

**ENVIRONMENTAL MANAGEMENT COMMISSION**

**COUNTY OF HAWAII**

**MEETING MINUTES**

**Tuesday, August 22, 2023**

**9:04 a.m. to 11:40 a.m.**

**Puna Conference Room of the Hawai'i County Building, and Zoom**

Commissioners present:

Georjean Adams, Chair

Jon Olson, Vice Chair

Laura Acasio

John Burns

Lee McIntosh

Dot Norris

Dell Otsuka

County staff present:

Ramzi Mansour, Director

Craig Kawaguchi, Recycling Coordinator

Kelly Hartman, Environmental Planner

Peter Sur, Secretary

Sherilyn Tavares, Deputy Corporation Counsel

Robin Bauman, DEM Business Manager

Heather Beckford

Others present:

Kristine Kubat, Sue Aronson, Britney Zimmerman, Richard Ha, others.

**I. CALL TO ORDER**

Chair Adams called the meeting to order at 9:04 a.m. and introduced members.

**II. APPROVAL OF MINUTES FOR JULY 26, 2023<sup>1</sup>**

**Motion, second, and vote:** Vice Chair Olson made a motion to approve the minutes, to which Commissioner Acasio seconded, and the motion was adopted. Ayes: 7 (Acasio, Burns, McIntosh, Olson, Otsuka, Norris, Adams); Nays 0; Absent 1 (Cardwell).

**III. STATEMENT FROM THE CHAIR**

My condolences and best wishes, Chair Adams said, from everybody about the disaster that occurred in West Maui and Lahaina. And I hope they get to work it through and rebuild better.

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<sup>1</sup> II: Minutes: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=125312>

And I'm hoping that there is discussion amongst the environmental departments to make sure that things are being handled right and prevent future issues from coming up. We all have our challenges. Had a few fires over here as well and need to be aware.

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

(See page 14)

#### V. UNFINISHED BUSINESS

##### 1. Pretreatment rule draft

Chair Adams asked for a status report.

Chief Laude said he was a little behind on his emails, but is assuming if the Director is OK with it, that he could send it out to get some help editing and revising it. The Chief will follow up with the Director and send model ordinance from EPA so you can see what has to be in it. And then since you volunteered, I'll also send you the draft of the administrative rules because I moved a lot of the jargon from the model ordinance into the administrative rules because it's too much for the county code. So he moved that over into the administrative rule and will send the Chair both of those.

##### 2. Review draft letter<sup>2</sup> to Council on county ordinance<sup>3</sup> to ban landfill of recyclables

Chair Adams said the purpose of this agenda item is to look at the drafts of possibly both the ordinance and a letter that would go to the County Council asking, let's start the process and look at how can we begin to stop landfilling recyclable materials. And basically, I've been calling it a ban that would be phased in and looked at for feasibility of what we know we can get recycled by the people who can get their materials to be recycled because we all know we're running out of room in our one and only landfill. So at this time, what I would like to do is to go over the letter, the transmittal letter that I put in the record and see whether or not there are changes. I guess I should back up and do this by Robert's Rules. If we think that we want to move forward on it, which we did at the last meeting, whether we need to do another motion to adopt this letter and authorize me and the Secretary to send it off to Council. If we need to get an official motion again to do that, or if we can just dive right in and see if there are any changes that people would like to see first.

DCC Tavares said a motion would be in order.

**Motion and second:** Vice Chair Olson made a motion to send the draft letter to Council Chair Heather Kimball to begin the process of writing a new ordinance, to which Commissioner Otsuka seconded.

**Discussion:** Chair Adams said that what she put together is basically a request to Council Chair Kimball to begin the process. I tried to be clear that the draft ordinance is just that, a draft ordinance to begin discussion rather than asking that at this time, the EMC approve every word

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<sup>2</sup> V.2: Letter: <https://records.hawaiicounty.gov/weblink/DocView.aspx?=1&id=125319>

<sup>3</sup> V.2. Draft sample ordinance: <https://records.hawaiicounty.gov/weblink/DocView.aspx?=1&id=125320>

that's in that ordinance. It is meant to be a discussion draft. The other thing she stuck in this letter is the shaded part, and that is whether or not the EMC would like to go on record saying we did not really support the approach that appeared to be in Resolution No. 73-23, where basically, the Yummet biochar unit was going to be the one and only place all our solid waste was to go to in 2026. We don't have to have that language in there. I wanted to offer it up as possible, and you may not like the wording that I came up with. So if there are discussions around that section, go for it, Chair Adams said.

Commissioner McIntosh said it's two issues you're trying to put into one. The optional language should be something separate that we do. I don't think it should be included in this. It might get lost as they're reading it. They might glance over it. If the Commission wants to send something like this, it should be separate to them.

Commissioner Acasio said it's very pertinent to this memorandum. We would likely have more intimate discussion on it, perhaps, if Commissioners think so as well. But I have concerns- I like how you phrase the "it may be useful for pyrolysis to have some utility" as opposed to factually, because we haven't really dived into that in detail, at least not while I've been here for a short amount of time. I imagine there's some historical conversations. But I also think that I agree with the previous Commissioner in that it also could use some separate special attention so as it is not missed. One of the concerns, that I appreciate your language, Chair, because our greenwaste especially is prized in our community. And so the discussion around utilizing that for alternative purposes than what it is right now requires some incredible amount of public outreach as well as attention.

What do other Commissioners think? We could leave something and maybe we need to make it stand alone a little bit better to highlight it or deal with it in a separate communication to the Council, Chair Adams asked.

Commissioner Norris said she liked the language. I like the idea of introducing other ideas. Maybe we could actually include that in the statement saying that other feasible alternatives should be included as well, she said.

Vice Chair Olson said we just opened the door and we're going to be hearing back from the Council people, we're going to be hearing back from the Administration. We open the door, walk through it and start handing it out and they can think about it. That's where we're at.

Chair Adams said she was hearing a mix of responses. Leave it in, sort of as it is, or pull it out and deal with it as a separate letter. Do we need a vote on that?

DCC Tavares said that based on the discussion that was had, the recommendation would be that you table this to the next meeting and have the Commissioners who would like to provide alternative language, provided that so that you can have a discussion on what other options might be considered or a motion to either take it out or leave it in.

Commissioner Burns said that's a good suggestion, because they're good statements. It's just vague. So it might be good to be somewhat more specific about the recommendation or to perhaps just, if we're asking the County to focus on one part, maybe it would just be good to request that there's discussions on a timeline, so as they progress, because it's not clear exactly what the approach will be at this point, since it's a developing plan. So it might be easier to navigate if there's a direct timeline of just saying, as their approach becomes detailed, to just bring it to the Commission for discussion and input.

It could be, Chair Adams said. I mean, the language, just the way the draft is laid out- and when I flip the page to the next part of the letter, talking about the hierarchy and having things that are basically incineration and producing ash of various sorts is toward the end of the actions and the priorities that we'd like to take. So the general concept is already in there. It's pulling out that specific resolution as a highlight as something that could be left out without halting the process, at least to get the conversation going. And part of it is, I don't really know which Committee in the Council will be looking at this, if they choose to look at it. So part of it is just to ask, what's the process here? Where do we go from here? There are going to be plenty of opportunities to talk about all the nitty gritty details as we go through this. So if there are feelings at all, to delete that whole section-

Yes, Commissioner Burns said, specifically the second paragraph, where it's like talking about pyrolysis and not encouraging a cavalier attitude. The point is there but then, what that would mean is difficult to ascertain. So it might just be something of again, if they're going to- out of that hierarchy list as they strategize, then it would just be helpful to provide the EMC with options to provide feedback and input based on what they choose. I do believe in these scenarios. A pragmatic outlook is very good where the solutions that present themselves down the road could easily not be something we're anticipating now just because of how that process plays out. So a timetable of feedback might be more useful than just that sort of a suggestion.

