

ENVIRONMENTAL MANAGEMENT COMMISSION

COUNTY OF HAWAII

MEETING MINUTES

Wednesday, November 29, 2023

10:04 a.m. to 12:12 p.m.

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

Commissioners present:

Georjean Adams, Chair
Jon Olson, Vice Chair
Laura Acasio
Dot Norris
Dell Otsuka
Gonzalo Garcia
Lee McIntosh

County staff present:

Ramzi Mansour, Director
Christopher Laude, Acting Wastewater Division Chief
Craig Kawaguchi, Recycling Coordinator
Shelise Lamb, Projects Coordinator
Kelly Hartman, Environmental Planner
Peter Sur, Secretary
Sherilyn Tavares, Deputy Corporation Counsel

Others present:

Sue Aronson, Michael Brestovansky, others

I. CALL TO ORDER

Chair Adams introduced Commission members and called the meeting to order at 10:04 a.m.

II. APPROVAL OF MINUTES FOR OCTOBER 24, 2023

Motion, second, and vote: Vice Chair Olson made a motion, to which Commissioner Acasio seconded, to approve the minutes as presented. Ayes 7 (Acasio, Adams, Garcia, McIntosh, Norris, Olson, Otsuka); Absent 2 (Burns, Cardwell). Motion adopted.

III. STATEMENT FROM THE CHAIR

Chair Adams acknowledged two of our members who are leaving us this year, officially. One is John Burns from the University of Hawai'i at Hilo, who will be leaving and he's been a good guy and found a substitute and that is Jim Beets, who's also a marine scientist with the University of Hawai'i at Hilo. We'll see how he fares through the Council review next month, assuming all

goes smoothly. That'll be great to have a representative from District 1. Our other historian makes me cry. I'm sorry I'm not there, but you don't want me hugging you anyway with my cold. Jon Olson is rolling off this year officially, although I haven't heard, Jon, if you have a replacement, so you might be able to stick with us at least through March if you wish. Jon has been a fabulous font of history on why there is an EMC and what we're doing and has been a very strong representative for his District 4 in Puna. And I really can't say enough how much we appreciate the knowledge you bring and I sincerely hope that we will see you at future meetings providing public comment. And so thank you Jon.

Watch what you wish for, the Vice Chair said.

No, Chair Adams said, what we need to do is hear from people so that we understand what's going on and what the concerns are and what we can do about it. So again, I just really want to thank you, Jon, for all your amazing knowledge and passion.

Well, I have to admit that this is in part my fault, Vice Chair Olson said. I was one of the people of the dozen or so people who were sitting around the table who decided that we needed to have this body. And this was created through referendum. This is not a creation of the body politic.

So we were having - I can't even describe what was going on in Puna at the time. We were being used as the county's trash bin, and knowingly. So this was our response to that, Vice Chair Olson said.

Well, I know that we still have a lot to do in the continuing areas of responsibility, Chair Adams said. It's been an interesting year. We basically added four new people to the Commission. There is a bit of a steep learning curve and having been on the Commission, I guess now four years, next year is my last year, it's a continuing learning curve on just what's happening, what the issues are, what's changed. So I sincerely thank all the newcomers and hope you can maintain your enthusiasm and accomplish even more. Next year, we'll be picking up another member at least. Jon, have you talked to anybody into applying for your-

On the Sierra Club level, we're discussing, we have people that have some interest, Vice Chair Olson said.

It certainly would be fabulous, Chair Adams said. I've never experienced a full nine-member EMC, so that would be a delight to have that happen. So I do want to acknowledge also for DEM, I think they've given us good participation. They listen, they have responded and they have dealt with unending challenges with a tremendous amount of progress, especially in the wastewater arena. I think moving and responding to the concerns that we've had on water resource management from a wastewater standpoint, and have been thrilled with the addition of Kelly Hartman to the group. Chris Laude, I'm still trying to do some interaction with him, but I think he's very knowledgeable staff, and Ramzi Mansour has been amazing at how he's juggled all the balls and I very much appreciate him. So overall, other than lingering COVID issues and

trying to hire people and losing people, I think 2023 has been pretty good. But 2024 will be better, right guys?

IV. PUBLIC STATEMENTS ON ITEMS ON THE AGENDA

(No statements)

V. UNFINISHED BUSINESS

1. Pretreatment code and rules update

Chair Adams said she received drafts from Chris Laude, but she only recently got a chance to go through them all and send him comments, but there's a lot of work involved and a lot of cross referencing that needs to be done. She is impressed with what he's done and we'll continue moving that along as well as we can. Chair Adams asked Acting Chief Laude to give an update.

We are packaging up everything into a pretreatment program development package that we're going to submit to DOH shortly here, Acting Chief Laude said, and then they're supposed to review and comment. They weren't very responsive when I was at City and County of Honolulu, so I don't expect any feedback from them. So as soon as we get that submitted, then we'll start the formal process of getting the revised ordinance for the Council to vote on. So we're going to be working a lot on that in the coming weeks.

Are there some issues that you would like to hear EMC comment on before you get to that wrap, Chair Adams asked. I was making comments online for you up until last night, so I'm sure you haven't a chance to-

Yeah, I haven't gotten to see your comments yet, but there are some changes we made on who is considered accessible and who we can invoice for sewer, how we're going to handle the sewer system expansions, Acting Chief Laude said. There's a lot of stuff in there. There are a lot of changes.

Just to remind you if you don't recall, Chair Adams said, the pretreatment standards, we haven't had any per se, and so we were remiss in complying with EPA requirements. They're basically directed toward industrial, bigger commercial operations that may be putting stuff down the sewer that could knock out our wastewater treatment plant, kill the bugs that are in there, clog up the pipes, or whatever. And so there are requirements, depending on the kinds of operations you have, that require you to pretreat, to take out some of the contamination that may be present in your wastewater. It isn't really directed toward residential. Those are pretty standard - that's what a POTW is mostly for. Publicly Owned Treatment Works. So we don't have a lot of industry on this island. I was curious, Chris, what kind of industries do you think we have to deal with?

Well, okay, yeah, you touched on a lot of things there, Acting Chief Laude said. So the pretreatment program does indeed focus on everybody except residential. So it's intended to give us an idea of who is discharging to us, what they're discharging and how much, and then forces us to look at how does this discharge impact the plant. So a huge first step is just figuring

out who are the industrial users who are discharging to us. We've completed that. We've identified about two dozen that are significant, which means that it's likely that their discharge could impact plant operations. The hospital is one. We have a couple of fish packing plants and Meadow Gold (dairy), my favorite, but no real industrial or chemical users. So very different from what we dealt with on O'ahu. A big push is going to be for food service establishments or restaurants. They discharge a lot of fats, oils, and greases. So we'll start this coming year with permitting restaurants. There'll be a nominal fee for that. And then we will work with them to try to improve their best management practices so they reduce the amount of fats, oils, and greases that make it to our collection system. And those things are problematic. They cause us to expend a lot of effort and time addressing them.

You mentioned accessibility, and I don't know that we necessarily need to talk about it right now, Chair Adams said. But just a heads up, everybody. The Director had talked before about the idea that there's a fairly limited 300 feet buffer - I can't keep all the details in my head. If you're close enough to one of the county sewers, you need to hook up. And right now it's pretty close. And you're looking to extend how far away is acceptable?

