting.

VIII. FUTURE AGENDA ITEMS

(Meeting terminated at 11:49 a.m. due to loss of quorum)

- a. Follow up on action items determined today.
- b. Other (Commissioners may suggest items they would like placed on the next agenda.)

If anyone wants something covered on the agenda for next time, let the Chair know, she said. We can try again for Reuse Hawai'i.

IX. ANNOUNCEMENTS

The next meeting is scheduled for May 24, 2023, at the Community Meeting Hale (Building G), West Hawai'i Civic Center, 74-5044 Ane Keohokālole Highway, Kailua-Kona and via Zoom.⁷ Please contact the Secretary for the Department of Environmental Management or review the agenda posted on the County Calendar within six days of the next meeting for confirmation.⁸

X. ADJOURNMENT

Motion, second, and vote: Vice Chair Olson made a motion to adjourn, to which Commissioner Acasio seconded, and the motion was adopted. Ayes: 4 (Adams, Acasio, Olson, McIntosh); Nays 0; Absent 3 (Burns, Cardwell, Otsuka). Meeting adjourned at 11:53 a.m.

Respectfully submitted,

Peter Sur, Secretary

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

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