**Motion and second:** Commissioner McIntosh made a motion to amend the main motion to amend the letter to delete the shaded/highlighted "optional language," to which Chair Adams seconded.

I prefer that we leave it in, Vice Chair Olson said. In other words, we're opening the door, and I see a fair amount of back and forth before we get to deleting anything. In other words, we have a whole long list of issues that we're going to have to at one level or another to accomplish.

So the present motion is to submit the letter to council without the highlighted language, DCC Tavares said. So maybe you should take a vote on that because I don't think there is a consensus, and then we can move back to whatever else should be done after that.

Roll call vote: Ayes 4 (Burns, McIntosh, Olson, Adams); Nays 3 (Acasio, Otsuka, Norris); Absent 1 (Cardwell). Chair Adams then asked for a revote.

DCC Tavares said the present motion that did not pass the first round of voting is to remove the shaded language. Do we want to remove the shaded language in the proposed letter to Council? So if you say yes, you want the language to be removed. If you say no, you want it to remain as presented by Chair Adams.

**Roll call vote:** Ayes 5 (Burns, McIntosh, Olson, Otsuka, Adams); Nays 2 (Acasio, Norris). Motion to amend passes.

(Discussion continues on the main motion: “Send the draft letter *with the approved amendments* to Council Chair Heather Kimball to begin the process of writing a new ordinance”)

The controversy is on the second page of this letter, Chair Adams said. I don't know if anybody has any comments on the first page after taking that out. I do need official input from DEM on what range of years do you want to have in this letter for remaining capacity? I put it fairly broad, 15 to 25. I had received some input from Gene Quiamas that he was saying 15 to 20. Ramzi or whoever else is there, do you have a number you'd like me to put? There's something from the Director saying 20 to 25 years, although that's under investigation as part of the report on a solid waste study that we're going to be hearing about.

Why don't we save up all the changes that we might come up with? But according to DEM, we'll put in 20 to 25 years and know that the Council will grill the Director on whatever the number is going to be, Chair Adams said. On the second page, I wanted to put down the main points that I used in putting together the draft ordinance. I'm kind of hoping that we don't spend a lot of time wordsmithing this draft ordinance because it's going to get beat up multiple times as it goes through the review process with Council. But these were some of the issues that I want to make sure you agree with in terms of what we're trying to accomplish. And I guess I would ask if anybody has any questions about any of the bullets or feels strongly, “that's not a bullet you want in this letter.”

Commissioner Acasio asked why “not significantly expanding county services.”

Because I was going on the basis that county services are already stretched beyond their capacity. And to add in even more, it's really not what we're trying to do, Chair Adams said.

So within the framework of what resources they have currently as opposed to more theoretical resources and moving forward with Build Back Better and all kinds of other resources through the federal recycling funds, et cetera, that we could obtain.

Yes, Chair Adams said, basically behind my thinking on that- and it wasn't just my thinking, we also did it with together the ISWMP- I'm not looking to establish, for example, the County to set up a curbside collection operation that would be a major expansion of responsibilities. And what my preference would be is that it be commercial businesses doing that rather than we're going to have the county take over and start all these new services.

Commissioner Otsuka asked the Chair to go down and explain why you've done that so we can have a brief discussion on each.

I can certainly go through and explain where my brain was when I wrote these, Chair Adams said. So again, this first bullet was saying, not looking to build a monster mega DEM solid waste program. And an example of that would be for them to establish curbside collection and have the County paying for the trucks and the people to conduct curbside collection for recycling or for waste for that matter. Where I would like to see expansion is doing education programs and assistance programs. But the thrust would be to try to encourage private commercial recycling operations and keep the focus for DEM on oversight and managing the actual waste facilities. Do you want to discuss by bullet or you want me to go through the whole schmear?

Well, maybe because I didn't get to read it until now, Commissioner Otsuka said.

Chair Adams said bullet item No. 2 is to have a target that the Council would use as their little baby hammer on DEM to say we want to see a reduction in the volume of waste that's going into the landfill and how you construct that target, you could phase it in and have an annual reduce it by 10% 1% .005%, whatever, or you could have it by some time distant, 2030, 2050. We want to see landfill volumes, the amount going into the landfill, reduced by 50% by a baseline of what we have now 200,000 tons, just as a marker for DEM to be working toward and reporting back to us as EMC as well as to the Council. Also that the Council would come up with the basic criteria for who and what types of wastes are going to be regulated by DEM. What I do not like as a personal bias is to have Council basically doing what I consider administrative rulemaking and coming up with monster lists of this chemical, this waste, this person, as a long string of things that has to be adopted and approved by the tortuous methodology of Council ordinances, but rather give the high-level criteria for what kind of waste and what kind of operations and people generating those wastes are going to be covered. And let DEM write their administrative rules, proposing them, getting public comment, and then issuing final rules. So this is just kind of saying what do we want out of Council? We want the Council to set a target on the kind of reduction we'd like to see and let DEM actually execute how they're going to meet those targets, in this case, focusing on recyclables.

This third bullet is phasing in the requirements starting with what is currently recyclable and then periodically update it, either adding or deleting waste or the types of generators because the markets change, they're changing constantly. You can't make money right now off of many plastics, for example. Corrugated cardboard has already dropped in the last quarter a significant amount, but they're still making some money recycling it. So that one we definitely don't want to lose and the market is going to drift up and down. And so we need to periodically review it and saying, all right, for now we know that we can achieve these recycling. And people who generate so much of this kind of recyclable waste can effectively get it picked up and recycled. Hoping that by phasing it in and periodically doing the reality check, that there would be incentive, that, hey, there's a real business opportunity here that's going to be consistent enough to justify commercial hauling and collection and maybe even processing business. And

that's what the sub-bullets are about. We'd like to reduce the transport off-island necessity for dealing with this waste. So it's kind of trying to make sure that we can have a closed loop recycling opportunities where it's feasible.

The fourth bullet is to focus on stuff that's really going to make a difference in how much is going to landfill. It's not worrying about the stuff that's 100 pounds a month. Sounds good, but it really isn't going to impact what we've got to happen and that is to reduce how much is going to landfill. And we have a pretty fair idea of who the top contributors are and I've given you guys stuff before on that. The paper waste is big. Construction, demolition waste is big. Organics is big. Plastics: it's visible, but it's really not a humongous number. And then even below that, different kinds of batteries, really there aren't that many batteries in terms of volume. It'd be good to get them out for other reasons but to prioritize because our goal, the primary goal of this effort is to cut the volume that's filling up that landfill.

Fifth bullet is focusing on life cycle impacts. It was one of the top priorities for the Solid Waste Advisory Committee that's in the waste management plan. You don't want to adopt recycling processes that are worse from a life cycle impact and we had a study done, still need to work through that and I'd like to set up some time with the contractor who put that report together. But we have some input on where recycle works and doesn't work and different ways of working so that we don't want to make the entire lifecycle worse by mandating recycling "just because."

The next bullet is, it's got to be economically feasible. The grants from the Feds, magic money that's going to show up one time is not going to make a sustainable, economically sustainable process. So it's got to be feasible and it also needs to not cause people to litter, throw it in a ditch somewhere or a gully because it costs too much to do the recycling. So there are criteria, that there need to be markets available to collect it and to do recycling that the people who generate the recyclable waste have to have access to those recycling services. And not everybody's going to be able to. Have it start this phased process with people who generate enough stuff to warrant sending a truck by their place to go pick up their recyclables. So large government, commercial operators, resorts, so there's a steady stream. Again, you want a sustainable business model to work.

Last but not least, which doesn't have to be part of this and actually is a case that counters the first bullet and that would be to allow more people to use a transfer station, specifically small businesses and nonprofits who shouldn't by law right now be using those transfer stations. But it would really help out a lot of people. Otherwise, I don't know what they're doing with them. They're having to pay full tipping fees and that is expensive for them and we thought that it is the right thing to do. It does not, however, necessarily result in a huge volume reduction to what's going in the landfill.

