

ENVIRONMENTAL MANAGEMENT COMMISSION

COUNTY OF HAWAII

MEETING MINUTES

Wednesday, January 24, 2024

9:11 a.m. to 12:20 p.m.

Hawai'i County Building, Hilo, and Zoom

Commissioners present:

Georjean Adams, Chair

Dot Norris, Vice Chair

Jim Beets

Laura Acasio

Dell Otsuka

Erica Perez

Lee McIntosh

Gonzalo Garcia

County staff present:

Ramzi Mansour, Director

Craig Kawaguchi, Recycling Coordinator

Peter Sur, Secretary

Sherilyn Tavares, Deputy Corporation Counsel

Others present:

Jennifer Navarra, Chris McKay, Cari Ishida, Gary Deis, Stuart Coleman, Jon Olson, Rick Anthony, Tracy Wiegner, others.

I. CALL TO ORDER

Chair Adams called the meeting to order at 9:11 a.m.

II. APPROVAL OF MINUTES FOR NOVEMBER 29, 2023

Motion, second, and vote: Commissioner Acasio made a motion, to which Commissioner Garcia seconded, to approve the minutes as presented. Ayes 8 (Acasio, Beets, Garcia, McIntosh, Otsuka, Perez, Norris, Adams); nays 0. Motion carried.

III. STATEMENT FROM THE CHAIR

Introduction of new Commissioners

It is almost amazing that we have a full set of commissioners, minus one, Chair Adams said. I'll get to that shortly. John Burns - I wanted to pass along what he sent since he wasn't able to be at our last meeting. He had some kind words for everybody, so I decided to read it off:

“It has been a pleasure working with you all over the last several years. I have enjoyed all the discussions and creative input we have provided to the County to help with our waste management needs on this island. I appreciate all the hard work you do and thank you all for your service and being such enjoyable individuals to work with. I wish you all the best in years to come.”

So that's John Burns, whose term ended, and that leads me to the new members on the group. And one is Jim Beets, who's taken over District 1. And welcome. Excited to have you here. And another one who knows about our waters. That's good. I'll go through everybody and then come back and ask you guys to maybe make some comments. Laura Acasio from District 2 is here. Dell Otsuka (District 3) is on the Zoom. Erica Perez is our new District 4 representative, replacing the irreplaceable Jon Olson, who is also here as a testifier. Melissa Cardwell represents District 5, and she's just informed us that she just cannot do the kind of participation on the Commission that she would like to. So she will be withdrawing, however that process works. So if anybody knows someone who is in District 5 that might be a candidate, she's going to be looking around as well so that we could have a full slate. District 6 is Lee McIntosh. Thank you, Lee. District 7, Gonzalo Garcia has already made a motion, so that's great. District 8, Dot Norris. And then I am Georjean Adams, the Chair and also District 9 representative. And I thought maybe we could ask the new people on the group - we got Gonzalo, last meeting, I believe to give a little bit of his background. But Jim, if you wanted to let us know, why are you here?

Why am I here? That's a good question, Commissioner Beets said. So I retired from the University last year and my position there was in marine sciences, but most of what I've done over my career is in fisheries and fisheries science. So I started my work actually in the U.S. Caribbean way long ago, almost over 45 years ago, almost 50, and worked in - my first job was working in water quality within Puerto Rico and the Virgin Islands. So I'm very familiar with water issues, water treatment especially. I worked on that on both sides, both on the management side and the review side. So I have several years of experience in that with different permitting process such as the NPDES permits, et cetera, and the dark underbelly of it, which can be some of the more challenging parts, which is the consulting projects that are done positively and negatively. And then after that I worked in government as a government scientist, mostly in fisheries, but also water quality, and subsequently moved to Hawai'i and have been working at the university researching fisheries, still water quality. A lot of water quality projects around the big island, including Puakō, which Erica is very familiar with, and I'm sure we'll share more about that later.

Chair Adams asked Commissioner Perez to introduce herself.