Yes, that's right, Acting Chief Laude said. I believe the current definition is that if there's a lateral to your property, that means you're accessible. We want to change that to say, hey, if there's a sewer line on an adjoining parcel like the street, then you need to connect. We're also looking at, what are the service areas for each plant, what can each plant reasonably be expected to connect up to? And this ties in with the cesspool conversion efforts that are going to be coming in the next few years. But now we have an idea of what can each plant handle. So where can we extend the sewer system? So I think in the new revisions, I tried to walk us away from a physical distance and focus it on, hey, what is the service area for each plant? And if you're in that service area, you're going to have to connect at some point.

Okay, Chair Adams said. The other issue that you mentioned there very briefly is you're talking about basically a new fee for splitting out the users, which is basically how it's being dealt with right now. There are assumptions made on residential users of the county sewers, but also a volume measure for charging people for commercial operations. But you're talking about adding in, call it a service fee, for that accessibility to just help with the core maintenance and operation of the sewer system itself, is that correct?

Correct, yeah, Acting Chief Laude said. The industrial users that we will permit, they will have a permit application fee, and then they'll be required to monitor their discharge, periodically test it, and also quantify how much they're discharging to us. The County already has a high strength and high volume wastewater program. We've not really implemented that. So I tried in this ordinance revision to make that clearer and more actionable so that when we have a discharger who wants to discharge a large quantity of wastewater and or its high strength, then we have a way of influencing their behavior by charging. It's causing us extra effort at the plant and in the collection system. So we need to recoup that loss, but we also need to try to affect their behavior and get them to choose wisely. So if it's expensive to discharge to the wastewater system, then maybe they'll look at alternative ways to reuse that waste.

I got a couple of questions here, Vice Chair Olson said. Am I right in what you said was the systems need to be contiguous. In other words, you can't skip over a property to get to something.

Well, so right now we have a lot of parcels that have been skipped, Acting Chief Laude said. So we need to infill the current collection system to connect properties that should be connected, but just never were. That area over by Prince Kūhiō Plaza in Hilo, it's all commercial and hardly any of them are connected. So that's like a prime area to be connected. When you develop a parcel, it's not my goal to say, hey, you can't develop that parcel. My goal is, hey, this ordinance says if you want to have high density development, then you need to connect.

Commissioner Norris said that in San Francisco, a lot of the restaurants were mandated to have grease traps, and there was a recycling program for that. Are we looking into doing something like that?

We are, Acting Chief Laude said. We're going to have to ease into it because even though many restaurants have some sort of grease interceptor or grease trap, there is no coherent system or method to clean those. So, yes, this coming year, we'll implement a FOG program, a fats, oil, and grease program that will include licensing restaurants or permitting them so we understand who's generating this waste. We're also going to permit the haulers so we know who's picking up the waste and how often. And then we'll also permit the disposal facilities so that we can close that loop and understand the entire process, right. Generation, cleaning, transport, and disposal.

Is there any federal money floating around to help, Vice Chair Olson asked.

That's a good question; I have not had a chance to explore, Acting Chief Laude said.

If I put on the Sierra Club hat again, we have people who could assist, I think, the Vice Chair said. I'll check up the chain to see if there's something there, because we can ask for things that maybe you can't.

I'll work through Chair Adams and send her some ideas of what we're looking to implement an where we could use some help with money, Acting Chief Laude said.

That would be great, Chair Adams said. One of the things I think, since we haven't been doing anything, will be a major education program that people will say - *You want us to do what? And how do we do it?* And I think that's going to be a major effort, communicating with people who are subject to these new rules and trying to figure out how you organize them and lay them out. That was maybe more of my focus in comments to you than you appreciated, but just making them intelligible enough that somebody who never thought about it before could look at it and go, *What do I have to do? Am I in? Am I out?* So, again, that whole area of public

information, how you communicate with the people who are subject to the requirements as well as the community that may or may not be affected.

Director Mansour said there are two things going on, but it's going to be within the same code, which is one, the pretreatment requirement countywide and how we're going to tackle it and how we're going to be able to enforce it and inspect it as well certain facilities that could be under such pretreatment.

The second issue, Director Mansour said, which is the code modification, is the one that we've been working on and everybody's been asking where we add on the status of that code changes that could pretty much set the requirement of how our Department or the Wastewater Division could proceed forward with subdivisions, connections, cleanout inspections, and the proper way of installing laterals versus mains versus the number of services, connected services and how to calculate the service fees. Should it be based on a fixed rate and adjusted based on water usage and what have you. I know we talked about all of this this year, and I know Chair, we were supposed to share with you the code so you could take the lead on changing that aspect of things. So I don't know where Chris, if he had shared it with you, but-

Yeah, I got copies of the code and I put in a fair amount of comments, Chair Adams said, one of which was dealing with the (Kai Ala Partners) appeal that we had to focus on years ago and the issues that needed to be cleaned up. And again, how do you communicate that? How do you be fair to people in actually charging for the services that they have as well as countywide, the fact that we need to have functional public sewers and how do we support that happening? So when it comes out for public review, again, I think there are going to be a lot of confused people and there'll be a lot of communication necessary to just explain what we're trying to do and not do. The other area that I think it needs some consideration and maybe we'll talk about that in the next one for General Plan purposes, is that balance between public, private and does the county want to own it all? Every sewer pipe everywhere? I don't know that you can manage that. What would that mean if the County took it over or how can we encourage private treatment works and the appropriate type of wastewater treatment wherever the discharger may be or whoever they are?

Well, those are interesting concepts and here, for better or worse, DOH runs everything that the county does not connect to, Acting Chief Laude said. So it's a little complicated, but we're open to whatever works, whatever makes the big picture materialize. And again, I want to reiterate my view for this program is not to penalize people, it's not to collect fines, it's not to bring enforcement, it's to gain compliance. And the first step in that is clearly stating what the requirements are and gaining understanding or helping everyone understand what the requirements are. So yeah, there's going to be a huge public education component in this well.

Vice Chair Olson said that with the sewer system now looking like it's actually going to happen for beautiful downtown Pāhoa, the businesses there, they tend to be very environment-friendly, but they're going to need economic help. I have no doubt they're all small businesses. We have skin in the game on this one.

And I was fortunate to be able to take my staff to a pretreatment conference in Arizona, Acting Chief Laude said. And one of the topics of conversation was that so one of the presenters had a very different view of the world than I do. And he was going on about how the kitchen staff have no idea where the grease trap is. And that stuck in my mind because, in my younger days, I worked in a lot of restaurants and I had no idea where the grease trap was. And they're talking about, well, how do you clean the exhaust fan filters? I'm like, oh, that's easy. You just pull them out and you put them in the dishwasher and the hot water dissolves all that grease and it goes away. But yeah, these are things that we're going to need to work with the local communities, not only for the businesses that are currently sewered, but now Downtown Pāhoa. We're going to have to have a pretty good outreach and education program on this is what happens when you do certain things. So here's how we're going to manage it.

Commissioner Norris asked if the Chair is going to review the plan and then show us in a later meeting her comments or are we just sort of going to wait for the public unveiling.

Acting Chief Laude said he was a little unclear on that, but is open. I think the way it should work is we work closely with you to develop the package that goes to Council, that goes out for public comment.

The next step, as I understand it, is you're going to present a package to DOH, Chair Adams said. And then they're going to comment back-

Maybe, maybe. I wouldn't count on it, Acting Chief Laude said.

Ideally, that would be the loop, Chair Adams said. Get some comment back from DOH and then show us what you think you can move forward with at that point and then we can comment on what's going to make sense, what we think should be recommended to Council, once that semi-finished draft package is ready to roll. So it's important to get DOH input, even if they choose not to, just so we don't do a lot of work on something that they put the kibosh on.