Commissioner Burns said that perhaps with a small fee, again it could be misinterpreted. Maybe it would just be better to put in a request a little bit more specific saying like establish a waiver application program for small businesses and nonprofits to be able to utilize transfer stations.

Because defining small business and nonprofits, I feel like what it's written, which I understand that you're saying is like yes, for small businesses or smaller nonprofit operations this could be really beneficial. But it'll need to be a case by case basis because some nonprofits are very large. Some small businesses might produce an excess amount of commercial waste that wouldn't be reasonable. So it could just be simpler to have a fixed commercial fee like there is now. And then if they want to get a waiver, they could fill out an application for review. So it's a little bit less uncertain with the fee structuring.

Chair Adams said she had in the actual draft of the ordinance probably too much stuff in there about undue hardship so that people can essentially get a waiver if they can show that it just doesn't make economic sense for them to do it otherwise. So I try to address it there, whether it's a waiver process or what that process is. That's getting down to the nuts and bolts of how you make it work.

Yes, Commissioner Burns said. It might be just good to make that more, like, use those terms here instead of the "perhaps a small fee," just because then it would be something that can be figured out properly when the time comes. Yeah, that'll be a tricky one. But I do appreciate what you're trying to say. I think it's true. It's like, if you make it too difficult at that size, then what do they do with that waste? And it can become problematic.

Chair Adams said that in going through the Solid Waste Advisory Committee as we were coming up with that recommendation, which again was a top priority, DEM didn't want it because it was going to cost them more. They'd have to have more pick ups at the transfer stations because there'd be more waste showing up there. And again, this is not for waste. This is just for recyclables to allow them to use the recycling. And so there's a whole section in the ISWMP that talks about that. I'm fine with just zapping that "perhaps" phrase, and we can talk about that when we get to voting.

Commissioner Acasio said that small businesses and nonprofits already utilize the system and it's not necessarily being tracked. And then regulation, how would the county regulate this whole system without significantly expanding county services? Which goes back to the above point. I'm not going to comment on it right now, but I have a lot of input for all of the other bullet points above because I think that each individual bullet point actually would require a significant discussion amongst the commission.

I agree, Chair Adams said. It was not my intent to basically hash out in this letter or in the draft ordinance all the details and all the different positions. It was basically to set up, here's kind of the baseline thinking, all right, let's discuss, negotiate, see what works and what doesn't, recognizing it's going to be a long process of back and forth with all sorts of stakeholders who are involved. And I'm not quite sure how we should begin it. I was trying to come up with these bullets and to keep it at two pages so maybe the Council would read it. If there are ways to whittle it down or to eliminate it- I did feel that there were, again, I was calling it basic tenets, but what are we trying to do and how philosophically to go about doing it? But recognizing that there are tons of details to work out. Specifically on the small business, it is currently against

administrative rules of DEM for anyone other than residents to use the transfer stations, period. The administrator can give one-off exceptions to get rid of certain particular loads, but as a rule, that is not really being enforced, but a rule that small businesses and nonprofits can't, as a matter of course, use the transfer stations. Is that the reality? No comment.

So it is working back from the number one bullet of, yeah, it would be an expansion. It would require DEM to pull more loads of recyclable waste for Business Services Hawai'i, their contractor, but it's the kind of service they're already doing. It's, "okay, do a little bit more because you're going to get some more volume." But that waste, hopefully, is stuff that's not going to go be thrown away in the trash chute illegally or having to be paid as tipping fees to take commercial loads to our landfill.

Simple minds, simple solutions. Vice Chair Olson said. We collect the disposal fee at the point of purchase.

We've had this discussion and we'll be talking about funding again, Chair Adams said.

That's where the rubber meets the road is in the funding. Show me the money. The guy said it. you know you have the money in hand, the point at which it lands here, we get the disposal fee. End of story.

Well, end of story. We're on record. We've had that discussion. We can try it again, Chair Adams said. FYI sidebar everybody, I'm not going to be able to do the October meeting and Vice Chair Olson will be handling it, so be ready.

Commissioner McIntosh said the purpose of the letter was to encourage adding recycling that we can do already to the "do not throw in the trash bin" list that they have, just to do something quick and easy to help divert some waste that goes into the landfill. I just kind of think it sort of ballooned into something else right now. And to be quite honest, I know you put a lot of work into this, but you could just remove all this and just focus on recycling on the first page. And the Council and DEM, I don't even know if the Council needs to give DEM permission to add to the list. Perhaps DEM can just expand the list on their own. I'm not sure what the process is of that. They may have told us at one point, but I've forgotten. So we might be trying to make this letter a lot more complicated than it really needs to be. That's just something to think about, at least from a simple perspective.

It's certainly an option, Chair Adams said. I batted back and forth on whether or not to go into this kind of detail, and I'm not wedded to keeping all these bullet points in. I did want to lay some basic approaches that said what we are and are not trying to accomplish, but I thought I wanted to present the gamut to you guys for discussion. Other thoughts from commissioners?

Commissioner Otsuka said she still has to understand- we talked about it the last time, about having commercial haulers take the trash and having someone inspect what they pick up. And because I just think their process was to pick up all the different container bins, collect it, and

then take it to our landfill. Is that what they do? Or do they warehouse and then compress that and then put it in those 40-foot containers? Is that the process? Because I'm thinking rather than take it to the warehouse to have it compressed, to go into the 40-foot containers, can't they just take it directly to the chutes- because that's all compressed and go just like that, right? The stuff that people take and take to the dump and down the chute, that goes directly to Pu'uanahulu, right? That's my understanding.<sup>4</sup> So thinking rather than have the Business Services or commercial people go to the warehouse to have it further handled, to go into another 40-foot container, they can take it straight to the chute and have it compressed there, and then that's gone.

There are multiple variables here, Chair Adams said. There are various ways people handle their trash. Commercial vendors, larger places other than your mom and pop little store will have a trash hauler come and pick up their trash bins, big honking trash bins. And if you're at a shopping center, the shopping center has trash bins, and that's where you throw your trash. There may or may not be for those commercial businesses, others who pick up recyclable materials. You've seen probably bales of cardboard boxes, corrugated boxes that have been wrapped up on a pallet behind Longs, for example. Those stores pack up their recyclable materials, mostly dealing with the boxes, and they have somebody come and pick them up, or they've got their own trucks and take them to places like Atlas and Business Services directly, or Business Services might come pick them up, or Hana Hou Recycling. So there are various ways that commercial entities deal with that. They cannot, as a commercial entity, legitimately throw their trash at a transfer station or take their recyclables to a transfer station. No can do. They go to redemption centers that are scattered around not so many transfer stations anymore, and they can get their cans or bottles redeemed, but they're kind of isolated redemption centers. Residents have a variety of ways that they can get rid of their trash. They can take it to the transfer station, dump it down chute for free, end of story. They just have to haul it themselves. They can go over to the recycle bins and they can throw whatever they may have into those recycle bins. Some people have enough money and services available that they can have curbside pickup. So they get their trash hauled by Pacific Waste or one of the other waste haulers. Recyclables, not so much, very few places, but there are some where you can get residential pickup of recyclable materials. Those are taken by private haulers to places like Atlas and Business Services to get rid of those recyclable materials. So you've got to be careful what "they" you're talking about in terms of who's picking it up and who's taking it where. There's a big split in this County for residential. That's the transfer station stuff. They can also go directly to the West Hawai'i Sanitary Landfill if they want to, and they get to pay to dump stuff. I don't think a lot of residents directly go to the landfill, but they could. The landfill only accepts green waste for recycling (at WHOF). They don't take any other recycling materials at that landfill. Commercial is kind of on their own. They do their own thing and they have haulers that they pay to come and take their stuff to either the landfill or if it's recyclable, to the recycle shops. And the County really doesn't get involved much except at the receiving end of dumping it in

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<sup>4</sup> All waste collected from the transfer station chutes in East Hawai'i is taken first to the East Hawaii Reload and Sort Station (EHRSS), also known as the reload facility, for transport to West Hawai'i Sanitary Landfill. All waste collected commercially is taken to the Hilo reload facility for transport to WHSL, or directly to WHSL.

the landfill or taking the green waste and putting into the mulching operation. How it gets picked up and sorted and whatnot for commercial entities is not under County action really.