Aloha and good morning, Commissioner Perez said. Thank you so much for inviting me and encouraging me to be here. I have a background in marine science and conservation biology from the university. I have also really been heavily involved with water quality and sanitation across Hawai'i County as well as the State for about 10 years. I have worked with multiple different nonprofit state and government organizations to develop water quality sampling

community efforts that we work with closely with Department of Health, filling water quality gaps around sanitation and (Beaches Environmental Assessment And Coastal Health Act) methodologies. I also have worked really closely with the Puakō community. So for the past 10 years, investigating alternatives for wastewater treatment, which was great to hear the Carollo update yesterday and the Director's update. I have sat at the State level on the cesspool conversion working group, so worked with the folks on that working group to put together the plan and identifying kind of missing links of information needed to arrive at a thoughtful place to try to move cesspools and transition them across the state. So I have really been invested in personally as well as professionally, in kind of moving sanitation and clean water for community and in regards to community health and coral reef and environmental safety.

IV. PUBLIC STATEMENTS ON ITEMS ON THE AGENDA

(See also Stuart Coleman, agenda item V.2, Page 11)

Jon Olson, agenda item VI.1: So, basically, I've worn a number of different hats in my time here. Probably because I have a background in building. I'm a union trained carpenter, and I was there for the buildout of Los Angeles. I've had some practice. I've also become educated on the issues of wastewater. As part of that, my name is also on a federal civil rights complaint against the State of Hawai'i and the County of Hawai'i for the manner in which they have done development. That is, if you know anything about the federal civil rights, it's a creature that does not die. All you have to do is shake it a little bit and it wakes up. And the question is, do we want to shake it? And I think we've come to the point where we have no choice but to do that. I don't know if you've been out to Puna lately, but the building, of course, is moving along exponentially, filling in the 50,000 lots that are there and more that could be subdivided out. There are many parcels that are sitting there in larger states at the moment, but they own the right to subdivide. So I started with transportation. That's what the original civil rights complaint was about. And that is no less of a problem today than it was back then, unfortunately. ... (I am speaking on) the wastewater management part, because that is a purview of this body. One of the purviews of this body is to oversee that. And that ties correctly to that civil rights complaint that we filed back when the County was not doing, and it isn't doing now- it's supposed to be doing. So anyway. You're going to hear more about that. We're putting together another committee to move forward in that, and we'll keep you posted as to where that is.

Jennifer Navarra, agenda item V.4: So I did submit testimony on the agenda item addressing extended producer responsibility legislation for packaging, and I just wanted to update the Commission on what's likely to be the bills that will move this year. So there's been, I guess for about three years now, extended producer responsibility legislation that's been introduced. It's been difficult to pass something like an actual full program. So Rep. Lowen, who has been our champion on this issue, thought it was best that this year a needs assessment bill be introduced. And essentially it's going to kind of look at what is the landscape of packaging waste currently and what types of infrastructure and costs and education needs and all of that sort of thing we need to put in place going forward to design a system of extended producer responsibility. So it's something that some

States do when they fail to pass a full program bill. We did have the opportunity to work with trade associations and lobbyists to actually have them review the bills and give input. Of course, it's not a full program, so they're a little bit more supportive. The timeline on this all seems really sad to me personally, but I don't know. Bureaucracy moves very slow, there should be companion bills being introduced in the House and the Senate, I think that will be addressed. I think a wrong version was introduced on the Senate side or submitted. It's SB 2368 and then the House bill is 1688. And so we'll see how it goes this year. If the County and counties can be supportive of this legislation and submitting testimony, that will be really helpful. I know Hawai'i County DEM has been really good about submitting testimony, but it's harder for some of the other counties. They have to get permission up to the level of the Mayor. So that's kind of the scoops on the EPR for this year.

Jennifer Navarra, agenda item VI.2 I also did submit testimony just on the officer elections and just recommending that we continue Georjean Adams as Chair. I think she's doing an awesome job and brings a lot of energy and a lot of desire for solutions and actually moving things forward rather than just talking about the needs, like actually trying to define and address problem or address the needs to improve our solid waste management. And I don't remember if I said it at the beginning, but I want to welcome the new commissioners. You guys sound awesome, I think Erica, I've run into you at the community college (Work-4-Water). My interest, solid waste is my background. But having participated in these meetings over the years and I have become interested in how do we address our wastewater management issues. So I know you bring a wealth of experience to the commission. (Commissioner Beets) also brings a lot of background. So welcome, guys. Happy to have you.