Acting Chief Laude said it's a multi-pronged approach. The main thing is the pretreatment. I doubt we're going to get any comment on that because I've just taken the model pretreatment ordinance, massaged it a little bit to make it fit into our County Code. And then I'm moving a bunch of the jargon out of the code and into the administrative rules so that the County Code is shorter and all that stuff doesn't really need to be in there. So I don't think DOH will make any comments on that. And then the other changes I think are between us.

If you're comfortable with that, Chair Adams said, any time you can present us with, here's the draft, here are the hot buttons that we see and then we can respond. But giving it to the EMC is giving it to the public. And so just be aware of that. It'll be a published draft then as we all get to review it. And at the point you're ready to do that, I definitely would encourage that we be in that loop to help refine and prepare for Council response and approval.

I'll touch base with you, Acting Chief Laude said, and we'll strategize and come up with the way because there are a lot of other changes that we're trying to make in the code. The pretreatment stuff is non-negotiable, but the rest of the things, we need to be on the same page on.

Chair Adams said some of that is going to be carryover from the conversations we had when we had a contested case hearing about an appeal on who was in and who was out on residential sewer discharge.

We have concerns on “units” and that's really complicated, Acting Chief Laude said. And I don't have a fully developed idea on how to make that transparent because in this day and age of AirBnB rentals, people rent all kind of things as units. I don't know, that is one area where we need a little more work.

Okay, maybe I'll quit describing it as a “pretreatment code” and talk about it as “(wastewater) code” agenda item, Chair Adams said.

Vice Chair Olson said you kind of opened this door, but the small lot subdivisions, which at this point are just out there in the wild, wild west, you've got a hole in the ground because that's what was allowed back when these subdivisions were created. I don't know whether you've ever wandered across a book called Land and Power in Hawai'i. It'll make some interesting reading for you. And that's what brings me to all of these small lot subdivisions that we have out in Puna.

One thing I tried to do was not replace DOH, but just point out that DOH has requirements and that we as a county are allowed to restate those in our code, Acting Chief Laude said. So I restated them and made it a little clearer that the requirement isn't a 10,000 square foot lot for an individual wastewater system, it's 10,000 square feet just for the IWS, so the lot has to be bigger. So I tried to include the Hawaii Administrative Rules, 11-62 language on individual wastewater systems and just cleaned it up a little bit so that it makes sense and it's coherent to try to avoid these where someone does a 49 acre, 10,000 square foot lots. There's a ton of those all over the island.

Chair Adams said she would talk offline with the Acting Chief.

2. Recommendations, if any, to the September 2023 draft of the General Plan¹ (Commissioners may propose specific comments for GP section 3.5, Wastewater Treatment and Reuse², and section 4.3, Solid Waste Management³). *Postponed October 24, 2023.*

The draft General Plan includes sections on wastewater as well as solid waste. Those are the two sections that DEM has asked for us to comment on, Chair Adams said. I have sent individual

¹ V.2: Draft General Plan: <https://cohplanning.konveio.com/gp-draft>

² V.2: Draft GP – Wastewater: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=126126>

³ V.2: Draft GP – Solid Waste: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=126125>

comments to the Director and crew, but are there others who are prepared to raise some issues you'd like to see addressed in the General Plan? I should first comment, they've extended the deadline for comments, so we've got until March, so it's not quite the panic to lock in the comments. You can go in individually and comment directly to the Planning Department online. I have sent some and lot of it was just questions to DEM, but if there are some issues that we think should be discussed here at EMC, what do you have? Anybody?

Commissioner McIntosh asked if we are not commenting or sending resolutions as a commission? Are we just submitting-

No. Excuse me, if EMC needs to send a comment as EMC I was just saying there isn't a time deadline now since they've extended it to March 1, Chair Adams said. So if you haven't had a chance to pull things together, if we don't have the opportunity today to talk about specifics, we can bring it back for January's meeting, for example. But I also just want to remind everybody: as individuals, you are welcome to communicate however you wish on the General Plan. So the question on the table right now is, do any of you have comments you'd like to see EMC put together as our response to the General Plan? I think that the was carried over the last meeting.

I had some suggestions I put together this morning trying to use the Secretary's suggested method of cross out and underline, and then I realized I have no way of giving it to you all, so I'm not sure how to proceed, Commissioner McIntosh said.

Chair Adams asked if the Secretary could collate comments and present a package at the next meeting.

Yes, or actually this meeting was to be, do you have anything to provide that EMC can vote on, the Secretary said. If it is EMC's intent to review any proposed statements and collate them and vote on them and approve them, then we can send them to Planning Department or we can postpone. It's up to the Commission.

Chair Adams asked if the issues that he came up with needed a discussion.

Commissioner McIntosh said the only thing that needed discussion was that for the life of the landfill in paragraph 2, instead of using 2019 numbers, which makes it sound a lot more rosy than what it is now, use current estimations of the life of the landfill. That would require, I guess, DEM coming up with an estimate, although I know I think they've given us several, that's probably the only thing that would need discussion because I don't know what number estimate the department would run with. The rest is just a little additions or subtractions. I could submit to the Secretary and we could all look at it at the next meeting.

Director Mansour said over the last year or more too, actually, since we started, seemed like most of you has certain vision that you like to see that reflected into your district. So please insert these comments because it's very important now that you could convey such needs and

where do you see your district or your community heading toward? Because these are long vision planning, it's going to take us till 2045. So any comments that you could present that could have an impact on what your district vision is and community is, relay these because this is your opportunity for a discussion from sewer connections to solid waste to septic tanks, to whatever you guys foresee that you want to drive in the future planning. When it comes to our Department, it's vital that you convey the message that reflects what you trying to convey from your community. Because we're going to see growth and the growth will be driven based on subdivisions and the need for affordable housing, et cetera, et cetera. You got sewer service areas versus communities that don't have any sewer facilities and how would you guys perceive that growth to take place? So you have existing communities versus new communities. Do you want to follow the same status quo for the new communities that come in or do you want to see it done differently? And I think that's the intent and purpose. I'll just throw in a good example you may want to think about since Commissioner McIntosh brought up that solid waste, landfills and capacity and what have you see the capacity is changeable based on the growth. So technically you show 2029. In two years, five years down the road, that could be shortened because you got more people now and the growth will take away from that capacity. So having a number and keep dealing with a number that potentially has to change is probably unrealistic because that document is to 2045. So we need to make sure the language is written to allow flexibility for the department rather than just being stated in such document. But a good example that could be suggested in new subdivision. Maybe they need to start having their own collection area similar to what apartment complexes have, where they have these 3 cubic yard bins secured in a small fenced area where people just could take it there. And they could hire a franchise hauler or a garbage hauler to haul it to the landfill. That way we don't have to start building more transfer stations or enlarging the transfer stations that we have. So if we have the newcomers, maybe we need to start thinking about changing the habits of how we could manage solid waste. I'm just throwing that as an example because otherwise that could have a major impact on our current transfer station because they've been designed a long time ago and they were not designed to take growth. And if we need to consider that, we're talking about hundreds of millions of dollars trying to change 21 transfer station designs to accommodate all the needs. So stuff like that, I think you need to just think about it. I am trying to plant the seed of what type of comments that maybe you guys could fish for. Vice Chair, you've been bringing a lot of questions pertaining to wastewater and solid waste. So it's time for you to jot them down and make them in writing so we could deliver to the 2045 and also could benefit our code changes. It's opportunity to grasp it. Thank you.