Commissioner Otsuka appreciated the explanation, she said. I guess I was just trying to say I know what the commercial haulers do, pretty much. But my concern was all this stuff that's not being recycled and separated is still going whether a commercial person picks it up or not, right? So having the commercial people- I guess this is what I meant- if they're taking whatever trash that hasn't been recycled just like a residential person- I guess it's not possible for them to take it to the transfer station chute, although it's the same type of trash that residents do because they're commercial haulers. So what I was trying to get at is, by having them take that mixed trash and put it in a chute rather than taking it somewhere else for more handling, which is probably not good for them as well, why can't they just put it in the chute because it's already compressed and ready to be sent to Pu'uana'hulu right? That's what I'm thinking. So if they're already taking mixed trash, why can't they just put it in a chute, have it compressed, fill that up quick, stick it over for transport to WHSL, rather than taking it somewhere else to handle it again. And then I'm just saying it's like a double handling kind of thing. And the results are the same. They're getting mixed trash. I don't know, does that make sense?

Chair Adams said the issue right now, and the rule that I think is a good one is, commercial trash, unsorted waste, has to (go) to the landfill. What we're focused on, or what this ordinance is focused, is pick out, segregate, sort at your store, at your business, the stuff that's recycled, and then don't throw it in your general trash bin. Whoever picks it up and takes it to the landfill, pull that stuff out, reduce the volume that you're sending to the landfill, and you've got to, under this ordinance, do it for different types of materials. You've got to sort it, and then you've got to get it into the recycle stream or keep paying for the trash hauling that you've got. Again, our whole goal on this would be to reduce the volume going into landfill. So clean out that trash, quit throwing it away, divert, divert, divert, get it into the recycle stream and using transfer stations for smaller quantities, not big commercial- we can't have Costco using transfer stations to deal with their corrugated cardboard. They make enough of it. They can deal with it on their own.

Okay, anybody else, Chair Adams asked. On Commissioner McIntosh's comment about, just take all those bullets out of there and leave it open ended? Partly it was, "Gosh, they're never going to read this draft ordinance." So I wanted to pull some things up out of it and maybe there are too many bullets or maybe we don't need bullets at all and let's just wait and we'll do bullets later.

Commissioner McIntosh said we should just accept this thing and move on. We can hash this out for hours and hours and you're just kind of testing the waters anyway. So let's just make those two changes you mentioned earlier about how many years and perhaps the small fee, and just set it and move on.

Well, I want to be fair. Again, I do not mean for this to be the Georjean Adams' ordinance, the Chair said. I want it to be the EMC's. So I want to make sure I'm getting your consensus, and it's

the consensus of this commission that we move in this direction and we try to set these kinds of boundaries.

Commissioner Acasio said she is in opposition to sending this to the Council, as is, being that many of the bullet points, especially in relationship to the draft ordinance, have not been thoroughly vetted by the current Commission and or even understood, to be honest. And there needs to be a lot more data. And Corporation Counsel could speak to this perhaps at least in terms of educating me, amongst all of us, in terms of our duty to vet a lot of this before it goes to Council, as opposed to put it on Council's burden in the sense of what a previous commissioner had mentioned. I believe that that is our job is to kind of go through this ahead of time. And if we're going to state that the EMC is requesting this or advising this of the Council, that we really should have a lot more details around these bullet points. I don't believe that it's ready in its current draft, being that there's a lot of discussion to be had over the bullet points. I think if anything, it would be a much more general letter. And because I am very concerned that all of the bullet points and the second page do summarize the ordinance. And then there's a very small note that says, "please note the draft ordinance has not been approved verbatim by the EMC. But it's rather offered as a starting point." Which is wonderful, but I think that if anything would get missed in the entire thing could be that point. And I think that's a very significant point given our duty as a commission to come to consensus.

Thank you, Chair Adams said. And I would say back to you that's why we're talking about this, to go through it.

Yes, and I appreciate all your energy towards it nonetheless, Commissioner Acasio said. It doesn't take away from any of that so I am very much appreciative of all the energy that's put into it.

DCC Tavares asked to restate what she had mentioned earlier, because Chair Adams has been providing this information along with her suggested draft ordinance for months now. So it is incumbent upon the commissioners to review this stuff and come to this meeting so that the discussion can be more about the specifics that are going to be included should the Commission vote to submit this to Council and not on education, so to speak, about how DEM currently operates. I think your time is much more valuable if you bring actual things that you want to include in this letter so that the discussion can be specific and on point to that. So I would just renew my suggestion that this get tabled to the next meeting so that the commissioners can do their due diligence and actually reviewing this before the meeting so that the vote can have some standing and we can move forward on this because this has been on the agenda for months.

Vice Chair Olson agrees with DCC Tavares that we need to, at the very least, narrow this down. We are asking the Council members to become engaged in this process because in the end, they have oversight as well as the administration. So as much as anything, we're starting a dialogue with them. And the sooner we get them engaged, the sooner we'll get some input. Everybody's got to be at the table. So over-refining a discourse at this juncture probably isn't

going to serve us well. We want to get them thinking about it, get them to engage about it. Informing them of their response, what will become their responsibilities to turn into an action, fund to some extent. We just opened the door and we're trying to narrow it down to a finished product, and I think that's probably not the best use of our time.

Commissioner Acasio said that for the record, she had given comments on this just a few months past, and said I don't know that a significant number of them were incorporated necessarily. But I do know that it would behoove us to get together and work on this a little bit more in real time, as opposed to waiting for the meetings. So just wanted to make sure that that is understood by the commission. So I'm committed to doing that.

We did try, Chair Adams said. She and Commissioner Acasio have gone back and forth. I've got it up on a Google doc. So there have been some commenting going back and forth with us, but not hard and fast, word by word, beat it up. And even if the two of us were to do that, we'd still need to bring it back to the Commission as a whole and have you feel comfortable with it. One avenue is maybe along the lines the Vice Chair was suggesting that, this is opening the door. Here's an idea. Fluffing it out. It's not an EMC recommendation to write the rule this way and to use these things as the way to do it. It is to open the door to looking at, are there some requirements we should be putting in place to get more recyclable materials out of the stream going to our landfill? You can do that with just that simple statement, or you could do it with a more fulsome letter. Again, I think in some respects we could just delete that whole section with the bullets, or we could say if we've got a particular stance to take, we have voted before that we support the 2019 Integrated Solid Waste Management Plan. And it's got a lot of these things in it in discussion or options. Some are recommendations, so a lot of ways to approach it. But I'm okay if DCC Tavares recommendation basically says, do some homework, guys, before our next meeting and come with specific changes you want to see. I'm not going to work on this anymore before the next meeting to a great degree. And I'm also going to be on the East Coast in September, so I'll be dealing with this later at night at our next meeting. I could still chair it. I'm pretty sure I can manage the Zoom, but I need your help, guys.

Vice Chair Olson asked if members have engaged their council person yet on the issue. It's another door we're going to have to open. I have spoken with mine, albeit it wasn't at the top of her list. I've mentioned it and I put her on notice that we're going to have to sit down and have a conversation about this at some point. So I would suggest that all of the rest of you do the same thing because in the end, they are going to have to vote on it, up or down, and we're also going to have to get it by the administration.

Commissioner McIntosh said we're still in the middle of a vote, so we have to decide either to take the vote or rescind it or table it.

Chair Adams wanted to make sure that we had enough discussion. Are people ready to vote? Either we support this with some minor changes on the number of years left and take out the "perhaps" language and the last bullet, or table it till next time and say no. So I think we seem

to be running down in terms of specific comments on this, so I think you're rightly. Time to take a vote.