Commissioner Discussion: I have comment to add, Commissioner Acasio said. Thank you, Jennifer, for your testimony. A lot of good details in there. I do want to add for the record that there is a bit more history as well that was not in the testimony. And that SB 1458, I think it's important to acknowledge, because it's somebody that is often at the EMC and involved in waste and resource management, that the predecessor for Senate Bill 1458 was introduced and drafted by our State Senate office in 2021. And Rep. Lowen did have another bill as well. And the two had different levels of traction and input. And that the actual drafter of the language is Kristine Kubat in her capacity as my chief of staff. And so it's important, I think, just for the record, because there is a lot of knowledge in that drafting and why it was drafted that way, especially as we go into the details of different versions of EPR and the whole discussion that has its own history and timeline for the last three years, and that our office had drafted that original parent bill to SB 1458 in 2021 and asked Rep. Lowen if she would introduce it in the coming year, 2022. So I just wanted to also add that in so that it's in the record.

For those of you are new, Laura Acasio was the State Senator for District 1, Chair Adams said.

And just to be clear, Commissioner Acasio said, the reason why I say it's not my bill is because there are many drafters and a lot of input in it, but to give credit to Kristine Kubat, because she actually did draft that bill before we sent it to Senate drafting.

And as far as the procedures go, Chair Adams said, is it formally introduced for this year?

Commissioner Acasio said there is a different draft. There is a whole different version or approach to the current bill, which is more of a task force or a study, is what she said. A study for the needs assessment. So it's a different bill, but again, they're all related on the subject matter and have similar intentions. But there are some differences.

Commissioner Perez understood that what Ms. Navarra submitted are SB and HB bills that are different than what Laura is speaking toward. And so are all three of these different? I mean, House Bill, Senate Bill, and then the old Senate bill 1458. Those, all three are around producer responsibility. And then there's going to be another one that's new this year drafted.

Yes, because 1458 is technically still sitting in WAM, Commissioner Acasio said. Because it's a biennium, they're still alive. But oftentimes they will introduce new bills as well.

Chair Adams said we will cover it when we get to it on the agenda.

V. UNFINISHED BUSINESS

1. Presentation by Rick Anthony, Zero Waste advisor to the California Resource Recovery Association, on achieving Zero Waste in Hawai'i County. *Postponed from November 29, 2023.*

Mahalo for being here, Commissioner Acasio said. Rick Anthony, it's an honor. And there is an extensive history of involvement. Rick has been involved in helping to develop our zero waste policy here for Hawai'i Island, and he will give more information about that. But it's an informative opportunity for us and for the public. Thank you for being here.

Aloha, Mr. Anthony said. I'm glad to be in front of this Committee. I spent a good period of my life on the Big Island. Working for you or with you started in about 2008 when the Mayor was seriously looking at a waste to energy plant. And he had Dr. James Weatherford go out and look at what the possibilities were. And Weatherford ran into Neil Seldman and myself, and we said, there might be a better way to do this than burning it. And Council Member Bob Jacobson was a council member who had designated money toward him. And he said, I'll put up \$25,000 if Rick and Neil can bring a team to the island and talk to us. And that's what we did. There was a big meeting with HIEDB at one of the big hotels on the Kona side. And then we went with our team, and we had a composter and Dr. Paul Connett, who was a chemical engineer, and a bunch of staff, and we had meetings around the island. First meeting was in the Mayor's office in Kona. And bottom line is that there was improvements, because there was community meetings. They were looking at improvements at the transfer stations. There wasn't any, really representatives from the condos or the business, but we came up with some recommendations. And what we said at the end was that to get this done completely, we have to change some of the rules. And one of the rules would be mandatory source separation, including the businesses, the downtown, Hilo and Kona, the condos, to be part of this. And we got approval from the Council to go ahead and do this.