Commissioner Otsuka commented on the General Plan under 4.3, Solid Waste. And along with what Commissioner McIntosh had mentioned on the lifespan of this existing landfill, from what I understand, it takes at least 10 years to prepare a site for landfill. So if we're only looking at 20 to 25 years - I asked before about talking to different agencies like the Department of Hawaiian Home Lands, the Department of Land and Natural Resources, the County, the State, that have land to look for it now before it gets too late. Because again, we don't know how long it's going to last. And then there's also because we're still trucking the trash over. And I thought maybe another good alternative would be incineration. Nobody wants to hear about it, but Pohakuloa has an incinerator, a smaller one. So maybe if the County can talk to them about diverting some

of the trash to go there, I don't know, that's just a suggestion. So that and then on the first paragraph on shifting the focus from waste management to resource management. So the recovery parks are what we've been talking about. I think at the current landfill, there's an area that they have all these homeless buildings, a lot of little houses for the homeless people just parked there near the old landfill. So maybe somewhere around there they can look at having a recovery park. It's big enough. And then you could also use one of those homeless houses for like, Kea'au Transfer Station. They have no protection from the rain. So I got to visit some of those transfer stations. So I'm just thinking we can utilize some of the buildings for areas that the County has for employees who have no shelter. And I say that because they're there seven days a week and all the inclement weather, and the only thing I saw was just one wall, two open sides, and enough to fit two chairs, and that's what they had. So I'm just wondering, we could just use that area as a recovery park and take a building and put it there. Just a suggestion. And then with the scrap metal on the same 4.3, we have a few contractors that do scrap metal, right?

Atlas does? Or Big Island Scrap Metal. We have that contract with them still, Commissioner Otsuka asked. I think it was brought up in July about rather than penalizing contractors, because we want them to divert the trash that we should be talking to the different contractors to see how we can help them do what they need to do to help us. So I'm still on that, I'm just asking about this. And then also on the back of it under the objectives there's a few areas about appropriately designing cost effective waste stations. I noticed a lot of them are not open as often as they should and with Kea'au they're open from 6 a.m. to 6 p.m. You don't have people there until 7:00, 7:15, and they leave by 5:15. So if we're going to have a window of operation for 12 hours, I think we should have someone there at the front end and at the back end, whether you want to overlap employees, because I understand there's two over there, so that at least there's someone there. Because then the trash becomes a problem when they get in. So that's another thing. And then developing the green waste recycling: I know with the County the mulch is a concern. I went to visit the different organic facilities and I'm amazed but it is very important and for all the factors that was initiated in the contract to begin with. But not only that, with the fires in Maui, we need to look at ways to utilize the mulch. So I know Maui is looking at something in Kula about using the mulch to help with diverting some of the- or filling to divert some of the potential hazards, fire hazards. So I'm just saying the mulch is important. From what I understand we're not bringing back the mulch to Hilo so that would be a concern for me. And I was there. If anybody's been to the first Saturday of the month for the public you'd be amazed. I drove down 2 miles of cars and I had to turn back so that I was at the gate when they opened at 7 a.m. And in 2 hours they got rid of all of that and they had to bring people in to help work it because they knew what to expect. And a lot of people came from the Puna area and up toward Volcano but also with the Waikoloa one that has the mulch it would help the people in Kawaihae to be able to get to that mulch because they're all rocks over there so that would help them. So this contract with Hawaiian Earth Recycling I think is very important for all the reasons that's supposed to be there. So I'm just raising that and then at the transfer stations, the signage, because we're trying to divert the tires and scrap metal from those places and they have a place to say that, not your tires here, you can take it elsewhere but they don't tell you where you can take it. So if people come in with their tires they don't

know where to take it but they know they cannot drop it. They're going to leave it on the side of the road and illegally dump it. So maybe better signage to address and educate everybody that goes through, because when I was there, there were so many people asking, where should I take this? Where should I take that? And this is at Pāhoa and it's a nice facility, but the signage was not as informative it should have been. And then they only pick up green waste three times a week.

Thank you, Chair Adams said. Some of those are shorter term. I'm not so sure it's appropriate for the General Plan per se, but I guess leave it to DEM how specific you want to get. I too had the general comment of leading this whole section with the idea that what we want to do is resource management as much as we can as not waste, but as resources, and to focus on waste prevention rather than what are we going to do with the stuff we got to bury. It was a little unclear as I was reading the General Plan, and I think they were still referring back to the 2009 ISWMP. Are you looking at more transfer stations? I don't think we want more. I think what we want is, as you were saying, Director, allowing people to come up with places to divert materials, call it a resource park, call it a resource collection area, enabling people to recycle and reuse their junk as conveniently as possible and not require the County to hire a whole bunch of people and buy trucks to deliver it all around the state. So it was kind of looking at it from a higher level of our goal needs to be everybody, not just residential, but everybody on the island looking for, and maybe if you're commercial, you get a requirement to consider waste prevention and diversion. We've got coming up on the agenda my recyclables landfill ban, but it's kind of extending that purpose. I also understand we've got a proposal to look at the film industry. Well, they're one of many, many on the island that we could look for opportunities. Certainly if we're going to hit zero waste by 2045, that's pretty cool that we've got processes in place to educate and support people who are trying to get to zero waste. And a lot of that is education, as Commissioner Otsuka was saying, just simple things like signage would help a lot. But those were kind of my general thoughts. And looking at the plan, like I said, I sent a set to the Director and I will write something up for the Secretary to put as a collation, if you will, for our next meeting.

Commissioner Otsuka said she had just visited Korea and Japan and there are no trash bins on the sidewalks, so the responsibility starts at home, but that's the way the culture is and they start really young. I mean, everywhere we went, kids were learning about the history and to be responsible citizens, and it starts at home. So the countries I understand, provide their citizens with different recyclable things so that they will come and pick it up. So then there is no waste in the city, no flies. So it was amazing. But it starts at every home and the country actually provides their citizens with what they need to divert the trash or recycle whatever they need to recycle. So that's something we can talk about, something to think about. I know you talked about curbside pickup, but the island is too big. So you'd have to figure out where would it best be suited. New developments? But I'm just saying if they can do it, we can do it. So with all the planning that we're doing, we need to do it. I brought this up before and it's like all the things that is saying that we ought to do: Zero waste, waste to energy, all of that. I would like to bring someone in to give a presentation on what they can do. They're not lobbyists but everything that we're hearing about what we should do, zero cost to the county. I mean the County

doesn't have to pay anything for this. And I'll tell the Secretary later if it's okay. I would like to have them do a presentation.

Why don't you give the Secretary and I who it is you're thinking about, Chair Adams said. Obviously we were hoping to hear from Rick Anthony on his experiences in setting up Zero Waste infrastructure and activities which aren't necessarily going to be money out of the county's pocket but it is going to require some coordinated action. It's not just kindergartners learning they don't generate waste. Little more complicated than that. So let us know. Again, on wastewater. I have to say on that section I was a little uncertain whether there was enough talking about, we've got to move to a place where we can put together public-private coordination of how to get things treated. It can't again all be on the County and not that I know the answer to that. And a lot of the answers I think as well back on the solid waste one have to be done by the State authorizing the County to be able to do some things. So I think we need to be clear about that in the General Plan that the County can only do so much. But more generally I was looking at the concept of place-based, flexible, it seemed those words were kind of missing in this. It kind of read to me and I have to agree. I admit I was in Prague, I was playing with a new baby. I wasn't paying a lot of attention when I was writing this, but the idea of you need flexibility, you need to put the right systems in place, in the right place. We'll hear a little bit more, I think, when we get to the wastewater plans and meetings that are going on in Puna and Pāhala. It isn't a single answer. And DEM needs some flexibility to be able to offer what's going to work best and be most feasible considering the community and the geography and the economy. And so some kind of language like that I think, needs to be built into this General Plan.