**Motion and second:** Commissioner Acasio made a motion, to which Commissioner Otsuka seconded, to postpone this discussion to September 27, 2023.

**Discussion:** Commissioner Acasio said our due diligence obligation as a commission is to seek more public input around this as well. And I understand it's publicly noted as Sunshine Law on the agenda, but I do know that most people aren't looking at that. So suggestions like talking with our council person is also potentially looking at more of a working group around this, including nonprofits, recyclers, farmers. There's engagement opportunities in our community to get deeper public input, and I think that would behoove us especially before we move toward Council because they're going to then receive that on a whole different level, the public comment. But if we can work through some of that in a working group prior to that, because I think the fundamental idea and the basis, Chair, is wonderful and we have to move towards that. Absolutely.

Vice Chair Olson said Commissioners will need to begin engaging your council person, because they are going to have to sign off on whatever it is that we end up presenting. It is both the administration and council people that are going to be responsible for this, so it's important to get them thinking about it.

Certainly, I would commend everybody to talk to their council member about the fact that we're knocking this around, Chair Adams. And that's fine to go to getting a lot more information from different public bodies. I would rather that occur as part of a public meeting rulemaking, if anything, led by DEM. We are under the Sunshine Law for collecting a lot of public information, so we need to be careful. We can do individual conversations with people, but we can't represent we're talking as EMC when we do that. I'm okay with postponing it yet another month and I hopefully I've given you enough meat to work on and you can come back and we can talk more specifics at next meeting.

**Vote:** Ayes 7; Acasio; Burns, McIntosh, Olson, Otsuka, Otsuka, Norris, Adams; Absent 1. Motion to postpone passes (Cardwell)

Chair Adams asked Kristine Kubat to provide her public testimony on this agenda item.

**Kristine Kubat:** When we look at this, the overarching goal is to divert materials from landfill. And we need to start moving forward with everything we do to keep this resource recovery model in our minds so that everything that we're talking about is within that framework. And this initiative is not in line with that framework. There's a lot of carryover from ways we used to think about things. We're moving to a post-carbon economy. There's a sea change happening at the global level with all these initiatives. And just to point out, one of the ways that this initiative is not in line with that new thinking is that if you talk to the leading environmental groups at this time, if you talk to the people that are engaged in the (International Negotiating

Committee) at the United Nations level on preventing plastic pollution, we're all looking at landfills as a place to stockpile materials. And so we wouldn't want to go out there and say, oh, okay, our goal is to reduce the volume of materials going to landfill. We should be looking at landfills as a place where we could shred and park tires until we know how to effectively turn them into materials that are not hazardous. The same thing with certain plastics. And so that right there in and of itself doesn't work. We need to really take the time. I'm in a position, Recycle Hawai'i, we're in a position to bring experts to the table. It's very exciting to see this Commission and the Roth administration very forward thinking, wanting to lead even on a global level on these initiatives. So I think it would be really good for us to start to partner and bring some of that expertise in to help with whatever initiative is brought forward. Because the truth of it is, if we really focus on reuse infrastructure, if we look at decarbonization, there's going to be a natural reduction in the amount of materials going to the landfill. We're not going to have to say, hey, you can't put that there. This stuff is not going to be generated to begin with. But there's this messy interim liminal period here we're like, what do we do with this stuff until, and in this case, landfills are being looked at by and large as a place to stockpile, to hold materials. We do not want to invest in recycling infrastructure for our island that's going to lock us into a trajectory where we're dependent on plastic recyclable materials coming over. And these federal programs, this is not magic money that just comes and goes. These are serious major investments in reuse infrastructure, in resource recovery infrastructure. So these are the kinds of things that I hope the Commission would keep in mind as you move forward with this. I commend you for all the energy that you put into it. And Recycle Hawai'i, we're here willing to bring expertise to the table to help bring all of this thinking in line with global trends. Thank you.

Thank you very much, Chair Adams said. Certainly you are one of the public stakeholders that we need to make sure get involved in discussions.

3. Request to Deputy Corporation Counsel to evaluate the feasibility and steps to move from a property tax-based support for solid waste management to a fee-for-service model.<sup>5</sup>

We made a request to Deputy Corporation Counsel to evaluate the feasibility and steps to move from a property tax-based support for solid waste management to a fee for service model, Chair Adams said. And we gave you an excerpt from the Integrated Solid Waste Management Plan 2019 that talked about some of the different ways other than the property tax to cover costs and the never ending saga of, how the heck can we better fund our solid waste management needs.

DCC Tavares said she had hoped the Commission would refer to section 3<sup>6</sup> of the 2019 Integrated Solid Waste Management Plan. But section 10, which was provided, does give a shortened version of that. Essentially, DCC Tavares was asked to evaluate the feasibility and steps to move from a property tax-based support for DEM to a fee for service model. She would

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<sup>5</sup> V.3: 2019 ISWMP, Section 10.5: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=125321>

<sup>6</sup> 2019 ISWMP, Section 3: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=125618>

first like to start off with reminding the Commission that per the County Charter, the EMC shall advise the department on waste reduction strategies, recycling, litter control, community involvement and other issues related to the functions of the Department. EMC does not have the authority to implement such a change. To move forward with this type of change, you would need Council to legislatively move to do so. Further, DEM does not have the authority to start charging a fee for disposal of solid waste at the transfer stations, nor does it have the infrastructure. Legislative action would be necessary to amend DEM rules to impose this type of fee. It is my opinion that this is a non-delegable legislative function. Currently DEM is financed through the General Fund via property taxes. This type of change that EMC asked me to evaluate would be considered a fee and not a tax. For a charge to be considered a fee, it must be charged to the beneficiary of that particular service, be reasonably proportionate to the benefit received, be allocated directly to defraying the cost of that service, meaning it is not a profit to DEM. And it must be optional, in that the party paying the fee can basically forego the service to avoid the charge. So questions that EMC can consider is, how would you apply this fee equally to the public? Again, I would ask that you refer to the ISWMP that was done in 2019. Specifically in section 3 of that, it talks about Kaua'i implementing a Pay As You Throw (PAYT) ordinance back in 2014. I would note that I checked again this morning and this fee, PAYT, essentially was done via County Council through Ordinance No. 975 that was passed in 2014. The ordinance went into effect in 2015. And again, this is something that is billed through real property tax, because that is the only way to equally apply it across the entire county. Another question that you'd have to ask is what kind of incentive would a renter have to pay for trash disposal? How would you get them to buy in? And what would be done to avoid illegal dumping due to a disagreement with paying a fee? Again, the fee has to be optional, and the party that would be required to pay the fee for the service essentially can choose to not participate in the service and avoid the charge. So in the ISWMP the pertinent part, as DCC Tavares mentioned, is section 3. The Commission opined at that time about establishing a PAYT system for residential discards. If you look at that report, and I encourage you to do so, the most important factor is considering the infrastructure cost, the notice and education that would be required to establish such a system, and the financial system that would need to be put into place to essentially create a PAYT program, something that a consultant who specializes in this type of data gathering can do. So the next steps, as I was asked, would be first, DEM needs to decide that this is what it wants to do. Secondly, DEM needs to do a comprehensive study on the actual applicability of such a program in this County. Our county is much larger and it's very different from Kaua'i, to say the least. Finally, County Council and only the Council can take up this issue legislatively to amend the County Code. The EMC can do research and advise DEM on whether or not it should move in this direction. But on its own, EMC does not have the power or authority to make this change. So, again, when I did my research and looked at the system that is in place of Kaua'i, they legislatively passed Ordinance No. 975. They went to curbside pickup. They charged through real property tax a monthly bill for the size of the bin that particular household request. They charge \$10 for a 64-gallon bin per month, and they charge \$18 for a 96-gallon bin. It has not necessarily reduced their trash being dumped into their landfill. I'm not sure if you're aware, but they're currently, due to new laws and regulations that have been passed, they have a very critical situation with the one landfill that they have very close to reaching capacity, and they've been unable to get a second location

approved through the Department of Health, through the EPA, through all of the legislation and the laws that have been passed with regards to the location, the type of land that can be used to create a sanitary landfill. They're experiencing extreme challenges. So that is what I have to present to you. Again, EMC can do further research on it. I would recommend that you check out the ISWMP, specifically Section 3. It talks about the type of programs that could be created, essentially putting system scales at the transfer stations. Again, a very huge upfront infrastructure cost. And really the biggest thing, and I think with everything that EMC is currently looking at, it's about education and educating the public about- you know, personally, I've learned a lot of things just being the Corporation Counsel for EMC that I never learned through educational opportunities about recycling. So it's something that perhaps the EMC can take into consideration and look into. But that's what I have to present for you guys. It's a legislative function that needs to be done. Kaua'i did do it back in 2014, but it didn't necessarily alleviate the issues that they have in that jurisdiction.