And the economy fell in 2009. Those of you around remember that some of the bigger banks failed, and there was no business going on for three or four months. And the Council had decided they had other priorities, so they never went through that part of it. About 2015, Mayor Kenoi again was looking at waste to energy. So three or four of us who loved Big Island anyhow, and Captain Charlie Moore, who had a home in Waimea, he's the one who came up with the marine debris and talking about plastic in the ocean. And so we put together a workshop and invited the other islands to come and talked basically on composting it. About two weeks before the meeting, the Mayor decided that he didn't want a burner. He wanted to go with anaerobic digestion, which is the last resort. It's not a bad idea. Also, I wanted to say that during that first round in 2008-2009, we got hired by the Hawai'i Island Economic Development Board and primarily was to look at the possibility of organics being composted and using the islands and lava bed, they were importing soils from Seattle at a couple hundred dollars a ton. Why not make our own compost? And a part of my job was to find out what was available. And what was amazing to me is none of the grocery stores were putting out any organics. When we went to the packing houses, you could see the lines of farmers behind picking up the coal. And the reason is, as a lava based island, there's not a lot of soil. So any kind of organic that you could put in the ground and make that work, that's pretty much it. I don't have to tell you, the Big Island 1,000 years ago was the feeding island for the entire chain. And everything you see about it, you know, that can happen today. One of the things we notice is nobody's going to starve on the Big Island. We're just going to go across the park and get a papaya and a banana, and some macadamia nuts, and we'd be on our way. But the study that we had was that we needed to actually build a culture of composting on the island. We tried to work with the universities to train a couple of students, and one of them dropped out, but the other one turned out to be a really good composter. But the fact is that the farmers want this stuff. They need it, and there should be something about it. Again, when the economy failed, we did write a curriculum for the development board on how we could train people coming back from the military to work on these ideas to get to zero waste. Rather than getting that contract, they gave it to some local nonprofit, which I don't think much happened.

Well, back in 2015, the waste to energy thing popped up again. And so Charlie and Paul and Ruth Abbey and myself came down, put on a workshop, had lots of islands there. They canceled his idea, wanted to go with anaerobic digester, which one of the things we found when we did the first round was that hog guts, because of all the hundreds and hundreds of feral pigs and slaughtering of pigs for ribs. There was a lot of offal around. And a digester would be a good idea. Actually, a digester is also part of your sewer treatment, if you didn't know. The other part was, think about that, the big issue in sewer treatment is what do you do with the sludges, the wastewater sludges afterwards? And if there's no metals or heavy metals in it, it's a terrific component to your agriculture. It adds a lot of nitrogen to the soil. Ms. Kubat asked Neil and I to update the plan based on the fact that times have changed and we are out of COVID and we're still looking at it. And I think we came up with some interesting recommendations.

I want to point out that the landfill itself is a polluter. It pollutes the groundwater. And no matter how tight that one is in Kona and how new it is, is still generating methane from the landfill. Even if they have a gas collection system, they can only get about 20 to 30 percent

back. In fact, 16 percent of the methane that's going into the atmosphere that's causing global warming is coming from landfills. To the point where the UN said to all the countries in the world, stop landfilling. Don't do it. Go to zero waste. In fact, I was in New York on the 31st at the United Nations as the chair of the Zero Waste International alliance. And we spoke to 31st, the Mayor, the First Lady of Turkey, basically asked the UN to declare the 31st of March to be a zero waste day. And we had a little panel and we talked to the entire delegation. It was pretty amazing. And bottom line, part of it, part of my presentation about zero waste, which is the responsible production, consumption, reuse and recovery of products and packages and materials without burning and no discards to air, water and land, was the way we ought to go about it. And one of the main points is that we have to change the way we handle our discharge. And that means require source separation. That's the answer for Hawai'i, as far as I'm concerned. That's a missing piece on this new plan they gave me: "Okay, Rick, deal with the multifamily and the businesses." And I was doing an Introduction to Zero Waste lecture in the WASTECON in Las Vegas. And one of the guys in the audience was a vice president of Western Waste Services. And I said, "Well, you know, I've been looking for you for five years. My God." And he was interested in the MRF process. They wanted to do it. The key was that you can't just set up a system and guess if people are going to participate, you have to require people to participate so that the system will work. I also talked to Nick Riznyk, who also is one of the other collectors in here. And he would be glad to set up a source separation system in his condos and business pickups. Now, it doesn't have to be a single stream, which is all recyclables mixed together. It could be a dual stream where you separate the paper from the glass and the metal, or you can do more. Back in the 1970s and 1980s, when we started recycling, we picked up newspaper in one bin and glass in another bin, and aluminum cans together with metal cans in the third bin, because a magnet could take it out. So local ordinances are really important.

