

**ENVIRONMENTAL MANAGEMENT COMMISSION  
COUNTY OF HAWAI'I**

**MEETING MINUTES**

**Wednesday, February 28, 2024**

**9:07 a.m. to 11:53 a.m.**

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

Commissioners present:

Georjean Adams, Chair; Dorothy Norris, Vice Chair  
Laura Acasio, Jim Beets, Dell Otsuka, Erica Perez, Lee McIntosh

County staff present:

Ramzi Mansour, Director  
Craig Kawaguchi, Recycling Coordinator  
Alex White, Recycling Specialist  
Christopher Laude, Acting WWD Chief  
Shelise Lamb, Project Manager  
Kelly Hartman, DEM Planner  
Peter Sur, Secretary  
Sherilyn Tavares, Deputy Corporation Counsel

Others present:

Steve Holmes, Kristine Kubat, Jennifer Navarra, others.

**I. CALL TO ORDER**

Vice Chair Norris conducted a roll call and called the meeting to order at 9:07 a.m. [Chair Adams is unable to participate by audio]

**II. APPROVAL OF MINUTES FOR JANUARY 24, 2024<sup>1</sup>**

**Motion, second, and vote.** Commissioner Acasio made a motion, to which Commissioner Beets seconded, to approve the minutes of January 24, 2024, as presented. Ayes 7 (Acasio, Beets, McIntosh, Otsuka, Perez, Norris, Adams); Absent 1 (Garcia). Motion carried by voice vote.

**III. STATEMENT FROM THE VICE CHAIR**

Since we have received few comments resulting from previous discussions on the General Plan, it has been put aside for now, Vice Chair Norris said. However, members can put in individual comments to the solid waste and the wastewater sections, but not as representatives of the Commission, only as individuals. If you review the plan on the website and you agree or disagree with the comments, please give a thumbs up or a thumbs down and be sure to add a

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<sup>1</sup> II: Jan 24, 2024 minutes: <https://records.hawaiicounty.gov/weblink/Docview.aspx?dbid=1&id=128684>

reason for liking or disliking those comments. I'm not sure, but I feel that the comments with the like/dislike confirmations will get a greater scrutiny from the planning department. We have kept the agenda small this month to give Mr. Mansour and his staff plenty of time to update us on the compliance agreement with the EPA and to give them time to address the questions that we have. Please keep comments short and civil. Do not address the person, just the problem or the issue.

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

Steve Holmes: Aloha, I'm Steve Holmes, a former member of Honolulu City Council for 12 years. I spent a lot of time working on wastewater issues in Honolulu and very large, very large consent decree that we were facing over there. And I think there's some lessons learned that the Big Island could take advantage of. The most important thing right now is the issue of financing. DEM has been under-financed for years and that's one of the reasons why we're facing these horrible conditions with our wastewater infrastructure islandwide. And we now have a new Finance Director. My understanding from Heather Kimball on the Council is that she's taking a more liberal view on this idea of a wastewater enterprise fund. The EMC previously had approved the idea of a wastewater enterprise fund. I actually wrote the ordinance for Honolulu. I brought it to Council members to adopt it formally and, frankly, got nowhere. Hopefully, now that it's written into this consent decree that you have to come up with a financing plan, DEM and the Administration can work together to advance that sooner than later. None of this can get done without financial resources. You absolutely have to have those. So that's a good place to start. I know it gets overwhelming. When I talked to EPA, when they were putting the consent decree together, it was clear that just the rehabilitation of the collection system in Hilo was going to break the County's piggy bank. So you're looking at some very big costs. And one of the things you get with a wastewater enterprise fund is a new source of revenue. Honolulu has a global consent decree, \$3.5 billion worth of work. And the wastewater enterprise fund has been successful in meeting the needs of all the projects laid out in that consent decree for over a decade, and it's been highly successful. Once again, I urge DEM to continue to push the Administration to get that adopted and in place. You badly need it. Thank you for your time today, and aloha and best wishes.

Jennifer Navarra: I did want to speak to just some of the legislative update for the solid waste bills that are moving. I didn't get a chance to go through everything on the list that was posted on the agenda, but as far as I know, there's just two bills still likely- I mean, I guess there's a chance those could be scheduled today, but I think the 29th is kind of the deadline for bills to cross over. So there's that electric battery bill (HB 1972). That one is scheduled for a hearing today at noon. And then there's HB 1688, which is the packaging needs assessment bill, which is also scheduled for a hearing today. So likely not many other solid waste bills unless they get scheduled will continue to move this session. I also am part of the HECA, which is the Hawai'i Environmental Change Agents group, which I do my legislative work as. So I'm kind of wearing that hat today. I know there has been some concerns of the packaging waste needs assessment bill. I just wanted to share that the Department of Health was a part of drafting that bill and is well aware of the work that they're doing as a part of the SWIFR grant that they got, which is to do an updated integrated solid waste management plan for the state.

And so there's not necessarily overlap between those two endeavors. They're more of a complement to each other rather than repetition. Also, the bill was amended, HB 1688 was amended to include an advisory council, for better or worse, we'll see. So we'll see if this bill continues to move. It's kind of sad to see so many bills dropping off. But I think it's important that there is support from the counties for these measures and advocates and everyone. But it's hard for us, I know, because we don't necessarily have the time to show up and submit testimony or submit written testimony. So those are my updates. And forgive me if I missed any of the solid waste bills that still do have hearings. I didn't have a chance to look at every single bill on the list. Mahalo.

## V. NEW BUSINESS

1. Adoption or restatement of position(s) regarding active legislation<sup>2</sup> pending in the 2024 session of the State Legislature to recommend to Mayor, Council, or DEM.<sup>3</sup>

Vice Chair Norris thanked the Secretary for keeping us up to date on all the status of legislation. And unless we agree, we cannot put out any kind of recommendation. But we can give individual feedback on any of the bills presented (to the State Legislature).

EMC does not have jurisdiction within the Charter or within the County Code to be submitting written testimony as an entity to the state Legislature, DCC Tavares said. You have a jurisdiction to do so to the County, which means that you can either write a letter to the Department encouraging them to submit a letter to the State Legislature, the Mayor and/or the County Council. But as an entity, you are not permitted to be writing into the State Legislature. So I apologize if I caused any confusion last month when we were discussing that. But that is where your jurisdiction is. You are to advise the department on solid waste and wastewater programs and provide comments and recommendations on these matters to the Council. And so that is interpreted to mean to the County and not to the State. But I do encourage, and you are permitted to do so as individuals, but not in your official capacity as the EMC. You can write that you are a Commissioner on EMC in the comments, but you're not speaking on behalf of the EMC.

Thank you so much for clarifying that, Commissioner Perez said. That helps me. I think. I know I contacted the Secretary regarding that just because I'm interested as to why we weren't tracking cesspool regulation. So that makes a lot of sense. I would love to know how we would officially vote or what we would officially do to get letters of recommendation to the Mayor and to our County Councils to support those state initiatives while they have a huge impact on how we as a County move forward with something that is technically kind of "umbrella'd" locally here at the County. Does it require a vote?

Yes, that requires a motion and we can do that now here under this agenda item, DCC Tavares said. But essentially someone would need to draft that letter that would be presented on

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<sup>2</sup> V.1 – Active legislation: <https://records.hawaiicounty.gov/weblink/Docview.aspx?dbid=1&id=128665>

<sup>3</sup> V.1 – Testimony: <https://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=1&startid=128265>

behalf of the EMC. A vote needs to be taken on that position and then the EMC as a body can provide that information to the Council or the Mayor. So essentially similar to what happened last month with a little more clarity and someone again taking up the responsibility to draft that letter. I think it should be basic because you all have maybe little different tidbits about what you want specifically to be included or excluded, but just that if the EMC is supporting a certain type of legislation that can be made clear in that letter and encourage that support to come from the administration or the council.

And would this be the appropriate agenda item to make such a motion for either solid waste or wastewater or is it just solid waste at this time, Commissioner Perez asked.