Was there anything in there about shipping it off island, Vice Chair Olson asked.

I did not specifically look into if Kauai did any research on that, DCC Tavares said. That is something that DEM has been considering. But right now, state law needs to be changed for that to be a permissible option. We cannot just transport our municipal solid waste over the ocean. If we could drive it to O'ahu, we'd be having a much different conversation, because H-Power does have an issue meeting its quota for its incinerator. But right now, it is not an option because we don't legally have a way to do it. State Legislature would need to change the laws.

We sit in international waters, Vice Chair Olson said. So my partial question would be, does it have a hook in it there somewhere that would necessitate more than just local action to accommodate that end?

I would have to look into that, DCC Tavares said. But essentially, the waters that are surrounding our State, the Department of Health and the EPA are responsible for enforcing the laws and the regulations that currently exist with regards to our State waters. But there isn't a legal mechanism currently that permits other counties to send their waste to O'ahu via a barge.

Are you aware of any action that Oahu may be considering, Vice Chair Olson asked.

I am not, but if you would request, I'm happy to reach out to my counterparts on Oahu, DCC Tavares said.

Could you look into that to see if they're making any moves? I would rather make it their garbage than ours, Vice Chair Olson said.

Understood. I will get back to you, DCC Tavares said.

Chair Adams said a while back, we had somebody from Kaua'i's recycle program talking about what they were doing and what was successful and not. I'd have to go back and look at when

that was, but maybe that's something worth looking at again. We could ask for an update, although maybe the Director already knows, since I think all the directors talk to each other. My understanding is that a big part of the problem with Kauai is they were planning on putting up a Materials Recovery Facility, and did not do that. So, yeah, they got curbside collection and yeah, they differentially charge for recycle and trash, but they don't have a way to do further sorting and recycling of their recyclables. So they didn't close the loop so we could look into that. I don't know if there's any information DEM has immediately or whether we can agenda, is that for next meeting?

Director Mansour thanked DCC Tavares for that great report. To answer the Vice Chair's question, as you all know, he said, I've been very interested since I started with the idea since I came from CCH with the idea of generating more energy and get some type of credit from other counties because it is very hard to site a landfill and we've seen it within the City and County itself. They were given a certain time to be able to find the location and they failed. They set aside more than \$200 million for land they cannot find. In my meeting with the director of CCH-DES, they just upgraded their H-Power to Tier IV or better. So it produces very clean air. Technology in Europe is very well known. And for these types of waste to energy conversions where your carbon emission is really controlled-to-none, almost. In addition to that, they do have the capacity. Hawai'i County, our charter allows us to transport waste, but CCH is the only County that prohibits the receipt of any waste from adjacent islands. Therefore, that's going to require legislative or ordinances changes by CCH. We talked to Young Brothers. They also mentioned that as well. They'll be willing to haul the waste if it's compacted, wrapped in plastic, watertight containers to give it the protection, liquid control and volume quantities. So there's good opportunity, but it's really, is CCH willing to take that on given the hard challenges they have in siting a landfill? Are they willing to take it through legislation and allow CCH to receive waste from other counties? And I think that's where it really falls. From our county we don't have anything that prevents us from transporting waste. It's just the receiving end, the one that needs to change the laws. And Kaua'i County, I know they have a challenge. They flew here to meet with me and my staff about wastewater and solid waste. They wanted to learn from our County, and they did give us kudos of how we are operating both of our systems, the wastewater and solid waste. My intent was to fly back and kind of look at their system and brainstorm solutions with them as well. So that's where we at with other counties, and hopefully that addressed your question.

Okay. I'll look and see if I can find that presentation that we had from Kaua'i a while back, Chair Adams said, and if it's still pertinent for us. One of the things that EMC could consider, and let me know if you want it on the agenda for next time is, do we want to recommend to our Council to go to O'ahu and let us ship our waste there? On the one hand, burning waste is not the top of the waste hierarchy, it's the bottom. And it's kind of a last resort if we can't figure out other ways to do it, hence trying to deal with, at least keep the recyclables out of our landfill. But it's an option, and we could talk about it again perhaps next time.

Even if we go to our council to say could we ship our waste, the big question, is CCH willing, Director Mansour said.

It would be a recommendation for Council to go and lobby for that change, Chair Adams said. Hawaii State Association of Counties is coming up in September, I would imagine. Hopefully I'm going to be attending that. I'm going to hopefully bring it up in the discussions as well because CCH themselves got a challenge. They're looking at probably spending about \$1 billion by the time they operate the new landfill, get it ready and going. So they just spent about \$380 million to upgrade the H-Power. That's a lot of money just to make sure that their scrubbers are up to date on carbon emissions and other pollutants. They may not have the capacity for all the islands and they need to run calculations to make sure that they could provide. As you all know, his vision early on was to turn it to a State-owned facility and let the state Department of Health regulate that facility based on other counties' revenue versus a credit so they could upgrade that facility to take from all other counties. And I think that probably could be a win-win for every county within the State and it'll be a win for the state as they could generate energy and give credits to other counties and yet generate revenue as well.

Well, from my side, I say go for it, Chair Adams said. Do it, do it. Whether you need EMC to formally support that, let us know and we can put that on agenda for next time. The other comment is PAYT is something that I believe is going to be covered in your solid waste operations analysis, is that correct?

Both of them would, Director Mansour said. We're going to look at every option. Even taking it to O'ahu, that's an option as well. So most of the things that you talked about based on the letters that you are thinking about turning into our County Council. All that is going to be addressed in that operational study as I mentioned in the last EMC meeting. Our consultant has already started the process of interviewing our staff, understanding our current operation, and we are moving forward with that. My question is, can this go to the constituents? Could it go out as a ballot to the constituent to vote on what they like to have rather than do it by ordinances? Because eventually, if the voters speak, it become the new Charter, right? And there's a lot of people that would love to do recycling and diversions. So if we put it out to the public and let them vote on it, at least we get a clear direction. And if it becomes the new Charter, let it be the new Charter. But the people have spoken.

We can talk about it. I can't give you an answer off the top of my head because I'm not quite grasping what you want to put out to a vote, DCC Tavares said. And because the voters will need to have massive education. Because that is what I can see. When things are put out there, things are created, and there really isn't a full understanding of the cost of implementation of things. And so we can have a chat later, she told the Director.

I know we talked about it earlier because I know it's part of the taxes now, but if we want to take it out of the property tax and make it a fee, then maybe the people would like to handle it that way, Director Mansour said. Because that way they could control what type of service they wanted to have rather than being dictated what service we could provide. But yeah, food for thought. That's how most of other municipalities are doing it. It's a fee for a service. If they want more service, they have to pay more fees.

And if they want less service, DCC Tavares asked.