We also wanted to turn the- and they're doing it now, but the idea is to take the transfer stations and turn them into local parks where you can get education and information. I know when I was there, you could redeem your bottles and cans for the HI-5. And I think that's all good. I think other deposits in California, we just added wine and liquor bottles to our deposit system. And I heard they had something like \$600 million in their account. And the key is, though, to make sure that the people who are doing the work are recovered. Turn the transfer stations into educational kiosks and your shop and drop. I talk people around the world about what's happening on the Big Island in terms of the shop and drop, because what I found out is most of that stuff doesn't stay on the shelf for more than three or four days. People are taking it. And that's really the reuse economy that we're talking about.

Thirdly, training. We have people who are running our systems, who have not been trained in resource management. It's just the way it is. I taught classes at community college in resource management, and it was amazing how many people showed up. Now, this was 2009, and we were recruiting from the unemployment office. But the fact is the typical administrator for a program is actually trained in wastewater management pretty much, somewhat on energy conversion or energy, and then nothing really on resource management. And it's really a big deal because with a little change in the rules, you're going to have commodities flowing that are going to be ready to support businesses. So training is really important. We're working on in

San Diego, there are about six counties now that have this, but it's called a wasting fee, and it's \$10 on the black bin. And that goes to a regional education, waste reduction and toxic programs throughout the area. It comes out to the individual about 35 cents a year because you generate less than a ton a year and it's going to be \$10 a ton. I just want to make an aside, and I don't know if you're still doing it, but you were giving Business Services \$80 a ton, whatever the avoided cost was to remove the mixed recyclables and cardboard and send them to Portland where they could be sorted. Well, when I was there the second time, they stopped, they were just doing cardboard. It seems to me that anybody that was moving materials, whether they were taking the glass and using the glass for an aggregate or even a small glass plant to make bottles, they should get that subsidy as well. I mean, if you're budgeting \$80 a ton for landfilling, they ought to spread it around. So that's an incentive, especially on the organics side, to get these businesses to work out whatever the shipping fee is.

And then finally, I want to say two things. One, I think the idea of local businesses is fine. I think the transfer stations and the MRFs can be sources of feedstock to local industries that are making things out of products. If you're around on the 28th of February, Zero Waste San Diego will do our 11th annual symposium. It's virtual as well as live. And this time, Laura, my daughter, who runs it, focuses on reuse. And we probably have 20 different small businesses that are taking stuff that would have otherwise gone to the landfill and turning it into products and businesses. So this is adding to your local wealth. It's also creating businesses and some independence. And finally, there's millions of dollars right now available for these kinds of projects. Serious effort in going after some federal money from EPA. I know Kristine will tell you, I think you just got one. I heard she landed something about a month ago, but it's out there. There's funding out there. You can do this.

You brought up the sludge for compost, Commissioner Acasio said. I just recently went to a presentation put on by the Environmental Caucus of the Democratic Party. They had some guest speakers and talking about that. Oftentimes, the sludge is now loaded with PFAS and PFOS. And then also, I still haven't gotten a lot of clarification about our polymer that's added. But if I'm not incorrect, our County adds polymer to the sludge. And so that would be something to address in terms of if we were to use that as any kind of resource recovery and diversion, that would become an issue kind of immediately for farmers because we're adding polymer and it contains the PFOS from other sources.