For anything that falls within your jurisdiction and since that is Department of Environmental Management, it encompasses both wastewater as well as solid waste and the recycling programs and everything else that falls under DEM, DCC Tavares said.

Commissioner Perez said she would like to make a motion to have DEM draft letters of support or draft requests to our Mayor for supporting state cesspool transition legislation. (No motion was recognized and the discussion continued.)

DCC Tavares said that just for clarification, EMC needs to draft a letter to send to DEM, not ask DEM to send it on behalf of you, but EMC can provide the content of what you want to have the Department, the Administration, or Council to be supporting, and maybe provide a couple of bullet points as to what specifically you folks are interested in them following and being supportive or opposed to whatever that position is. And a little more clarity, not to just say, we want you folks to write a letter about this because then you don't have any clarity as to what the content of that letter will be. And so I would advise you folks to be more specific about legislation that is going on that Secretary has provided the information for. And "just know EMC strongly supports, blah, blah, blah," fill in the blank, or "EMC opposes this legislation," and present it that way. Because they can attach the letter that they received from you to any input that they provide as well, if that makes sense. So the first step is you make a motion, but the motion is for EMC to send a letter advising, encouraging the Department or encouraging the Administration to support or oppose whatever specific legislation it is that you folks want them to take action on.

So the first step is to draft the letter and to get our points into that letter to the Mayor or the Council, Vice Chair Norris asked.

Well, the first step would be to determine what it is that you folks want in the content of that letter, DCC Tavares said. And then someone needs to draft that letter, which should be pretty simple, and not take- it shouldn't and can't, because of the time constraints, take four months to do. So we would like to have see the Administration support a bill on- I'm not going to fill in the blank for you guys, whatever it is.

Commission Beets said his understanding of what was said previously is, as a Commissioner, he can write a letter of support as a citizen. And can I mention that I'm a Commissioner? Did I understand that? I can't state that the EMC supports it.

That is correct, DCC Tavares said. You cannot speak on behalf of the entire Commission, but indicating what your current position is, that is not a problem.

Commissioner Otsuka said that as Commissioners and the Sunshine Law, it prohibits us from having meaningful discussions so that we can gather whatever information from us to bring to the meeting and collaborate. I mean, not so that we're going to affect anybody's vote for anything, but in order to have a meaningful discussion on the topic, we need to talk about it. We come from different perspectives, so I think it's important that we get to meet. And it's like, I keep thinking, the Sunshine Law prohibits us from having gainful or meaningful discussion because we only meet once a month and it's only for three hours at the most. And so we cannot even come to any agreement or any discussion on the topic so that we can at least write a letter of what we need to write because we can't talk about except at the meetings.

That's what you folks are permitted to do right now, DCC Tavares said.

Commissioner Otsuka asked how much time do each of us have to put in or contribute to that discussion or that topic for us to move on to the next step.

DCC Tavares said that for clarification she would emphasize that the letter that's coming from EMC should not, or likely at this point, cannot be so comprehensive that you're going to hash out and basically present an entire brief to the Mayor or to the Council about it. It needs to be general. That is the reason why you individually can address all of your points or what you want to do individually to these different even to the State Legislature. But these things have been on the agenda, and you come here with having researched and taken a position on certain things, and that's what you'll address and discuss, which is why I'm encouraging that it be a pretty general letter, should you folks decide that that's even what you want to do, to do it as the entire EMC. But it has to be pretty general. And that's why the Secretary has been giving you folks updates of what's been moving along and things. And so you come here with the hope that you can state what your thoughts are and your position is and that other commissioners feel the same, and you can come to a general agreement as to what you want to put forward, but it's not going to be a 10-page brief about specifics and rewriting the legislation. That is not what you should be doing.

So we're just going to mention our concerns, Commissioner Otsuka asked. We're not going to discuss it really thoroughly? Just a general idea on what we want to talk about and then submit it to the Council or the Legislature and then wait back for that response and then meet again and then continue that process?

Vice Chair Norris said what we need to do is just look at the bill and say, what do we agree with? And send a letter of support for that.

Commissioner McIntosh said that we can only address current legislation. We can't say, like, we would like the Mayor or the Council to request or support funding or grants to help people cover the cost for cesspool conversion?

You can, DCC Tavares replied.

The other thing Commissioner McIntosh wanted to say is that the cesspool conversion is State law. We have to do it regardless. So the Mayor and the Council, whether they support it or not, they're going to do it. So I don't really see the point of sending a general letter that just is asking them to support the cesspool conversion. Rather, we should be looking more toward, we need more funding or we need more time, or don't enforce fees if takes you longer than the year 20- I think last night they mentioned there was a bill they wanted to start charging people fees, fines in 2025 if you haven't converted yet. Well, I mean, people don't have money, so we got to figure something out. Those are my concerns.

Commissioner Perez asked about Permitted Interaction Groups - I think they're called PIGs - I really dislike the name of the acronym, but are those also allowed at the EMC? If we end up finding out and discovering that we do want to dive more into recommendations to our County, even possibly outside of the legislative session, but just how our County alone can move forward with cesspool transition, is that something that we could potentially vote on to find interested committee members to have a focused discussion on? And then what would be the process to do that? If it is allowed?

Yes, a permitted interaction group is allowed, DCC Tavares said. EMC has had them many times. And essentially what needs to happen to establish one is there needs to be a motion and a second. We need to determine who those individuals are going to be that participates. It has to be fewer than quorum, and you'll be assigned a specific task, if it is to research and report back on cesspool conversions, for example, taking the lead off of what you just said, then those members of that permitted interaction group will do that and present a report to the EMC and make a recommendation at the next agenda meeting or thereafter, when it is the timeframe of the permitted interaction group, whatever is set up, then that group would come back and present it and make a recommendation, presumably with a written report of what your findings were. And that is exactly what will allow you to have these types of, quote, unquote, meaningful discussions outside of a meeting so that you can bring back the information and essentially do something substantial, concrete that you can move forward with. So again, that is something you have the authority to do, but it requires a motion, the selection of those members and the specific topic that you are being assigned to research and present on.

Do we have a motion then to formulate-, Vice Chair Norris asked.

I think maybe we should address first taking a motion, DCC Tavares said. Does the EMC even want to send a letter at this point as the EMC to either the Mayor, Council and/or DEM.

Regarding what, the Vice Chair asked.

I think we should stick to what's on the agenda first, which is the current status of matters before the State Legislature, DCC Tavares said. But it's EMC sending the letter to either the Mayor, Council and/or to send it to all three entities, DEM, about the position of EMC on the pending legislation. But you have to specify which ones it is that you are either supporting or opposing. Does everyone agree that a letter should be sent?

I would very much just out of full transparency, support a permitted interaction group specifically focused on cesspool conversion, Commissioner Perez said. Our County has the very most cesspools out of the entire state. It is a State initiative and law to convert them. I would support that. And so if others would support it, I would be happy to make a motion.

Okay, DCC Tavares said. But first, I think we need to deal with the agenda item, which is whether or not- Erica, yes, that can definitely be done and we can do that today. But first we need to address whether or not EMC wants to draft a letter to send regarding current legislation to the Mayor, Council or DEM. I think that's Step 1. We're not going to be able to create a PIG today, get everything done, make a report and submit some kind of thing before the session ends. That's likely not going to happen. So realistically, does EMC want to send anything right now to the Mayor, Council, or DEM regarding anything that's currently pending at the state Legislature?

**Motion and second:** Commissioner Perez made a motion, seconded by Commissioner Otsuka, to have EMC draft a letter to our Administration to encourage them to support cesspool bills that are currently in the legislative session right now.

**Discussion:**

Commissioner McIntosh said he would have to look through the bills real quick again. Just generally looking at them, I wouldn't support generally a blanket support for all bills before the Legislature. So I know last time I was sick, so I didn't really go into detail about why I didn't support a vote I made, so I was just being a little more informative this time. I wouldn't support a letter like that.