That's where you send it out to vote, Director Mansour said. If the majority speaks, then the program applies to all. And that's why the people will have the final say. And if that passes, then it's a clear direction where the County wants to go. If the people don't want it, then the majority will speak as well. And the minority that wants recycling and diversion may not get what they want, and vice versa. But most of these types of municipalities around the country, they have what we'd refer to as land use fee, refuse fees, that are set up not part of the property tax, but rather than, like the wastewater, it's rate fees that could be adjusted.

We can talk about it outside of this meeting, DCC Tavares said.

I think I may be coming back, perhaps the next meeting with a proposal of, what could we go to Council to ask for, Chair Adams said. And even if we wanted to ask them for a Charter amendment, we need to have the Council more or less on board for doing that.

That would be premature for now, Director Mansour said. Let the study takes its course. I don't want to put the cart in front of the horse and find out after the study that your cart was not fit to take the passengers. So we got a qualified consultant that is working on such analysis and study. Let's see what they come up with. And I anticipate it's going to lead to policies and procedures if our Council is willing to take it on.

4. Request to Deputy Corporation Counsel to follow up on response from Department of Health Office of Solid Waste Management to EMC letter<sup>7</sup> dated May 19, 2023, on point of purchase advance disposal fees beyond HI-5.

Chair Adams said this was a request to Deputy Corporation Counsel to follow up on the response from the Department of Health Office of Solid Waste Management to that letter that we ginned up from EMC asking, have you looked into point of purchase advanced disposal fee? Beyond just the HI-5. And we got a response, sort of.

DCC Tavares said that in May, DEM sent a letter to the State Department of Health Office of Solid Waste Management, basically with the request that was sent from EMC. They informed us rather quickly after they received the letter that they are currently updating the statewide Integrated Solid Waste Management Plan and they are focusing on eight solid waste issues identified by the state and how to address those issues, which include lithium-ion batteries, construction waste, carpet packaging, and other materials. The consultant that is currently doing this study for them is also presenting potential solutions for each waste issue for a discussion, like extended producer responsibility, advanced disposal fees, and what types of legislation needs to be passed statewide to effectuate these types of programs. So the study is currently being done. They're in the process of updating their solid waste management plan. And the request that you folks had is something that they actually have included in that study.

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<sup>7</sup> V.4: Letter to DOH-OSWM: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=123453>

So I am watching to see when that plan comes out. And I will provide that information to the Commission so you can look it over.

## **VI. REPORTS/CORRESPONDENCE**

### Director's Informational Report

#### 1. Legislative update

Director Mansour said if Commissioners have any potential legislation that you would like us to submit to our Administration or submit to our elected officials either in the State or the County, let us know, start thinking. I attended a meeting yesterday about Puakō wastewater and some of the question came about possible legislation is try to allow pass-through funding to nonprofit organizations. That probably could benefit the community in this cesspool conversion that's going to come and hit us all pretty soon. Because it's going to be a huge project for the State and the counties. We don't have the capacity, nor does the Department of Health have the capacity. But if a new legislation goes into effect where it could allow some of the grants and state funding and federal funding to these nonprofits, they could take some of these tasks away from us, but they probably do a more efficient delivery to these communities. So it was discussed and it seemed like it has some merit to it. And like I said, any ideas beyond this idea that also could assist us with a more efficient way of doing our business, and to meet the climate change requirement and the carbon emission reduction requirement as well? That's from the solid waste side. From the wastewater, there are the Clean Water Act and the Safe Drinking Water Act. So anything that you foresee that needs to become a law or need to go through legislation, jot it down and let's talk about it and let's see how we could funnel it through. And it gets passed or gets denied, but at least let us try.

#### 2. Solid Waste Division Projects and Updates

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

Recycling Coordinator Kawaguchi said recently we were contacted by the State Department of Agriculture. We're going to assist them with finding a site in Hilo and Kona for their commercial pesticide disposal collection events. So it's been 15 years since they had their last collection event. The event will be free to the commercial entities and they'll be able to dispose up to 250 pounds of canceled, suspended, unwanted, and unlabeled pesticides. So it's exciting to hear about that. So it's just for commercial, and that's because we offer the household hazardous waste collections for residents, which we just had one on August 12th in Kona, and there were approximately 350 customers, and the Hilo event was on August 5th, where they had 600 customers and approximately 2,500 gallons of used motor oil was collected.

And then the other thing getting back to the state ISWMP is that Mr. Kawaguchi talked to his friend with whom he went to college and actually worked at the campus recycling center there, and he's with the CCH. So we started talking about solar panels or photovoltaic, what to do with it, try to stay ahead of the game before it comes to us and we just react to it.

In addition to that, Director Mansour said, we've been getting requests about the vaping, e-cigarettes, because they have these little batteries in it as well. These types of devices could be collected during the hazardous household waste events as well. We are also currently working

with Council Member Villegas and Galimba on that single use plastic ban. I know it's very important to all of you as well. So we're working on that. CCH passed it. It was Bill 40 if I recall, when I was there. We navigated that through the Chamber of Commerce and it was ordained and it was implemented just the year before I left to come here. So hopefully my Department, working with Council Members, would navigate through the same type of ordinances and bills and see what's good for our County as well.

## 2. SW operations analysis update<sup>8</sup>

Director Mansour said the consultant had started the interview process with our staff, put their hand around the operations, currently the way it's going, and our facilities as well.

## 3. Wastewater Division Projects and Updates

### 1. Pāhala and Nā'ālehu AOC

We have a meeting set up for both communities on August 24 to go over the Preliminary Engineering Report that was submitted by Brown and Caldwell through us to EPA, Director Mansour said. EPA has approved the information as was submitted, but did not approve the recommendation as we have not yet submitted it to the community. And the intent always was to meet with the communities, present the options, and get the community's involvement on such options. And that is going to take place August 24.

### 2. West Hawai'i wastewater projects

The Kealakehe project is at the 60 percent design for the headworks and the odor control and the septage receiver, in addition to the R-1 based on the sand filter. But we're going to modify that to allow an MBR filtering system after the sand filter, so we could maximize the quality of that effluent before discharge.

### 3. Hilo WWTP upgrades

We are at the 50 percent design for Phase II, Director Mansour said. We're still on schedule. The project is probably going to go up on the street sometime in April. Notice to proceed is projected in June. We're going to do some modification to control the cost and the budget. So we are reworking the bid items to figure out which one is going to be alternate bid versus items that are must-do so. That's on track as well.

## 1. Wastewater plans

### 1. Pāhoa and Puna plans and upcoming Council presentation

Ms. Hartman said the County just reopened the project website. Our plan is to go public with the facility plan. We're going to be meeting with the County Council to get input on the facility plan. That will be September 5. We're also rolling in the Pāhoa feasibility study with Puna in that presentation since they're so related. So you might want to mark that on your calendars. And then we pushed out the date to file the final PEIS to September 23. To accommodate this presentation and schedule change. for the public as well as the Council. That'll be September 5.

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<sup>8</sup> VI.2.2: Solid Waste study: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=125316>

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

Everything is on schedule, Ms. Hartman said. They completed the Project Definition Report in July of this year. The next milestones that are on deck, we'll be looking to get the draft wastewater master plan in November and then we will see the final, we're looking at June 2024.

Just to give you updates on my community meeting pertaining to Puakō yesterday, Director Mansour said, the big question that came out of the meeting, it really came down to ownership between private and public. Mauna Lani showed interest to take the flow from that community. The challenge is who's going to construct the sewer collection and who's going to have the ownership? Can a county own a collection but hook it up to a private treatment? And I think they're going to end up hiring an attorney to request interpretation of this current administration on where they stand with the *Konno* decision. Can a publicly owned sewer collection be tied up to publicly owned wastewater treatment plan and how could that work logistically from a legal point of view of how it's going to have any impact on decision? Because they're ready to move forward with that if that clear legal interpretation is being dusted off and everybody understand the roles and responsibility, if the county is to move forward with a community sewer district only in charge of the collection, where it's going to be tied up to a privately owned treatment system. We have currently government facilities tied up to a private treatment plant, but I don't know to what extent- they need to move forward with it. We couldn't give them the answer. We told them, hire your own attorney and maybe our attorneys could work with your attorneys in finding a better interpretation. It may be reasonable to you and me, but from a legal interpretation, there's some roadblocks. But I think they may end up doing that because opens the doors for them for that service.