PFAS is a new one, Mr. Anthony said, and it's a terrible thing. And the whole plastic industry is a real cause for concern. What's going on in terms of just population? I'm not a chemist. And so Paul Connett would tell you, though, maybe the heat of the compost typically burns off most of the organic additives. And so PFAS would be in there. But the best thing is just to ban PFAS and not let them spray that on our containers and our receipts and wherever it shows up in our environment. That's why I say the 35 cents a piece for a regional waste reduction education program could let people know what's out there and how it's going to harm them and what they can do to stop it. And the major power we have in this country is that if we don't buy the stuff, they go out of business. So we should think about that. If they make products that don't have any use or have toxic materials that end up in the environment, then we should boycott.

Commissioner Beets asked if the EPA requires sludge treatment before it can be used in agricultural compost.

They grade it, Mr. Anthony said. It's Grade A, Grade B, Grade C. So a clean compost that doesn't have any heavy metal and meets the EPA requirement is okay for land application. If it has the heavy metals, then that's a problem. And there's lots of incidents of putting on just sludge that hasn't been checked out on soils and caused a lot of damage. But when we ran the San Diego- we built their resource recovery system so successful that the County sold the landfills. I can't even get into it, and the whole system was sold to Allied Waste for \$300 million cash. "We'll mail you the check by Friday." And they did. The issue is that we can control this. We don't have to give it away. It should be public ownership. You have the power to make the adjustments.

Where are you guys going from here, Mr. Anthony asked. Are you going to recommend the Council to do something? Have you looked at the updated zero waste plans?

We are in the process of trying to implement our integrated solid waste management plan that we issued in 2019, Chair Adams said. And there are several components and recommendations in there, including to look at expanding the reuse centers and the transfer stations and improving how we divert waste. And in fact, the Commission just recently sent to our Council encouragement to look at banning the landfill of recyclable materials. And I wrote up a draft bill that would look at what can we recycle now, and who can cost effectively participate in recycling? The resorts, for example, here, and businesses will have to find a way to divert resources, basically, instead of taking it all to our landfill. So we're just in the beginning of that process that we'll be working with the Council on how to develop those kinds of actions. So there is a whole series and we're plugging through and discussing how to move forward. The biggest issue that is different, I think, of this island is just we don't have an industrial base, we don't have a lot of users of the recovered material here on this island. So it's a much bigger circle in the circular economy, the world, which drives the cost crazy. We allow residents, for example, to throw away their waste for free. Well, it's kind of hidden in their property tax. To say, we're going to throw \$10 charge on you for every bin of waste you have, eh, we'll probably get some pushback. So there are a lot of political, cultural hurdles that we need to do, but we're working on them. So I at least would hope that everybody feels like we're not doing nothing. We are looking at how can we pace it and how can we manage it as an island, a county within a state in the middle of the Pacific.

In addition, Commissioner Acasio said, Commissioner Garcia and I are also working on a zero waste ordinance or opportunity because it may or may not end up being an ordinance if it doesn't need to be, for film industry and construction, repurposing within the film industry for permits and require it as part of the permit so that they can budget it into the whole production.

Well, two things to watch out is in California, and we have rural areas too, that have to be complied, Mr. Anthony said. So one is the current mandate that no compostable organics will

go to landfill. And part of that is the capturing of the edible food. And my company, one of the things we've been doing with the cities is identifying the big generators of edible food and tying them with the pantries. With the conversion of organics out of the landfill, you solve the leachate problem and you solve the methane problem, but you also create a whole new industry of making compost. And I know that you need that stuff on the island. The other one was SB 54, which we tried to get bills to regulate plastic. And we get beat by them in downtown Sacramento. So we put together an initiative and got the signatures and we're rolling until the very last day of the meetings. And the industry came forward and said, we'll do everything in SB 54, but we don't want it to be a law. We don't want it to be the way the initiative is, which has the government running it. We want to run it ourselves. Producer responsibility organizations, some of the more radical, said, that is not going to work. But the fact is they all signed on and the governor signed it into law. And Californians Against Waste, the lobbyist group, pulled it from the ballot. Now today we're looking at the rulemaking, and you might just take a watch out on what's going on 54, because that's plastic. And in my 50 years in this business, in the first five years, there wasn't that kind of plastic out there today or maybe if you looked at plastic in the composition, it was like two, 3%. Today it's a good 10 percent, 15 percent. And that's amazing when you figure out how light that stuff is. So these are two good things to watch for that you could apply. Especially, I think, the banning of organics from the landfill. I think you do that in my mind, for the environment that you recognize the landfill is producing methane and that's causing global warming. And because of that, you're going to divert it and byproduct is going to be- you're going to make good, healthy soil to use on the farms throughout the island.