The letter would state whether you the group either supported it or did not like a certain bill. So your concerns could be put into the letter. Is that correct, the Vice Chair asked.

Well, no, DCC Tavares said. That is what individual testimonies are for, which I encourage, because as I previously mentioned, you all have different bits and pieces that reflect your thoughts on it based on your community and your experiences. And I would encourage you individually to write knowing it's much more impactful than just a general letter as what Lee is indicating, because if you vote, it's saying EMC supports this. It's not "EMC supports this, but," and we're going to pick apart the entire bill. That's where it gets very complicated and why I encourage individual letters.

Commissioner Beets said he believed he heard a specific bill has to be mentioned. Is that correct? If we're sending this letter to administration or to DEM?

I think it would be helpful, DCC Tavares said. But at the same time, like I mentioned, it's very difficult for you all to agree on the specific content of a bill. So something more generalized like "EMC supports cesspool-" I don't even know what the right adjective would be, but appropriate, proper, meaningful, "cesspool conversion legislation" or something like that, it needs to be pretty generic about it. But again, if we have majority vote, that's what EMC's position would be, and I'm not sure you all agree on that.

I personally have a little bit of concern not knowing what we're supporting in a specific bill, Commissioner Beets said, and that's because if there was a bill that was amended that said, let's exclude cesspool conversion, then I certainly don't support that. So I think I need to be clear on what bill we're supporting personally.

Would the maker of the motion wish to amend her motion to be more specific as to the content of the cesspool bills that EMC may be supporting, the Secretary asked.

Commissioner Perez said it's regarding the timeline of conversion and expediting the timeline in which conversion is mandated in priority one areas (HB 1892)

**Amendment to motion, second, and vote:** Commissioner Perez amended her motion to be that EMC would draft a letter to the Administration indicating support for cesspool bills in the Legislature, specifically including House Bill 1892, which moves up priority conversion deadlines, to which Commissioner Otsuka seconded. No further discussion. Ayes 5 (Acasio, Beets, Otsuka, Perez, Norris); Nay 1 (McIntosh); Absent 2 (Adams, Garcia)

Vice Chair Norris encouraged Commissioner Perez to write the letter.

## **VI. REPORTS/CORRESPONDENCE**

### Correspondence

- A. Letter from Wilson Okamoto Corp. dated January 23, 2024, regarding Notice of Availability for the Hilo Wastewater Treatment Plant Rehabilitation and Replacement Project.<sup>4</sup>

There was correspondence with Wilson Okamoto Corporation dated January 23, 2024, regarding the notice of availability for the Hilo Wastewater Treatment Plant Rehabilitation and Replacement Project. Has anybody had a chance to review and to have any comments on this? Lee?

I tried to look at the PDF that the letter mentioned and it says, no file found, but it's past the date. So I guess they removed it, Commissioner McIntosh said.

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<sup>4</sup> VI.A – Letter from Wilson Okamoto: <https://records.hawaiicounty.gov/weblink/Docview.aspx?dbid=1&id=128666>

It's there now. But it wasn't there previously, Commissioner Acasio said.

I found the letter. I was referring to the document that the letter referenced, Commissioner McIntosh said.

If we click on it now, encourage everybody to review the document, and if you have any comments on it, please bring them back for the next meeting, Vice Chair Norris asked.

Well, DCC Tavares said, essentially Wilson Okamoto prepared a Draft Environmental Assessment with regards to the Hilo Wastewater Treatment Plant. And as required by statute, it is posted for public comment period for 30 days. That period ended on February 22. But if anyone has something that they feel is so important, then reach out to DEM right away because the public comment period that's posted on the website has ended on February 22. But essentially what is required when an EA is done is that it's posted so that notice goes out. I'm not sure if everyone subscribes to The Environmental Notice<sup>5</sup>, but it comes out once a month and provides information about statewide EAs or other environmental things that are being requested from all different entities statewide. And that's where the notice comes from. And anyone is permitted to provide comment. It's a very short window and normally not one that offers sufficient time for EMC to have a meeting and discuss it. But an EA is very detailed document that individual comments, if there are concerns about any aspects of it, should be done through that appropriate channel. So there's not really anything to carry over to another agenda about it. This was just notifying you folks that the Draft EA was done and the public comment essentially has passed. But this is the stage that we're at with regards to the Hilo Wastewater Treatment Facility.

Since the public comment has already expired, can we do comments individually, the Vice Chair asked.

No, it's done, DCC Tavares said. This was just to provide us information, notice about what the status is and where we're at in the process. Not for any action.

I'm a little bit confused, Commissioner Otsuka said. When you said the public comment ended on the 22nd, does that include these public meetings that they're having or is that about the same thing? Because they still have one tonight in Kohala, I believe. So is that two different public notices or public-.

Two completely different things, DCC Tavares said.

About the same thing, though, on the cesspool, Commissioner Otsuka asked.

No, DCC Tavares said. This is about the Hilo Wastewater Treatment Plant rehabilitation, environmental assessment. That's all that this letter is about. Per statute, the Draft EA is

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<sup>5</sup> <https://planning.hawaii.gov/erp/environmental-notice/>

required to be posted for public comment for a period of 30 days. That's what this letter just was notifying basically everyone that the Draft EA is posted.

I just was wondering if I missed it from our last meeting, Commissioner Acasio said. And why wouldn't this have been put on the last meeting for notification when it was time rather than after the fact?

So this posting, and again, I would encourage you, as is indicated on this letter, to subscribe to The Environmental Notice, because (twice) a month they put this notice up, DCC Tavares said. The agenda was created and finalized for a January meeting on January 18, but this didn't get posted until January 23. And so essentially, it would be individually something that you would choose to follow. If you so choose to receive this, you can sign up for their email list. They'll send it to you every month and give you an opportunity to provide public comment about the draft EA that was done in this case by Wilson Okamoto for our Hilo Wastewater Treatment Plant.

Reports of attendance pursuant to HRS 92-2.5(e)

**B. Wastewater infrastructure public engagement in West Hawai'i– February 13, 2024**  
*Reporting the attendance of Georjean Adams and Dorothy Norris*

Pursuant to HRS 92-2.5(e), I am filing this notice of a report of attendance to the wastewater Infrastructure and Cesspool conversion public engagement on Tuesday, February 13, 2024, in Kailua-Kona, Vice Chair Norris said. The matters discussed that related to the board business were cesspool conversion plans. Much of the content has already been published in the plan, and the purpose of the meeting was to inform the public of the options for cesspool conversion and to get the concerns and comments from the attendees. Director Mansour did address the financial options and notified the attendees of possible grants and other financial assistance for those who require it. Chair Adams and the Vice Chair did not discuss the content of the public opinions between each other.

**C. Wastewater infrastructure public engagement in East Hawai'i – February 15, 2024**  
*Reporting the attendance of Laura Acasio, Dell Otsuka, and Erica Perez*

I'm happy to mention also that we were at the meeting sitting very far apart, and I didn't also see Erica Perez until the very end, Commissioner Acasio said. And there was no discussion had. It was an informational meeting with public testimony. And I felt was important for me to be there not only as a community member, but as a Commissioner, just to be paying attention to the details of what DEM is sharing around cesspools and the options and conversions and also the public input. That was very important.

I wish I had known that it was going to be required of me to provide some kind of report, Commissioner Otsuka said, because I went more as a resident of Keaukaha, which is heavily impacted by this sewer for decades. And the financing behind these conversions for this district or the whole district or the whole island- for me, it sounded, presentations are done so that it's very convincing. And so I take it for that. But the truth of it is when you get down to talking to the community, it's very difficult to make it a reality for them. And to almost like, threaten

them that they need to pay for a service they don't yet have or anticipate payments is kind of stressful. So I think more needs to be said and done and hopefully more resolutions towards financing becomes better discussed. That's kind of it.

We don't really have anything to add more than what's already been said, Commissioner Perez said. No discussion was had by anyone, and I just went to learn about the process and hear the update.