Speaking of the sewer, Commissioner Otsuka said, I know in Keaukaha, I realized too that you might want to consider when you're looking at planning it, that there needs to be currently 8 feet between the waterline and the sewer line. So in Keaukaha, the street is only 12 feet wide, so they had to widen both sides of it to accommodate that. So even so, looking maybe because this was older. So if we're going to try and convert a lot of homes to do this, got to consider where the water lines are before the sewers can go in. So that's something to consider when we're drawing up the plans and stuff. Some of these areas are very narrow, so for them to go and fix it would be very costly. Because they're still waiting, I think, on an MOA to push it through so that Hawaiian Homes can go ahead and pave over what they've already done. And it's been like months. So that's something to consider when we're going to do something to make sure that everything underneath the ground that we need to put in is where it should be. And if it isn't, then maybe we ought to fix it before we can do anything. So, yeah, I think they're just waiting on the MOA from the County. So just in line of the wastewater stuff. So make sure that we don't overlook that because I don't think we can be too flexible with that.

Commissioner Norris said she was reading over the wastewater plan and noticed injection wells were allowed in exempted areas, but there was no real map or idea where these exempted areas are in the General Plan. I can imagine it will be in the more detailed plan, but one of my concerns is injection wells in areas near the ocean and the possibility of nitrogen pollution in those areas. And I know it discusses in detail the water supply system, but also the

environmental system should be addressed there. The discharges from injection wells will be regulated by EPA and we need to know that it's not impacting the nearshore areas.

The underground injection wells are regulated by DOH, and not DEM, the Chair said.

That is correct, Director Mansour said.

I would just say that's not DEM's job. It's certainly something you can comment on in the General Plan, but at EMC, this crazy County and State, the way they've organized environmental issues, just miss each other, Chair Adams said.

At this time, my recommendation is to have the Secretary compile all the comments, Director Mansour said. And once we have them, maybe we'll give the opportunity for the follow up meeting to kind of go over the comments and tell you what's within the county and not what would we recommend to include or exclude. But at this time, I think it's good just if we get all these comments that you all have in one location so we could review it and be able to kind of comment on it and have discussion about what you are all suggesting. Because some of them like I said, it seemed like some of them are suggestions for existing operations. And as you all know, we have a consultant that is working on analyzing the current system and recommending possibly policies and procedure changes to the current operations. And you're all aware of it. Our E² (Element Environmental) consultant is working on it. So as far as how are we going to manage the future, solid waste, landfill, transfer stations, and diversion, that's all going to be included in that study. But the comments that we trying to get for the General Plan is to address the future. I would imagine the 2045, because I don't know if we could go back and (retrofit) existing conditions based on the General Plan. The intent for that General Plan is to control future development of how we want to shape up the island as new subdivisions comes in or new commercial businesses come in. Any comments you're given, if you could forward it to the Secretary and he could put it together and maybe the Chair could next meeting allow some time to go through all comments. At least we'll be concentrating on a few sheets that we could follow up and address.

No, I agree, Chair Adams said. And it's also time to close that item. So we will postpone it again until January and you all have homework to pull together your comments. Again, keep it focused on development into 2045 and don't repeat the mistakes that we've already made by continuing with same old, same old.

3. Adoption of position regarding support for extended producer responsibility legislation such as SB 1458 SD1 (2023) in the 2024 legislative session.⁴ *Postponed October 24, 2023.*

Chair Adams asked Commissioners Acasio and Garcia for an update.

⁴ V.5: SB 1458 SD1 (2023):
https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1458&year=2023

My understanding is that folks who are going to read the bill, for example, and educate themselves a bit more on extended producer responsibility, Commissioner Acasio said. Part of that was going to be dovetailed likely with Rick Anthony's presentation and so it would be a little bit more comprehensive of a view as well. But, of course, we don't have that today. And then perhaps if there was any discussion, it could come out of the discussion that we vote to support extended producer responsibility. But I think folks didn't have enough opportunity to learn more about what that might look like, especially in regards to Senate Bill 1458.

So do you want to postpone that again till January or do you want to discuss it now, Chair Adams asked.

Did folks have time to read it and understand it or folks have questions? I can do my best to address any questions as well, Commissioner Acasio said.

This is for the SB 1458, Commissioner Otsuka asked.

Yes, Commissioner Acasio said. For supporting infrastructure, extended producer responsibility is one of the many attempts to work on our waste management and zero waste initiatives and as EMC, if not the specific legislation, then definitely supporting the concept of extended producer responsibility, especially with a focus on resource recovery, reuse refill and composting.

I did read it. There are questions, Commissioner Otsuka said. But if anybody wants to talk about it later, that's good too.

Motion and second: Commissioner Acasio made a motion, to which Vice Chair Olson seconded, to support SB 1458, extended producer responsibility legislation, and bills that focus on reuse, refill, and resource recovery.

Discussion

The thing that I keep throwing out there is of course, the disposal fee captured at the point of sale, Vice Chair Olson said. Make the person who buys it responsible for it and they pay for it. They pay for the disposal at the point of purchase. So when it comes down the pipe, you already have money in hand to deal with it. Because if you want to try to go over this line by line by line for each of the things that are going to require some kind of handling, we're not going to win that. There's no other point in there that you can reach in and grab a hold of it.

So you would not be supportive of a general EPR comment from EMC, Chair Adams asked.

No, I'm not saying that, Vice Chair Olson said. I'm throwing out there what I have been talking about for some length of time. I don't see any way to be successful at this if we do not get it up front instead of waiting, trying to collect it at the back end.

Again, I'm not necessarily the expert on EPR, Commissioner Acasio said, but my understanding is that instead of at point of sale, this pushes it to the responsibility of the producer whose business model profits off of the waste that their business model creates. They profit off their product, but their business model creates waste that we then deal with and have to pay for either as individual taxpayers or the County. So the addressing of it in pushing it from the point of sale out to the producer is actually the point of this kind of legislation.

Yeah, I would agree, Chair Adams said. The philosophy of EPR is push it upstream to the producer. But I think your comment, she said to the Vice Chair, we understand your argument for ADF, and it is definitely a State issue, as we've been advised by Corporation Counsel.

Commissioner Otsuka said in response to the Vice Chair's comment, it's like if we're going to have the responsibility put on the producers and have this come back into the system where the people who are being permitted have to have a special permit and pay a fee to have this done in the beginning, and later on having to pay for that cleaning up, going back to the facility and reusing it, and they'd have to buy back the same stuff. So I was confused with that, because if they're going to be paying for a permit and a fee to have this, and then later on make sure that there's an operation to take care of that material and then bring it back in for sale, and then they would have to buy it back. Is that kind of what I read?

That's one way it could go, the Vice Chair said. But eventually, because if you have this cost that the distributor basically is going to have to cover when it comes on island, he's going to turn around and try to push it back on the producer to change his product. You're just one step beyond the actual producer before you get the money.

But I was looking at the fees that they were going to be assessed, and that was my question, Commissioner Otsuka said.

Commissioner Acasio said that in terms of these top 20 producers, their global market share, this is such a small amount of money for them, and actually many of them have really worked it in already. They're aware of EPR, they know it's coming, they're shifting already in a lot of ways, but this becomes part of their advertising budget for most intents and purposes. Just to address Commissioner Otsuka's comment about the amount of money, all of that could be changed by the Legislature. It could be cut in half, there could be tweaks in it. It's just for us, for our purpose as a commission is do we support having our county push for it, support it at the state level? Because ultimately it is like Chair said, it is a State issue. They have to direct this. And then the other piece to Commissioner Otsuka's comment was the municipality. So our County would still be responsible for the waste management, just that the producers would be engaged to pay into a fee that then we could use for needs assessments and setting up infrastructure for reuse, refill, and for other resource recovery initiatives that cost money or need personnel.