Well, it also probably be good for you guys to have some pretreatment rules in the books too, Chair Adams said.

It's a win-win, definitely, Director Mansour said. There's no reason to continue pollution without finding solutions. And if the solution is within our reach to prevent pollution, let's tackle that solution.

A somewhat sidebar related question may be, Chair Adams said, we've got this new emergency housing process in place that Governor Josh Green signed that's going to expand the size of new development that doesn't have to go through all the normal review processes, which I assume includes environmental review processes to speed things up and save money. Are you looking at the possible repercussions to your operations from expanded development?

DCC Tavares said her office and specifically the Housing division is working on that and this is for one specific project in our jurisdiction that this applies to. So, yes, we are very well aware of it, and we're going to ensure that they're following the necessary steps. It has a lot to do with

planning, but it's just going to impact one housing development in Kona, that's all. It's very specific. It's not as though anyone anywhere can do anything.

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

##### 1. What is the process to install a scale at the Wai'ōhinu Recycling and Transfer Station? (McIntosh)

It goes back to the operational study we're doing, Director Mansour said. There is the possibility, the way we're going to look at Wai'ōhinu, it could be a regional facility for the Ka'ū district. We haven't got there yet. My vision for Wai'ōhinu is that could be the next Reload Facility for that Ka'ū district that could capture Volcano, Pāhala Nā'ālehu, Wai'ōhinu. And we need to look at the boundary because currently we only have one Reload Facility on the whole island, which is in Hilo. So we need to see how we could distribute the waste, but that's going to be part of that operational study. There's the possibility, we talked about it as we were constructing that site when I came in with the idea of we could put a cover structure, we could put a scale, we could even allow, I heard you all talking about allowing commercial waste into transfer stations and how is that going to be managed and what have you. The reason we cannot allow commercial because of the space that we have within the Reload Facility at Hilo and allowing commercial, that means we have to double our equipment to transport the waste back and forth, and we don't have that as well. So all that is being discussed with the consultant and we need to navigate through it. So the short answer to your question, it has been considered, it's under consideration and since Wai'ōhinu, now it's becoming the most recent beautiful transfer station in that region. That also may include Ocean View as well, because Ocean View may be limited, but now within a 10 minute, 15 minute drive, they'll have better accessibility to more recyclable containers and what have you, because it's really well designed. But yeah, the project has not completed the process is, if that become the intent, we need to put it under the Capital Improvement Project list and needs to go through the budgeting process, identification process of where it's going to fall within priorities, and start planning for it. But that's what the process is all about. So, yes, it won't be overnight, but it definitely could be something pointed out as the future vision of that facility.

##### 2. Has DEM received any update to R&D's Request for Information No. 4444 related to sustainable infrastructure? (Otsuka)

Director Mansour could check with his staff, see where they are at on that, and at the next meeting could give an update on it at the next meeting. But he did not know.

##### 3. What was the cost to the County in FY 22-23 under the contract with Hawaiian Earth Recycling, and what quantity of greenwaste was diverted from the landfill and processed into mulch? (Otsuka)

Mr. Kawaguchi said last year it was approximately \$4.4 million. So about \$1 million in Hilo for the east side and \$3.4 million for Pu'uanahulu. And total tonnages was 36,614: 9,624 tons on the east side and 26,989 tons on the west side.

##### 4. What are the vacant positions in DEM and what efforts are being taken to fill them? (Otsuka)

Business Manager Robin Bauman said we do have numerous vacancies. We've got about 37 right now. Like other departments, filling positions is challenging, finding applicants that meet the qualifications and are available. So we're doing a number of things. We've got several positions that are hard to fill, like civil engineers, wastewater treatment plant operators. So on some of those, we're recruiting at multiple levels. So we have a vacant civil engineer IV position. We will also recruit at civil engineer III, II, and I in hope that we find somebody that can grow. We can't fill it at the four IV, we might find somebody at level II or III that can eventually grow and be promoted into that level IV position. So that's just widening the pool of possible applicants. Same thing with our wastewater treatment plant operators. We have everything from an assistant wastewater treatment plant operator up to operator IV level. So it's very difficult to find somebody with a grade IV license. So we're also recruiting at multiple levels there. In addition, we're also advertising in the paper or in trade publications, trying to get the word out. The Director and Deputy have both personally been going to different job fairs, handing out flyers, talking to people, trying to get some interest that way as well. One of the big things that's going to be helping us out now is we were finally able to fill our human resource program specialist position. For quite some time we were down to one person in our HR section. So we are now fully staffed in our HR section with a human resource program specialist, HR technician I, and a clerk III to help them out. So with that, we'll be able to move through more recruitments more quickly.

Commissioner Otsuka said she understands the challenges with staffing. But when she looked at some of the applications a few months ago, there were 24 of them were existing positions and 20 were new. So I was wondering too, how many of those are filled, she said? But I also noticed when I looked at the different jobs, there was a considerable gap between the shortage and the recent job postings. I looked at only two in specific, where what I perceived the responsibility of one, or maybe the issue is the pay doesn't compensate, but there was a supervisor position or superintendent position, SR 24, without any- didn't need any degree versus a recycling specialist, level 18, that required a bachelor's degree. And so a lot of the responsibilities are pretty identical. So I was just wondering too, because of the staffing problems we're having, how is the process done, who determines the specific job descriptions and the pay? Because one of them, the posting was only seven days, which is the one that required a degree, and the other one was from 2022. And it's an open position that required no education, similar qualifications, higher pay, and no degree. So I was just wondering, too. So, I don't know, I just wanted to know how the process goes, and I want to be able to understand how we can correct it. Because I've talked to different high schools. I've called the university. They do have career pathways for high school kids, and they also have an apprenticeship program at the HCC. But my concern too is internships are important. It helps our kids. If we have kids that's in high school that want to work where their parents work or want to understand and stay in the islands because they're just family rooted, it's hard for them if they can't have any opportunities to maybe get into the program. I know you folks have been working with (unintelligible), and that's good. But I don't know, I just wanted to have more of a transparency with the hiring process, what is actually done, how it's determined, because all of it will end up with morale issues if we don't hire properly.

Chair Adams asked if Commissioner Otsuka could be connected with the new HR hire.

Director Mansour said in response to Commissioner Otsuka’s question that we follow the Department of Human Resources and the union requirements when it comes to these announcements and job descriptions. We could go and revise the job description. Our department could recommend the changes. We have to run it through consultation with the union and then the Department of Human Resources, but it is doable. And we've done it for maybe two or three job descriptions since he started. But there is a process to go about doing that.

Chair Adams interrupted to say that the Secretary’s computer needed to restart, so she would hope the discussions could continue offline.

## VII. FUTURE AGENDA ITEMS

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

(No discussion)

## VIII. ANNOUNCEMENTS

The next meeting is scheduled for Wednesday, September 27, at Room B-2, Building B, West Hawai‘i Civic Center (74-5044 Ane Keohokālole Highway, Kailua-Kona), and Zoom.<sup>9</sup> Please contact the Secretary for the Department of Environmental Management or review the agenda posted on the County Calendar within six days of the next meeting for confirmation.<sup>10</sup>

## IX. ADJOURNMENT

**Motion, second, and vote:** Vice Chair Olson made a motion to adjourn, to which Commissioner McIntosh seconded, and the motion was adopted. Ayes: 7 (Acasio, Burns, McIntosh, Olson, Otsuka, Norris, Adams); Nays 0; Absent 1 (Cardwell). Meeting adjourned at 11:40 a.m.

Respectfully submitted,

Peter Sur, Secretary

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<sup>9</sup> VIII: 2023 EMC meeting schedule: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=120846>

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