That's all that's required for this statute, DCC Tavares said. It's just that you note your participation because there were multiple members that attended and that's it. There's no formal report that is required. Just acknowledge your participation and why you went there, and if there was anything you felt that was so riveting that you wanted to share with the rest of EMC, you could have done so, but that's it.

Commissioner McIntosh added that he attended the meeting when it was held February 27 in Nā'ālehu. It's just informational, the County just telling us what we already knew, he said.

#### Director's Informational Report

##### 1. Legislative update

1. Res. 441-24 – Authorizing an agreement between COH and the U.S. EPA regarding upgrades to wastewater treatment facilities.

Hopefully you all have seen the presentation to the (CRCO) committee members last week about the Countywide AOC that we received from EPA, and we're in the process of finalizing, Director Mansour said. So I think it's going to County Council in March. But are there any questions that I could entertain to answer from commissioners?

Just looking at, I read it, the whole thing, and it seems like there's a lot in here that is already under way, the Vice Chair said.

That is correct, the Director said.

I'm not exactly clear on the next step, Commissioner Beets said. Maybe that's going to be presented later on the consent decree and the next step. Were you going to cover that?

It's an Administrative Order on Consent, the Director said. It's different than a Consent Decree. There's a difference between both. So we submitted it, we presented it to the County. We will submit it to Council (on March 6). The committee approved it (7-0, with two absent). So it's going up to Council for final approval. Once it's approved, then it goes to the Mayor for signature, and after that it goes to EPA for signature. Once EPA executes and signs, it becomes effective immediately on the commitment that the county was agreed on.

If we have additional comments, Commissioner Beets asked, can we provide those?

You could provide comments, the Director said. That's what we're here for, to discuss. If you have questions and comments, I could address them today. If not, you could always, as DCC Tavares said, you could either submit testimony during the hearing to Council or you could object, or agree. It's on March 6 when that item gets on the agenda.

Commissioner McIntosh said the EPA is a federal agency. It's kind of implied the County doesn't have really much leeway in supporting it or not. So is it even possible for the County not to vote to support it? It's just kind of like a given the County has to do this, correct? Whatever it is.

If we don't support it, then we find ourselves in federal court, the Director said. So you either go to court and be enforced by the judge, or agree to the term and negotiate the terms that could fit both parties. And I think that's what we did. We were in negotiation with EPA. We feel comfortable about the terms. As the Vice Chair has mentioned, pretty much every item we are ahead of the game on delivery. As we were negotiating we were also working on the items to deliver, so we feel good about it. But I think it was clear by Corporation Counsel, they could vote no, but is going to end up being in the federal court.

I just wanted to say that there was one error that I noticed on there, that the Pua Force Main is being constructed before the bid goes out, and that doesn't seem logical to me, Vice Chair Norris said. And I also noticed that you have a critical infrastructure need to repair rank list due on July 30. Is that correct? Appendix 1, the Vice Chair said. The Pua Force Main, the deadlines for that were switched. Probably should have been- the construction on the force main should begin on July 2031. Is that correct?

No, I'm looking at the schedule right now, Kelly Hartman said. So the Pua invitation to bid documents will be complete on January 2026, and then it will go out to construction six months later.

After further discussion, Acting Chief Laude asked for a chance to double check that appendix. He pulled up a version and it says, issue invitation for bid for construction by December 28, 2030, and then begin construction July 1, 2030.

With the present administrative consent decree, Commissioner Beets said, my understanding is if the Hawai'i County government fails to support that, then it can go to a judicial consent decree initiated by EPA very rapidly. And that's my understanding. That means it's out of the hands of the Hawai'i County government at that point and in the judiciary.

You're correct, DCC Tavares said. So essentially, the agreement that DEM has been working with the EPA that is memorialized in this document is something that the County had a lot of influence in with regards to the timelines, the projects, and the completions of those projects. But if this does not get approved, then essentially, yes, the EPA can go to the court and they can get a judicial decree that is forcing us to do all of this stuff with the potential of hefty fines hanging over our head and being on their timeline. So the Director and his staff did an amazing job with computing all the time and getting the money committed by the County. Assuming

that the Council votes to approve this and the Mayor is authorized to sign this agreement, that is essentially, as they mentioned during the Council hearing, taking the politics out of it and forcing these commitments to be done to our aging infrastructure. So that is what DEM has been working on and working really hard on getting to this point. And so it is to avoid, essentially, the court ordering us to do something.

Are all the Council Members clearly aware that that could happen really quickly, Commissioner Beets asked.

Yes, I think that was expressed to them, DCC Tavares said. What they took from that, I'm not 100% sure, but essentially that is the message in the presentation that Ms. Hartman and Director Mansour did before the Council and what was really expressed to them. And I believe they got the message and they're appreciative of all the work that DEM has put into this. And they see the bigger picture because obviously it's going to go beyond all of their current terms, but it's something that the County needs to address, and they're making that commitment to doing so.

Commissioner Acasio wanted to thank the Director and the Department for all their work in this, because this is something that we prioritized in our Senate office in 2021 and worked with U.S. Rep. Kai Kahele extensively with multiagency meetings and including visiting multiple times to the wastewater treatment facility with the Director and so much cooperation amongst County officials and the State, especially also in the Mayor Roth administration. She wanted to mahalo you folks because it's been a long time coming, really. We knew about this AOC from 2021. At that time, when we toured the facility with EPA. So thank you so much for your diligence. And we just have to keep working forward for me as a Commissioner as well as from the State Senate.

## 2. Legislature update

Director Mansour said he had heard some discussion about some of the bills that before the Senate and the House this year. There are a lot about cesspools. And it seemed like all of them have already passed through their initial committees, which is a good sign. You could track these bills as well if you have access to the website. The Secretary does a good job of providing a legislative update on Excel sheets that pertain to our department, to the state, when it comes to solid waste and wastewater. So to your earlier concern about cesspools and solid waste, we do track it, we do submit testimonies, and we do support any legislation that could enhance the groundwater and the shoreline. And you also could have the same access as well. And any question about legislative updates, is there any particular bill that you have a question about? You [Peter Sur] could put it online to give commissioners the status on these cesspool bills. Because it seemed like there was confusion earlier. So maybe that could address Erica's and everyone's concerns about tracking these bills. You know where the department stands and you can submit your own testimony as well.

Commissioner Perez thanked the Director. She tracks the bills on the legislative website also. I just wanted to make it streamlined for the letter because I do feel that we're going to need more discussion just around some of these more technical bills that are presented this year.

Yes, Director Mansour said. And I think maybe a recommendation starting maybe next year, probably early involvement with the authors of these bills. Because sometimes it depends who's going to author the bill and sometimes we just see it at the end of the year where, we are submitting this. We need your support. Some they call, some they don't. It's a great question. I think it's that continuous involvement with our elected officials on what's coming in down the pipe. So we will all be on board as well.

Vice Chair Norris noted that the House Finance Committee will be taking up HB 1972 and HB 1688 later in the day.

## 2. Solid Waste Division Projects and Updates

### 1. Recycling, Greenwaste, and Landfill Diversion updates

Mr. Kawaguchi's mulch data was shared on the Zoom screen; there were no comments, questions, or discussions.

### 2. Solid Waste Operational Study update

Director Mansour said the consultant is working on analyzing the current solid waste operations. First, they're looking at our facilities, the current operations, the finances and limitations. So hopefully, once we complete these analyses, we'll have a better idea of sitting down and possibly presenting it to all. It's going to be presented for public engagement as well, because this is going to trigger policies and procedures. We're looking at the possibilities of avoiding getting on the highway and transporting waste from east to west, and different options that could reduce carbon emissions and get us a better operation moving forward. So curbside collection will be looked at, the possibility of that as well. So hopefully that could address the earlier question that was talked about.