Commissioner McIntosh said his concern is that EPR doesn't really exist, so to speak. I know everyone's been talking about it, there seems to be, from what I've seen, several different ways

it could be implemented. I think they said Massachusetts is going to start a program. I really wouldn't be able to support a concept unless I know how it would be implemented. I mean, this looks like you're just picking the big guys and you're picking on them and then you have all these- I mean, it's not at a level or equitable playing field. And the state has a limited sort of EPR, and I know it's electronics where they have to pay up front to enter our economy on the islands or State. And I already know that one company, they refuse to sell their products here because they're very small and they can't afford to pay that because it doesn't matter how much they sell. It's a flat fee for them. And then the state turns around and uses that for [other priorities instead of what it's designated for. They use it to fill their budget hole during COVID. And from what I can see from that Senate version of the bill, that all it would do is the money would be collected. It goes toward a report. It's not going to go towards helping to dispose of the cost that the County is incurring disposing of it. Until I see nuts and bolts how this is going to work, what's going to happen, I wouldn't be able to support EPR, the concept of it.

I would support it, Commissioner Norris said. I think that producers will need to have an incentive, and rather than putting the incentive on the consumer, consumers are going to take it no matter what. They'll pay the extra money, and there is no real incentive for the producer to change their behavior unless they have to pay the fee and actually be part of their budget to change. So I'm in favor of this. At least it's a start. And that's my comment.

Commissioner Garcia said he thinks conceptually it works and the cost to the consumer is going to be carried at point of sale. And if we kind of go off what the Vice Chair was saying, I'd be concerned that we don't want to double dip the consumer because if we're asking the producers of these products to do a certain amount of work, pay fees, what have you, those are going to get passed on to the consumer and then if we double dip the consumer at point of sale, we're hitting the consumer twice because they're going to pay for this one way or the other. And so conceptually, I'm good with EPR. I would not endorse doing it at the point of sale, if that makes sense.

Commissioner Acasio said 16 of the 20 producers that that particular bill would engage have already made a commitment in their own business world to invest in reuse infrastructure through the Global Commitment to a New Plastics Economy, which is through the United Nations commitment. So it's kind of similar to the concept that we were talking about with the film industry where they're already making strides and gains and they want to be plastic-free. They're already switching. But there's this little incentive piece where now their marketing budget can go toward helping to set up this infrastructure, for example. But like I said, 16 out of the 20 that would be engaged. So the way Senate Bill 1458 is written is it does not engage any Hawai'i producers. So local businesses, anyone creating product, value added product here and selling it- because it only engages the top 20 market producers of fast-moving consumer goods. And it was specifically crafted that way because we didn't want to hurt our local businesses or anyone trying to produce, especially in relationship to agriculture or any economic driver here in Hawai'i.

Chair Adams said she has problems with the specific bill, SB 1458. I don't think it accomplishes much of anything. It'll collect a little pile of money that is going to be peanuts for these humongous companies, it isn't going to influence them one way or the other. I do have support for a broader statement coming for EMC in supporting a plethora of responses to try to look for how do we reduce waste. EPR is one example, not the only one. I have mine and it will come up to the- if you can recycle it, don't throw it away in a landfill. The whole concept of a Zero Waste mindset education, there's a lot of approaches. No single one is going to work. This is not- I found myself surprisingly agreeing with some of the comments that went in last year, or maybe it was still this year from environmental groups that were saying, this really isn't EPR. It's a way to get some money to do some studies. And these big guys yeah, this is rounding errors for them, not even rounding errors lost, it isn't going to change their behavior for Hawai'i to require this fairly piddling amount of fees. One more thing, the concept of extended producer responsibility is being explored by several other states. I would like to see them work out the bugs, see what works, what doesn't, and then compare it to what we can accomplish here on this island given our unique circumstances. But I wouldn't have a problem with a motion that was more generally supportive of the range of approaches that make sense for this island to reduce the production of waste.

I just wanted to say that the estimate for the amount of money collected at \$100 a ton is \$100 million per year, Commissioner Acasio said. And even if it got dropped to half at \$50 a ton, it would be \$50 million per year. So I don't know-

You're talking about charging billion-dollar companies this fee, Chair Adams said.

I just want to just finish that one statement, Commissioner Acasio said. And I don't mean it to discredit anything you said because of course I support your statement. I just wanted to clarify that. \$100 million a year or even \$50 million a year, we could do a lot with that in terms of resource recovery and shifting and education.

Are there any other comments, Chair Adams asked. Are we ready for a vote? So the motion if you've got it, is it what's written here? Do we specifically cite SB 1458 in that motion or is it a more general statement?

I'm also happy to table it for now if we're not ready for a discussion because I think it really does dovetail with a lot of the things that our presenter was going to present and could clarify a lot of the answers to that as well as perhaps we're just not ready to make that decision, Commissioner Acasio said.

Chair Adams asked the Vice Chair if he was OK with deferring, to which the Vice Chair agreed. The Chair declared the matter postponed to the next meeting.

4. Recommendations to the County to adopt a policy on waste management, reduction, and/or landfill diversion regarding the film industry.⁵

Chair Adams asked if there is a specific motion she would like to make or more discussion that we need to have discussion?

So at this point, Commissioner Acasio said, I am not complete in my research and due diligence myself, but I would like to say that looking into information coming from Environmental Media Association, they give different seal labels (e.g., "EMA green seal") for indicating that the heightened sustainability practices are behind the scenes of different productions. And so still looking into things like Flip the Script on Plastic initiative, which basically highlights a lot of that, and Green Council from SAG-AFTRA and the MP team. So they're working right now to eliminate single use plastic in the entertainment industry. So this is all kind of pre-informational. I personally still have to do more research and put it together in a comprehensive format for the commissioners. I don't know if Commissioner Garcia has done more work. We did communicate a little bit, but I know myself, I'm still working on pulling that together. And we'll be working on that in the next few months.

Commissioner Garcia said he just did some initial review and I think there's an opportunity. I know our Charter is waste and water and et cetera, but I think managing their whole environmental footprint is probably important. I've been involved in some sites where maybe they were doing a good job on water and waste, but they really weren't being very restrictive on their footprint. And our whole island is very sensitive. So from cultural resources, natural resources, et cetera. So I think there's an opportunity to maybe broaden the language a little bit, but I'm not sure how we do it within the charter of EMC. So I think that's where we can probably have some more discussion.

OK, Chair Adams said, when you're doing a little bit more homework, the questions I had was, why film? How much are you talking about in terms of impact? I'm always one that likes going up 30,000 feet and saying what I'd like to see is a way to build in requirements for every business operation on this island. Start with the big ones, work your way down to do pollution prevention planning. How are you going to reduce the production of waste? Why the film industry as one to focus on? I wasn't in on the conversation, so I don't know. It's an opportunity, it's somebody but how many films do they make on this island? It was more what's the real scope of this and impact? Let's do things that have significant benefit to us.