Later in the meeting, Ms. Shelise Lamb said we are 100% complete with our Phase 1 data gathering and review. We are 90% complete with our Phase 2 documentation of the current facilities, programs and interviews. The 10% that's left is we have about seven or eight interviews remaining between some private entities for curbside pickup, as well as interviewing Maui and Honolulu. And we have started Phase 3, the data analysis and recommendations. When I say we, E<sup>2</sup> (Element Environmental, the consultant) is in the process of that. So that's a quick update of the solid waste operational facility analysis.

Commissioner Perez asked how this study answers questions that are being proposed in bills that are at the Legislature right now. We had a number of conversations that were around extended producer responsibility. And I read that when we were having conversations of how and if EMC were to support that bill that really went into a whole bunch of studies that, in my very new looking at solid waste mind, seemed valuable. But then also hearing about these

types of studies, it almost seemed duplicative. And I wanted clarity of, are these studies duplicative to the legislative bills regarding producer responsibility?

No, it's not, the Director said. This is only restricted to the County of Hawai'i existing current solid waste operations. So it analyzes our 20-plus transfer station, the current landfill, the closed landfill, the transportation of waste. So we're looking at how we could evaluate our current solid waste operation and do improvement on it as we move forward to make it more efficient. So we are going to look at the diversion and recycling, but not to the level of detail where we're going to analyze every bill- it's just to the County of Hawai'i, not to the state.

Commissioner Acasio asked Ms. Lamb what community organizations and nonprofits were interviewed.

You just want to know the ones we've already completed, Ms. Lamb asked.

Yes, and if you have intention to do more. It sounded like it was completed. But do you have intention to do more or that phase is complete, Commissioner Acasio asked.

That's the 10% that's left of that particular phase, Ms. Lamb said.

The ones that you have interviewed and also intend to would be great. Just so that we have an idea about the breadth of reach, Commissioner Acasio said.

Absolutely, Ms. Lamb said. E<sup>2</sup> has interviewed Hawaiian Earth Recycling, Zero Waste Hawai'i, and the owner of Hana Hou Recycling. The ones that are left are as follows: Mr. K's Recycle and Redemption; Atlas Recycling; Business Services of Hawai'i. They're also going to be interviewing the Department of Education as it relates to school programs and current school programs, Quan Group, Mā'ona Community Gardens/Hawai'i Sea Grant, the owner of Volcano Precious Plastics, ZWHI Cultural Advisor, PFI Rubbish, curbside collection, County of Maui, County of Kaua'i, City and County of Honolulu, and Aloha Waste. I mentioned quite a few, but all of those are also dependent upon their responsiveness. They have been reaching out and out of the list that I just provided, only seven or eight are pending because they did respond. So I just want to be sure to put that caveat there that we pretty much do a verbal, a written, a follow up email, and then I ask the consultant to leave it at that because we don't want to stalk them. So that's the goal. That's the 10% that's left of the Phase 2.

As you know, we are trying to be as comprehensive as we can, as inclusive as we can, try to be transparent as we can, the Director said. So if you all also have comments, we welcome that as well as we've been saying it before the start of the study, because you're a major player into shaping the policies and procedure moving forward.

### 3. Wastewater Division Projects and Updates.

#### 1. Pāhala and Nā'ālehu Large Capacity Cesspool Closure AOC

##### 1. Update on Pāhala LCC closure project

## 2. Update on Nā'ālehu LCC closure project

Our Department has for the last two years, as you all know, been working with EPA and [state] Department of Health to ensure that our wastewater infrastructure, our wastewater issues are covered when it comes to our current infrastructure and how we're going to move forward by improving site improvement, infrastructure improvement, and also continue providing services to our residents here within the County of Hawai'i, Director Mansour said. The department is doing multiple projects all at once and studies.

Acting Chief Laude said on the Pāhala Large Capacity Cesspool closure project, we do have an AOC that's been signed by the Mayor and EPA. So like prior discussions said, what's the choice? They're going to execute it. So in my mind, it's a done deal. It commits us to close those cesspools by January 22, 2027. So there's a lot of work to get that done. We need to finish designing the packaged wastewater treatment plant that we're going to purchase and have installed. We've got to permit it. We've got to finish design of the new collection system because the existing system is falling apart and it's going to transmit too much water, not wastewater. So we're heavily focused on that.

The AOC for Pāhala and Nā'ālehu was executed August 2022, the Director clarified. So I think maybe it got confused with the countywide AOC that's going to go before County Council March 6. So the Pāhala and Nā'ālehu has been executed August 22, 2022. So the work is in progress. We anticipate to meet the closure date of January 22, 2027, and Nā'ālehu is a year after that. So progress: staff [is] in the process of selecting a consultant to design the package waste treatment units. And Thursday night, we're going to have a Pāhala public meeting to bring them up to speed on where we are at as a department with EPA and Department of Health on the preferred option. And it seemed like 92% of the people that have been attending the meeting in Pahala, they would like to see a wastewater treatment plant rather than IWS. So the department and the administration had looked at the votes of the public within that community and committed to deliver on what the community wants, which is wastewater package units.

## 2. Hilo WWTP upgrades

As far as the Hilo wastewater treatment plant upgrades, we've been meeting with the consultants, the Director said. We have 95% design complete. So it's going to go out on the street April 27, I believe, this year, for advertisement and we anticipate to issue notice to proceed no later than probably August, depending on the number of RFIs that comes during the bidding process. But our intent is to issue notice to proceed sometime this summer so we can start construction and hopefully get the ceremony and cutting ribbon to start rebuilding that Hilo plant because it really needs it. So we got commitment from the Mayor and I really appreciate Mayor Roth for his continuous support to this issue from day one. And we're doing like Commissioner Acasio said, Hilo needs TLC and it's about time we're going to deliver that. It took us a short time to turn around and put a project of this magnitude. You're talking about at least- the commitment between Phase 1 and Phase 2 is going to be a huge commitment financially so that we all look forward to it. So it's coming near you. Just keep an eye for the bidding process. Hopefully we get more contractors this time around, more competition. Last

year we got one contractor. There's a handful of contractors that do wastewater in the state. But we are also trying to put the word out. We've been going to conferences, talking to different people. So hopefully we'll have a better turnout this year come April.

### 3. Wastewater Plans

#### 1. Integrated Wastewater Management Planning

As you all know, and I heard you earlier talking about the public engagement meeting that some of you have attended, Director Mansour said, these are meetings to address the integrated wastewater management planning. So what we're doing as a County, we are taking the lead. We are ahead of every county within the State to create this comprehensive master plan for wastewater infrastructure, wastewater options for cesspool conversion. So hopefully, by the time this plan is done, you could insert your address or your TMK number and it gives you the option of what you need to do to your cesspool conversion options. So you will have the tools, our residents will have the tools at their disposal to understand the extent of current wastewater facilities in the sewer service area. That is going to be inclusive of these future developments within that area and the people that will have an answer of what they need to do outside these areas. In addition to that, we're going to cover some of the financial options. I just want to make clear, because some of the discussion took place earlier, the misconception that the County is doing the financing for these conversions. The county is not doing financing for these conversions. Cesspools are a homeowner's responsibility. It's similar to upgrading your roof on your house, similar to upgrading your kitchen in your house. Cesspools are in your backyard, they get converted. If you don't have a sewer line fronting your property, then it's upon the homeowner to do the conversion. Department of Health oversees that. County does not have regulation over septic or cesspool conversion. That's [state] Department of Health. The County's authority only is if your house is fronting a wastewater or sewer line, then that falls under the County. And under the County's current codes and rules, each house that is fronting a sewer line must connect within 180 days. So people with cesspool and they have a sewer lateral coming to the right of way, they need to connect to the system. So hopefully with that report and study, we'll make it clear.

And that's why we are doing the public engagement to make sure that the dividends to our constituents is valuable, the Director said. And there is a lot of legislation before the finance committees to kind of accelerate the conversion. I mean, I've seen some 2035, some 2040, and some 2050, knowing that hopefully that roadmap we are creating could give our constituents the option. They know their options. They don't have to wait till the last minute. They could start planning now, especially when you go and get a permit from the Department of Public Works to do any house improvement. The Department of Health is going to require you to do the conversion now. So with that plan, we are going to try to finalize by the end of this year. You don't have to spend the money twice to do conversion. At least now you have a clear direction. You will have a clear direction to what option you have so you only spend the money once. If your house ends up falling within the sewer service area, then we're going to negotiate with Department of Health through a memorandum of understanding that for each homeowner going after a permit, they don't need to do any conversion because there's no

reason to spend the money twice. So we're going to ask the Department of Health to give them a waiver till the County and the community bring the infrastructure into that sewer area. So that's why I encourage you. These meetings are not informational meetings. These meetings are set up for everyone to participate. Submit comments because eventually that's going to be driving policies and procedures moving forward. So I heard earlier some of you mentioned these meetings, it was informational. It was not informational. It was for you to participate as a community member. That's why we go into different communities to get your comments. Comment cards were handed out at the meetings for comment submittals. So please don't look at it as well, I heard Lee saying it's not something that they don't already know. Of course you know it because you're in a Commission, but a lot of our constituents don't know that. That's why we do in the meetings. So please take the comment card, submit comments, put the word out, because this is very important as we plan this. Eventually that becomes policies and procedures and also will be in connection to the Planning department as well for 2045 (the General Plan). So now is the opportunity to speak out about how the wastewater infrastructure for the entire County is going to shape up to look like.

So we are creating something that this county never had, the vision of the Cesspool Conversion Master Plan, Multi-Master Planning and the Integrated Wastewater Management plan all in one document that could give this Administration, future Administrations, a roadmap to tackle the wastewater issues within the county that include all facility planning. So we analyze every waste treatment plant in this County, analyzing it and looking at what we need from capital project improvements so we could financially be able to set a roadmap every fiscal year of when that project is going to take place. Without that vision, it becomes a lost cause. So we are laying out the groundwork, we are laying out the roadmap. And what is missing also is the resource allocation. So we feel good about the roadmap, the Appendix 1 in the AOC and also looking at the collection and how we're going to start looking at the cesspool conversions. So this is great news. We feel that the County of Hawai'i has exceeded other counties. And I've been to conferences. Commissioner Perez was there last week, and we feel very good about the County of Hawai'i and the improvement that we've done where others are looking at us now, how we were to achieve what we have achieved so far within that short distance. So that's good for the County of Hawai'i. And we're going to continue moving with that message to be able to place the County of Hawai'i ahead when it comes to these wastewater issues and solid waste as well.

## **2. Puakō and South Kohala Regional Wastewater Master Plan**

This plan is going to be part of that Integrated Wastewater Management Plan, the Director said. I feel good about that because we have been working with American Water, trying to have American Water connect Puakō community to their treatment plant. And Lee Mansfield, who operates the facility that was at the conference last week as well, he and I had a great discussion, lengthy discussion, and I feel he's 100% on board of connecting that community. So they are teaming up with the community, they're working on the details. Hopefully, that comes to fruition, because that'll be a great accomplishment if that connection takes place. Because as you all know, that community is on the cesspools that pollute the shoreline front of Puakō. So that's moving forward, probably it's going to move forward in the agreements, hopefully before

even the master plan is complete. But our consultant is working on the master plan in coordination with the Integrated Wastewater Management Plan.

Commissioner Acasio asked if the Director would address Steve Holmes' comments in his testimony, especially in relationship to the financial plan and wastewater enterprise funds. And if you folks are following O'ahu's lead, or if not, why not?

There are a lot of moving parts, Director Mansour said. As I said, this is a major improvement to what we started with and what other counties have as far as this major comprehensive roadmap, which is going to have a financial package attached to it. So the AOC, as we have stated, our Managing Director had stated during that Committee hearing last week about the AOC, the County committed to finance the projects within Appendix 1 through State Revolving Funds, through General Obligation Bonds. And the Finance Department has taken the lead on that. And we're going to chase grants, SRF, and whatever we could put our hand on through that Integrated Waste Management Planning document. We are also doing a rate study as we speak. So the rate study is going to be connected to all the facility planning, the maintenance projects. So currently, we are in the process of collecting all information so we could project a better strategy of the financial planning and how to manage the rates and what the rate is going to cover and also the major maintenance project and the capital improvement project.

Once we have all of that before us, then we'll have a better vision of what financial route we're going to take, the Director said. Currently, the current financial structure for the wastewater is the special fund. So it's funded by the sewer rates. So it's similar to the enterprise fund because it has its own funding basket. So you cannot take the money out of it is dedicated to providing the Operations and Maintenance (O&M) for sewer. Currently, we charge about \$45. It goes toward that special sewer fund, goes just to fund the sewer projects that O&M for the wastewater. Unfortunately, this revenue is not enough because we don't have enough connections. So the Integrated Wastewater Management Planning and the sewer conversion planning is going to look at revenue generation to be able to be financially sustainable, to be able to do preventative maintenance rather than deferred maintenance. It's complicated, but we are collecting. The consultant is working on the direction that the Department has given them to collect all that information so we can make the right decision moving forward on how to tackle that particular funding. But, yeah, so there's a lot of moving targets. Once we have that information, you are always going to be involved as we move forward. We still have a long way to have the draft of these reports, so we could start sharing with you.

I do just want to clarify that I'm understanding you correctly, that there will not be an enterprise fund methodology incorporated in the financial planning and that basically homeowners then will be left to pay for these conversions, Commissioner Acasio said.

I said we are doing the studies, the Director said. The enterprise fund is not a consultant thing. It's policy and procedure. The enterprise fund is probably going to come through Council or through ordinances or bills. So all we could do as a Department is provide the data. We'll leave

it up to a legislative body to decide what funding mechanism is good for the county. I just want to make sure you understand that I did not say that I'm not in authority.

Commissioner Perez said she wanted to thank the Director again for all the work that he and DEM are doing right now. We as a County do stand out quite significantly on the amount of information that's being gathered and proposing different types of movement forward of how we can tackle sanitation. So I just really thank you for the due diligence and also just the time and commitment that you've put forth in this. It is very noticed across the State. She asked about the new financial studies that you are looking into. They are not going to clarify a way of how we can capture future O&M and emergency funds. Did I hear that correctly?

There are two things, the Director said. One, the consultant that we're working on, on the Integrated Waste Management Planning through the Facility Planning for each facility and possibly the cesspool conversion within the sewer service area is going to identify the infrastructure of the capital projects. And from those capital projects we could price them out and figure out- there's two different funding. One, to fund the capital projects and one, set up the sewer rate study to do so. There is a rate study and there is a revenue aspect to the rate study and these projects. So the rate study is going to concentrate on the actual cost of service, to provide the service to our constituents and to be able to collect the rates that could sustain financial stability to provide the O&M that is preventative rather than deferred. And that will give us a certain rate that we could project over time and figure out how we're going to get there. So that's going to be calculated. We're going to know exactly how much it costs to stay in compliance to provide the O&M and avoid deferring maintenance for the life of the facility.

That's fantastic to hear, Commissioner Perez said. I do think that's an issue, a current concern, an issue of how sanitation is managed that the process right now doesn't capture that O&M into the future and doesn't capture emergency needs. And so I feel we're always kind of backpedaling on making sure we get the emergency things done and can't look into the future. So I'm excited to hear that that will be integrated and looked at into this plan. Thank you.