I think it's initially because they are already moving in that direction, so it's a place to start, Commissioner Acasio said. I think it does have an impact, like all of the pieces, like you were saying, in terms of a more comprehensive approach to everything. So this is just another aspect. Again, we've brought up Construction & Demolition (C&D), which is a very important thing, but this can dovetail into C&D because there is a lot of C&D waste on movie sets as well. And I think the biggest piece is that many in the industry have already indicated that they would actually like to have a waste management plan, but they need it to be in their budget and it will

⁵ V.6: Film industry waste diversion: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=126124>

only perhaps get into their budget if it's part of the permit process and mandated. So it's kind of a low-hanging fruit perhaps in some ways. And it's an example because SAG-AFTRA is already supporting it. And like I said, multiple organizations are working towards that within the film industry.

Chair Adams asked about jurisdiction. Who gives them a permit? I have no idea. And what are we working it into? I'm sure DEM does not permit filmmakers.

It's Research and Development, DCC Tavares said. We have a commission.

This may be a good idea to include under the General Plan 2045, Director Mansour said. Maybe that could be a condition. Even if we move on in life at least it's part of the General Plan till 2045. So if there's any potential permit issues related to the movie industries and what have you, at least you could demand it now. Just a thought.

5. Final review and transmittal of letter to Council recommending it begin work on an ordinance to ban landfilling of recyclables. (To be distributed at meeting)

Chair Adams said included in the reference file is a much shorter letter to Council that would transmit the very drafty ban on landfilling recyclables. And we need a motion to send it.

Motion and second: Commissioner Otsuka made a motion, to which Vice Chair Olson seconded, to send the letter to the County Council (and copy to Director Mansour)

Discussion: Commissioner McIntosh didn't think the letter should take incineration off the table or keep it as a last resort. We should just leave all the options open. That was the only thing, the rest is fine.

It's in the draft, Chair Adams said with a comment that a lot of the EMC doesn't like this. So, yes, I certainly agree with you. And when we get to the nuts and bolts and actually commenting on drafts of the ordinance, I personally agree with you. But it's one to come. We won't be done with this, probably in my term.

Commissioner Acasio asked where the letter is.

The Secretary said it was uploaded after the agenda posted, so it's not on the footnotes, but it's online in the references folder.

Basically, Chair Adams said, it's down to one page and saying this idea to ban landfilling of recyclable materials.

DCC Tavares said that EMC already voted on it, and the Chair just cleaned up the draft and it's just gave it to you folks to make sure that you're still okay with starting the conversation with Council. This is just to start the conversation.

Vote: Ayes 7 (Acasio, Garcia, McIntosh, Olson, Otsuka, Norris, Adams); Absent 2 (Burns, Cardwell). Motion carried.

VI. NEW BUSINESS

1. Presentation by Rick Anthony, Zero Waste advisor to the California Resource Recovery Association, on achieving Zero Waste in Hawai‘i County.

(Postponed to next meeting.)

2. Review and approval of 2024 EMC meeting schedule.⁶

Chair Adams asked the Secretary if there were any unusual schedule shifts.

I don't have the calendar in front of me, the Secretary said, but I believe the January meeting was set to avoid the opening of the legislature. I think November 20 was going to avoid the week of Thanksgiving, and then otherwise more or less whatever the fourth Wednesday is, that avoids a Council meeting. So the council members can join as well if they choose.

Motion, second, and vote: Vice Chair Olson made a motion, to which Commissioner Acasio seconded, to adopt the 2024 EMC meeting schedule. Ayes 7 (Acasio, Garcia, McIntosh, Olson, Otsuka, Norris, Adams); Absent 2 (Burns, Cardwell). Motion carried.

VII. REPORTS/CORRESPONDENCE

Director's Informational Report

1. Legislative update
2. Solid Waste Division Projects and Updates
 1. Recycling and Landfill Diversion updates
 2. Solid Waste Operational Study update
3. Wastewater Division Projects and Updates.
 1. Pāhala and Nā‘ālehu Large Capacity Cesspool Closure AOC
 1. Update on Pāhala Draft Environmental Information Document (EID)
 2. Update on Nā‘ālehu Draft EID development
 2. West Hawai‘i wastewater projects
 3. Hilo WWTP upgrades
 4. Wastewater Plans
 1. Addition of wastewater services for the Puna District⁷
 2. Puakō and South Kohala Regional Wastewater Master Plan

Chair Adams said we've carried on far too long, and asked the Director if there is anything hot and heavy we need to hear about right now.

Everything is moving according to our schedules, Director Mansour said. You all kind of addressed most of the most important topics. We covered solid waste. We covered wastewater, legislative matters. It's a good thing, it's the season now, if we need to be able to propose any legislation, somebody needs to take the leadership on it, draft it so we could get

⁶ VI.2: 2024 EMC calendar: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=126680>

⁷ VII.3.4.1: Puna wastewater website: <https://storymaps.arcgis.com/stories/50e624065fa641598326febe6316327b>

the right people involved. One of the issues that I discussed – I was a keynote speaker last week for a conference, and I had the opportunity to talk to our co-partners in different counties. And the idea is trying to find certified wastewater operators is very difficult given the requirement in the HRS. So my recommendation was to them is maybe for the State of Hawai'i, we need to revise the HRS that may not require the extensive tests that these individuals need to take. Maybe we could substitute it with educational requirements, credited units at certain universities, maybe the University of Hawai'i at Hilo could administer these credited units once a year for two weeks to give our current operators a crash course. And maybe they could just do a multiple choice with the professor or with the person that's given the training, rather than just make it a statewide exam where it makes a lot of people nervous in taking exams. So we don't have to take a test to be wastewater operators, because by virtue of the business they do, they spend the hours every day doing what they do. So given that exam, I understand on the mainland it's required and the reason they give it, because you could travel to any different state, and you could exchange your certification to whatever state you go to. But here in Hawai'i, we are surrounded by water, and hopefully our certified operators continue staying and living here. They don't have to go to a different state, but if they choose to go to a different state, then maybe they could take the exam in that particular state they are going to. I kind of got some concurrences from other directors, but I think we ought to pursue that. That way will allow us to expand the recruitment and selection process for that particular field. So Commissioner Acasio, maybe we could work with you in establishing something like that and maybe we'll see if Senator Tim Richards could sponsor that bill because it could help the entire state. I know it's outside the box thinking. Initially I got rejection because people were telling me current operators may object to it because they have their own grooming. But the idea is we need to look for the best interests of the entire state. We should not be focusing on individuals. We need to figure out-

Are you going to run into any issues with EPA requirements, Chair Adams asked.

As long as they have the hours and they have the education, Director Mansour said, it's countrywide. Anywhere you go in the state they require you to take the state (exam) to be certified. But we could do that exception here because our state could have their own legislation. We don't have to worry about others.

It was just a question to make sure you don't bump into a standard requirement for who gets to certify what based on whether or not they've got that test done, Chair Adams said. My only caution is just, do it as an annual, keep up to date, make sure they're not slip-sliding. Do not lower standards of knowledge that it takes to be a good operator or any of the positions that you have.

This is not-knowledge based, the Director said. There's people that could take exams well. And there's people that- So the idea is, how you could overcome that process but yet we understand we need the people. I have people that pass the exam but they have no sense of operating facilities and vice versa. I have people that cannot pass the exam and they can do anything on the facility. So it's a matter of just we need to make sure we get the right people.

Try it out and bounce it off of professional societies on the mainland too and see what kind of response you get, Chair Adams said.

Vice Chair Olson asked if this has any tie-in to the Clean Water Act. In other words, is there some federal oversight to this?

The Clean Water Act gives that authority to the State, Director Mansour said. But I'm sure we could work with our Corporation Counsel and work with the State. I ran it also by the Department of Health. So we'll continue working with them. Their number one concern was, the reason, it's a profession. People are protective over the certification and they don't want anybody just to break through that culture. But I think given the condition we are in, we have to create our own culture within our own State just to be able to provide that labor we need.

Commissioner Otsuka said that a lot of the times, the situation is such but it's how do you monitor or how do you address those issues that are existing so that you don't have those issues and you're not lowering the requirements of applicants. So it's like maybe the existing employees, you need to address them, maybe monitor, evaluate, so that those people you say that are in there that shouldn't be there, are not there, kind of. And then you can open it up to those who are qualified. And that's just a suggestion.

It's not about, you see, we're going to grow within, Director Mansour said. Qualification comes with the number of years and hours you spend in the waste treatment plant. So literally every time you take a certification test, Grades I, II, III and IV, it's based on the number of hours you invest in each grade. So our current staff are doing a great job of maintaining our facility and we wanted to grow within because it's hard to find certified operators that are already certified, willing to move in from the mainland to Hawai'i because of the cost of living. And then it's hard to give incentives within the current staff to be able to take the certification exams because like I said, some staff members are good at taking exams, some fear the exam process and what have you. But to me, if we want to be able to grow within, we need to think outside the box of how to achieve the same end goal, but in different way to tackle that particular problem.

Commissioner Norris asked whether the Director wants to include maybe a mentoring program with the ones that are well trained, with well trained operators to bring new people in.

We always provide that, Director Mansour said. When new staff come in, they are mentored by their current supervisor and the current certified operators, and they lead them through the program. And we currently provide training as well. We get people come in and provide the training. The challenge statewide is trying to get people taking the exam and signing up for it and pass the exam. And the big question is, how does one obtain a certificate? That's one question. Could we substitute it with credit unit education and say, okay, now they went to obtain these credit units and they obtain a certification from that university. Let's put that on the wall and that should substitute.

Chair Adams said that if people have ideas for the Director, they may discuss it with him individually. One topic people are interested in is the solid waste operations study. You said it's ongoing, she told the Director. I talked to (the consultant). I don't know how many others have had a chance to if they're getting follow up, but my understanding is the due date for that report is next year in the fall-

You are correct, Shelise Lamb said. The final analysis will be completed October 2024. We are in the phase right now where they are beginning their analysis and summarizing their findings of the current facility. So, yes, to answer your question, it's October.

Chair Adams said there were some comments she got offline, and obviously we've got things cooking, like the General Plan and who knows what kind of legislation where it'd be wonderful to get preliminary results. I don't want to push you into releasing or having to release anything that you haven't vetted. Just a personal bias as a former consultant. But if there is opportunity to share some findings earlier rather than later, preliminary findings, I would encourage that, because the subjects that they're looking into are pretty uniformly of interest to this group.

Thank you, Ms. Lamb said. I'll be sure to note that and discuss that with the team as well. And I know we said it individually too, in the interviews that we had with each of you, but if there's anything else that comes to mind, feel free to email your concerns to the consultant directly and just copy me. They are still receiving input from yourselves and others throughout the community.

4. Information requests to DEM from Commissioners

1. Does any cruise ship solid waste go to WHSL? (Norris)

We're getting a lot more cruise ships, and I was wondering if there's an impact on our landfills, Commissioner Norris said.

Most of these cruise ships, when they come in, they have these trash bins right at the pier and I think they contract with Waste Management to haul it, Director Mansour said. But we have not seen any huge- usually they either keep it and take it to O'ahu or somewhere else, but we have not seen any of that waste because they are here for a day. They come early in the morning and they leave at 5 p.m. or before the sunset. So we have not seen any.

And who knows what they're doing out at sea, but that's not DEM's purview, Chair Adams said.

Commissioner Norris asked if you have any way of assessing that amount of waste that comes from them or they're just not producing any?

Director Mansour reiterated that the cruise ships arrive early in the morning, the passengers walk around and they go back before 5 p.m. and they sail away. So I don't see any garbage containers. Sometimes I see a 3 cubic yard container. But the actual ship, they don't bring their waste to here. They keep it within their cruise ship and don't just decide, let me dump my

waste here in the County and my wastewater and what have you. Everything is contained within the cruise ship.

2. How can DEM improve greenwaste operations? (Otsuka)

Chair Adams asked if we could reschedule this “pretty big ask” and maybe do it more broadly, ask for a presentation from DEM on just what's going with greenwaste, what the plans are, what the situation may be.

Basically, just a monthly update on the status of the greenwaste, Commissioner Otsuka said.

Yes. And we've already got a commitment from DEM to break out greenwaste collection at the transfer stations and the organic facilities in the Director's Report, Chair Adams said.

Okay, Commissioner Otsuka said. And just the compliance to the contract to that particular company (Hawaiian Earth Recycling).

I'm not sure what you mean there, Commissioner Adams said.

Well, Commissioner Otsuka said, just making sure that every month we have an update so we know where we are and if we are in compliance of providing the tonnage that's supposed to be supplied to them. Because as I saw it, it wasn't the case. So I just want to make sure that we're on it every month to see that we are doing what we're supposed to be doing, that's generally that.

Okay. So we'll have that as a standard item on the Director's Report, Chair Adams said.

We don't control the tonnage, Director Mansour said. Whatever people decide to grow green waste, that's what they collect. We don't go and chop trees, and the greenwaste comes to our transfer station based on what the people decide to throw. What we generate is what we generate.

But it's what you provide them that they can generate the mulch, Commissioner Otsuka said. So my question-

What we generate, that's what get provided to them. That's all, Director Mansour said.

It's the community that rather than dumping the green waste in the landfill, they dump it there, DCC Tavares said. So DEM is not creating the volume. It comes from the community itself. DEM has no control over the amount that comes in. They can just advise us or the EMC on the amount that we did collect.

But I was talking more about the mulch, Commissioner Otsuka said. The mulch coming back from Pu'uanahulu, the West Hawai'i Organic facility, and to Kealakehe, where it's accessible to

the people there. So it was the mulch, more so being able to come back to Hilo and then having Kealakehe supplied with the required mulch, quantities of mulch. That was it.

Chair Adams said she would include that on the agenda next time if she can. Are there any of the other topics that are listed under the Director's Information Report that people need to know now? Again, I recommend you to look at their web resources and their reports. They've got really good information online.

VIII. 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.)
 1. Inclusion of greenwaste diversion data in the next Director's Report (Otsuka)

IX. ANNOUNCEMENTS

There is no meeting in December. The next meeting is scheduled for Wednesday, January 24, at the Puna Conference Room of the Hawai'i County Building, 25 Aupuni Street, in Hilo. 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.

The Commission will hold an election for the Chair and Vice Chair at its next meeting. (Commissioners seeking these positions may announce their intentions at this time.)

Chair Adams said we've got a couple deferred items that we will cover in January, including greenwaste issues. Anything else that you want to have us cover? We have no meeting in December. Have a Happy Holiday, don't even think about EMC, and just let me and the Secretary know and we'll try to build it into the January agenda.

The January 24 meeting will be in Hilo, we will also be voting for Chair and Vice Chair.

Happy Holidays, the Chair said. Thank you very much for all the energy and time you put in on the Commission and hopefully I'll get to meet Commissioner Garcia next year.

X. ADJOURNMENT

Motion, second, and vote: Vice Chair Olson made a motion to adjourn, to which Commissioner Norris seconded. Ayes 7 (Acasio, Garcia, McIntosh, Olson, Otsuka, Norris, Adams); Absent 2 (Burns, Cardwell). Motion carried and the meeting adjourned at 12:12 p.m.

Respectfully submitted,

Peter Sur, Secretary