#### 4. Wastewater rules status

Acting Wastewater Division Chief Christopher Laude said we've modified the ordinance to include the provisions for the pretreatment program. And at previous meetings, I tried to explain that the EPA says you need to have these things in your ordinance. So that's what I did. So there's not a lot of, in fact, there's no negotiation about that. So that's one part of it. And also I created and added to our administrative rules to cover the pretreatment requirements. So those are complete. I'm finishing up the package that we send to DOH to, in theory, they're supposed to approve them, but in practice, like at CCH, when I left there, we had a package in to them for review since 2015, I think. And they had yet to respond. So I don't expect them to comment on that because again, it's prescribed by the Feds. So there really shouldn't be a lot of comment other than, hey, you missed this requirement. Okay, so then there are a bunch of other things that we want to change about the code. I gave Chair Adams a copy several months ago. She made some comments that she got back to me at the end of the year. I need to sit down with the directors and go over those changes because some of them have to do with how

much we charge for wastewater. But we're doing a wastewater rate study, so we may want to wait until that's complete before we change that. I don't know. So we have some issues like that. We also wanted to change the way we look at subdivisions to make it more consistent with the language that the state DOH uses, which is that there is a threshold above which you need to install a package wastewater treatment plant, or you need to connect to the existing County system or extend. I think those are the major things we changed there.

So you're waiting for DOH to get back to you on these changes, Vice Chair Norris asked.

No, we're going to submit those, looks like first part of next week. So it's a whole package for the pretreatment program. It includes changes to the code plus some other things, Acting Chief Laude said.

I'm just wondering, the Vice Chair asked, most of the Commissioners haven't seen the pretreatment program. It's only gone as far as Chair Adams. And I was wondering, do we get a report or any kind of information on this?

So I'm going to defer to DCC Tavares for a bit here, but I'm certainly happy to come in and give you guys a presentation on what a pretreatment program is, how we're going to phase ours in, and what it's going to cover, Acting Chief Laude said.

You think you'd be ready to do a short presentation in March, DCC Tavares asked.

Yes, Acting Chief Laude said. Probably need about 45 minutes, maybe 30. It's a lot of jargon, and we probably need to keep the pace slow.

Commissioner McIntosh asked if this is for new subdivisions going forward or if it would also include all the preexisting subdivisions on the island?<sup>6</sup>

That's a very interesting question, Acting Chief Laude said. So if you look at the section of the Hawaii Administrative Rules, it's 11-62- I forget what section- and it looks like to me like they should have said, hey, for new subdivisions, here are the requirements. And then for existing subdivisions, here are the requirements. But they didn't. They kind of lumped them all together. So I think our opportunity is going forward, hey, any new subdivision, we want a coherent, consistent approach, and we got to make it fair to all of the county residents, not just people who are developing the property, because wastewater is something you have to take care of. So I don't know about the existing. We're doing a lot of studies right now. We're doing a cesspool conversion plan. We're doing an integrated wastewater management plan. And those studies do look at the existing subdivisions, clusters of cesspools that it might make sense to convert to either a sewer extension or package plant or some other option.

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<sup>6</sup> Wastewater pretreatment regulations apply to non-residential dischargers such as businesses and heavy industry.

#### 4. Information requests to DEM from Commissioners

##### 1. Mulch program overview – logistics, volumes, needs (Otsuka)<sup>7</sup>

The report was good, Commissioner Otsuka said. I was just, it's always, are they bringing back mulch? Maybe not as often as we would want it, like it should be, but at least on a kind of regular basis, a couple of times a week or something, just to have mulch brought back from West Hawai'i to East Hawai'i, that was kind of it. But thank you for the report. Looks good.

##### 2. Request for addition to Director's Report an item for "Status on existing staff vacancies" (Otsuka, Adams)

Please put the word out if you know somebody who is looking for a job, Director Mansour said. We're looking for engineers. We're looking for compliance. We're looking for drivers. We're looking for so many positions within the department. Certified operators. My challenge with that - I'm working with the legislative body to see if we can find alternatives and maybe that's where we need to work together and get you also to submit letters to our elected officials to look at the current process of getting certified wastewater operators. The State requires them to be certified through an exam. There are existing operators. They are committed to the hours. They've been in the business for a long time, but they freeze when they take an exam. And a lot of people just hate to take exams. So I'm trying to figure out if we could amend the current State rules to allow certification through accredited units from the universities. The operators could attend a weeklong crash course and at the end of that week they get handed a certification by an accredited university. These people put the hours. So I think that one piece of paper is not going to make them smarter than the one that doesn't have it. So I highly recommend that with the support of the commissioners and even our council members and Commissioner Acasio, we need your support as well, your contacts to get that thing moving. We live in a State surrounded by water. We're not on the mainland. We need to start looking at things differently, outside the box solutions. We have to create it. We cannot be in a box with the status quo. So we need to change the habits of looking at things to be able to grow within. We have very qualified candidates, but like I said, exams become an obstacle. So we need to allow our own people within the islands to grow. So we're going to continue recruiting and retaining and maintaining. It's a challenge. It's not an easy task, but hopefully you keep putting the word out. Commissioner Perez could testify to that. I started my presentation last week with a full audience, people standing outside the door. I started by saying the County is recruiting. Yeah, please put the word out.

Are you recruiting from mainland at all? Is it just local people that you're looking for, Vice Chair Norris asked.

It's everywhere. We have it on LinkedIn. We have it in the County of Hawai'i putting it on the website<sup>8</sup>, yes, we have candidates from the mainland. Sometimes we go through that. Some of them, they commit. And our HR person, she actually came from the mainland and she was a

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<sup>7</sup> VI.4.1 – Mulch data: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=128685>

<sup>8</sup> <https://www.governmentjobs.com/careers/countyhawaii>

director for the HR department somewhere on the mainland. So yes, we've been targeting whomever qualifies, needs to apply.

Commissioner Otsuka thanked the Director for that and the report. And looking at the staffing, when she was looking at the County website for the (Wastewater Division), we only have one Acting Chief. That's the only position that shows up. And then with the Solid Waste, we've got acting positions for Division Chief, Deputy Division Chief, and Recycling Coordinator. So my question is, if those positions have been in that acting capacity for how long, then maybe we should be filling those positions. And I'm just wondering how the recruitment is going for those positions. Because I can only imagine that the people acting are also doing their jobs beside that. So that can be very taxing and compromising to operations. So that's always been my concern. And I know I've talked to the university, the vocational, and they have internship programs, five different ones. So I think again, maybe the county should be actively talking to them. And I know you have a new HR. You mentioned that in August. You folks have done a great job. And the people you have working for you, that's testament to the success that's having now. But it could be better if we fill those key positions.

Director Mansour said that on the Solid Waste Acting Chief position, we are working- if you heard my testimony to the committee last time on the countywide AOC. The department is looking to reorganize to be able to achieve the AOC requirements. So currently, the Solid Waste Division, the Chief position should go out for recruitment. We were changing some of the language within that job description to allow for better selection for that particular Chief position. As you know, we went through two different Chiefs recently for the Solid Waste Division, and it didn't work out. We went back and looked at the requirement. We figured we could cater to that requirement to be able to deliver the duties that are required for that position. So in the Solid Waste Division, people want to see more recycling, diversion, composting, all of that. So we need to make sure we get somebody in that position who could deliver to our constituents. We're not going to have somebody for the sake of filling that position. So that's number one. So we're working on that. It's going to go out because otherwise you're going to have somebody coming in and going to frustrate everybody else and we're not going to go anywhere. So that should go out soon to fill the permanent slot. Hopefully, we'll keep our fingers crossed. We will get a good response to fill that position. The compliance manager within the Solid Waste Division, it's a new position. So we're working with Department of Health to set the job duties because it doesn't exist. It doesn't even exist in the whole State. So once you create these new job classifications, there's a lengthy time to go through the Department of Human Resources. Then you have to go through the union. Then you have to agree on the job descriptions and the salary range. So it's not like, okay, we got a vacancy, let's go ahead and fill it. I wish it were that easy.

Thank you, Commissioner Otsuka said. But the positions that were already there before, so those qualifications for those positions before, which was actual-

Not the compliance manager. The compliance manager is a brand new position the county never had, the Director said.

Yeah. Thank you, Commissioner Otsuka said. But for all the recruitment and posting for positions like Division Chief, Deputy Division Chief, Recycling Coordinator, they already had set qualifications and requirements, right? Could we not use that as a recruitment tool to have people do that instead of maybe trying to look to redo the language when we-

No, that's what I was explaining, the Director said. As far as the Division Chief is concerned, like I said, we went through two Division Chiefs within the Solid Waste Division, so that's why we're making sure that the new recruitment should be- I should check with DHR- should go out sometime within the next week or two. But there's no vacancy for the Deputy Chief for Solid Waste. Just to make it clear, the Solid Waste Deputy Chief is Mike Kaha. He's Acting Chief as we speak. So the Solid Waste- you have only one vacancy, which is the Solid Waste Chief. That's it. And the Recycling Coordinator. But we don't have a vacancy for Deputy Chief.

But is there such a position, Commissioner Otsuka asked. Because if the acting-

Yes, it is being filled by Mike Kaha, Director Mansour said. Mike Kaha is the Deputy Chief for Solid Waste, but he's acting as a Chief currently, and Gene is acting as a Deputy Chief.

Okay, Commissioner Otsuka said. I'm just saying those positions, Deputy Division Chief and Division Chief are actual positions that are not- They're only in an acting capacity. So are there no such a thing as- I guess it's just if they're acting in that position, then there is such a position as a Division Chief and a Deputy Division Chief-

Let me explain it to you, the Director said. So, Mike Kaha is the permanent Deputy Chief. Gene Quiamas is the Compliance Engineer. So, once we had the vacancy for the Division Chief, we moved Mike Kaha to be acting Chief, and we moved Gene to become the Deputy Chief. So, once we fill that Chief position, if none of these people apply to it, then Mike Kaha goes back to become the Deputy Chief. Gene will become the Compliance Engineer for his old position, and then the new Chief would take on the role of the Division Chief.

I guess my question is, then, if they're acting in those positions, then who's doing their job, Commissioner Otsuka asked.

Yeah, they are multitasking. I'm wearing multiple hats as well, so I'm jumping with them and helping them in that chief position, making the decisions, meeting with them on a daily basis, the Director said. So until we make sure that we fill these vacancies. Like I said, if you know somebody qualified for the Division Chief, please put it out, because we need as many as we can.

Thank you, Commissioner Otsuka said. You folks are doing a great job, and because of the people you have. So I just wouldn't want to overwhelm them with all these multiple responsibilities.

I agree. Believe me, I know. I myself, I just keep thanking them every day for help being there, the Director said. Very dedicated, hardworking, and we just had a retreat between senior staff and us. We're going to deliver with what we got until we build up the team.

## **VII. FUTURE AGENDA ITEMS**

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

DCC Tavares said it was appropriate for the Commission to consider the creation of a Permitted Interaction Group. If that is what you folks would like to do at this time, you can open it up for discussion on that creation, and then we can get a motion to formally establish it.

Commissioner Perez had expressed an interest previously in creating a Permitted Interaction Group to advise EMC on the status of cesspool conversions. And so if Commissioner Perez wants to give a little bit more information about what she would like to do in this permitted interaction group, and then we can talk about the formation of it, could you do that?

I find value in all of these reports that are coming to the surface, Commissioner Perez said. Commissioner Otsuka brought up a great point in that in these quick meetings, when we have so much to go over, we don't really get a chance to dive into the technical questions and take a closer look at what is being either proposed or even outside of this legislative session at the state level, of cesspool conversion, and overall sanitation. I feel there's going to be more in-depth conversations that are needed in order for the EMC to appropriately either advise or even think through these processes and determine whether we should or should not support certain items. So I do feel that it would be very valuable to create a Permitted Interaction Group that is focused on, honestly, not just cesspool, but overall sanitation improvements for Hawai'i County. There's a lot on the plate right now, just as we heard from the Director with all of these reports and community initiatives that are being launched. And it would offer, I think, another additional space to possibly just be able to do a little bit more with good clarity.

DCC Tavares advised Commissioner Perez to make the motion to create a Permitted Interaction Group that will prioritize cesspools and sanitation, and the motion needs to be seconded. And during the discussion, we can see who wants to volunteer to be a part of it.

**Motion and second:** Commissioner Perez made a motion, to which Commissioner Otsuka seconded, to bring forth a Permitted Interaction Group that focuses on cesspool conversion and future sanitation needs and what the EMC can offer.

**Discussion:** Commissioner Acasio asked if the PIG is only for commissioners or can the public be on it.

The Permitted Interaction Group is specifically for Commissioners, DCC Tavares said. You are the one who's going to be charged with researching and meeting and providing reports back to EMC at these open meetings. Now, you are permitted to talk to, obviously people who are involved with this when you talk about community members, but they are not a part of the Permitted Interaction Group. That is specifically just for the commissioners. But where you do your research and where you get your information from would essentially come from those

people, those groups that you just previously mentioned, if that makes sense. That's part of the research that you will do.

Commissioner Beets asked that if the PIG were to request a presentation by a citizen to the members of the PIG, would that be allowed?

That is permitted, provided that information is documented and put into the report that the group will thereafter bring back to EMC, DCC Tavares said.

Vice Chair Norris asked for volunteers for the PIG. She recognized Commissioners Erica Perez, Jim Beets, Laura Acasio, and Dell Otsuka as members.

**Vote:** Ayes 6 (Acasio, Beets, McIntosh, Otsuka, Perez, Norris); Absent 2 (Garcia, Adams). Motion carries.

The last thing we need to do is let the group know that they're going to be a part of the agenda going forward to provide any updates, and I think setting that first report should be in 60 days, DCC Tavares said. At our April meeting, please have a report of what you've gathered thus far. And then a determination at that meeting will be made whether to close this group and or create another one going forward, or if the work of this group is not done and the Commission will continue to allow this Permitted Interaction Group to continue? It's not something that just stays in perpetual existence. So (in April) it would just be a report on the status of whatever you folks have gotten thus far in that 60-day time frame, and then a discussion with the entire commission about that will be had at the May meeting.

Commissioner Perez asked if there is a way to be able, if we wanted to extend it for the duration of DEM's engaging the community and finalizing these reports so that we as EMC have eyes on these versions of reports that are coming through, is there a way to do that? Or is it that every single meeting we're going to have to report and then redetermine if we continue? It's just a little bit different than how the State group operated.

So you folks could determine that more work needs to be done and you're going to continue what you're doing, DCC Tavares said. But it's just that I'm suggesting requesting that an update be provided in 60 days because we need to maintain a status of what this group is doing. It's not going to end in 60 days, but we need to have an update because it's not something that will just have a perpetual existence.

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

Commissioner Acasio asked if we could get a presentation from Waiākea Water, if that's possible. Or maybe I should reach out to them directly and ask. But I just wanted to double check the protocols. I'm hearing in the community that they have plans for a recycling plant, but am having difficulty finding out information about that and figure it would be better to come directly from them, if they are, and if they have plans and where is it at?

So if you want someone to do a presentation at a meeting, then you would reach out to them and see their availability and then let the Secretary and the Chair know to put it on the calendar, DCC Tavares said. Because if they're not available for, say, March's meeting, but they are available for April, you just need to let the Secretary and the Chair know that's what your request is.

### **VIII. ANNOUNCEMENTS**

The next meeting<sup>9</sup> is scheduled for Wednesday, March 27, at the Puna Conference Room of the Hawai'i County Building, 25 Aupuni Street, in Hilo. Please contact the Board Secretary or review the agenda posted on the County Calendar<sup>10</sup> within six days of the next meeting for confirmation.

### **IX. ADJOURNMENT**

**Motion, second, and vote:** Commissioner Acasio made a motion, to which Commissioner McIntosh seconded, to adjourn. Ayes 6 (Acasio, Beets, McIntosh, Otsuka, Perez, Norris); Absent 2 (Garcia, Adams). Motion carried by voice vote and meeting adjourned at 11:53 a.m.

Respectfully submitted,

Peter Sur, Secretary

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<sup>9</sup> VIII - 2024 EMC meeting schedule: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=126680>

<sup>10</sup> VIII - County Calendar: <https://www.hawaiicounty.gov/our-county/county-calendar>