Chair Adams said she would have to wrap up this session. Mr. Anthony has plenty of stuff online if you wanted to check out what's happening with the California Resource Recovery Association. And the zero waste report has a lot of good information for everybody. So thank you very much.

It's zwia.org, and that's our website for all the international groups, Mr. Anthony said. We now have 25 affiliates on the international group. And just aside, finally, is that Rossano Ercolini picked up on this one in Italy. And there's now over 100 cities in Italy that are over 80 percent in terms of diversion. I appreciate the opportunity to talk to you.

2. Wastewater code and rules update

Stuart Coleman, agenda item V.2: My name is Stuart Coleman. I'm the executive director of WAI, Wastewater Alternatives and Innovations. And I've worked with Laura (Acasio) and Erica (Perez) for a long time as part of the plastics movement and then also as the Cesspool Conversion Working Group. And I just wanted to mention two things that kind of tie these two issues together that we were just discussing. One is in terms of recycling. ... the one thing in terms of sludge waste that we were talking about before, and the issue of contaminants with PFAS and PFOS and others, pyrolysis, which is high heat, low oxygen. There's a new technology that removes up to 98 percent of those contaminants and then all other contaminants, and it produces biochar. So this is not only removing those contaminants, it's avoiding trucking sludge to the landfill, which the former speaker was talking about, how dangerous that is. And our landfills are already full, and they can be leaching those chemicals into the groundwater. But

also, the great thing about it is it's a carbon sink, it's a soil amendment, and it can be a fire retardant. So you can also mix it in with invasive grasses, which are a big problem across Hawai'i Island. And you can replace those very flammable invasives with something that is good for the Earth and doesn't have contaminants and can be a fire retardant. So that's super important. The other thing regarding recycling is with glass. We're basically losing money shipping glass every time because we can't do anything with it here. There are efforts in Maui County to crush that glass to levels that we need for individual wastewater systems. For leach fields, it's C33-size sand, which we don't really have much of. And we need the quarries to produce it. But then crushing the glass can be a huge thing with the 48,000 cesspools that need to be converted, because it's a great filtration system for these leach fields.

(EMC discussion deferred)

3. 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 and November 29, 2023.*⁴

We were asked to look at the General Plan draft sections 3.5 on wastewater treatment and reuse and 4.3 on solid waste management, Chair Adams said. This was postponed from earlier meetings. And as part of the package, the Secretary had sent out the couple of comments that he received. I'm digging through here, and whether anyone has additional recommendations to consider. I know we were talking about maybe putting that up on the screen and edit or comment as you wish. And also, just a reminder, as individuals, you are more than welcome to comment on the General Plan. The Planning Department is soliciting public input until, I believe, March 1 of this year. So you can go in there and put your own things in. The question was whether EMC, as a body, wanted to provide specific commentary. So I think we talked last time about, there's reference in there about the West Hawai'i Sanitary Landfill lasting 100 years. Well, forget that. So either strike that or put some new language. We're well below that. The last time when we submitted the recommendation to Council on banning recyclables to the landfill, the Director had told us 20 to 25 years at the rate we are filling it up. If DEM is not wanting to specifically use that number, we could certainly say, just say significantly less, and in the not too distant future, our landfill will be overwhelmed.

Chair Adams asked the Director if he wants EMC to make a comment on the General Plan saying 20 to 25 years is the estimated lifetime of our one and only landfill.

You can, the Director said. It's an approximate lifespan, and it depends if the diversion program gets successful or we get more population and growth and it could deplete it faster. But just as a reminder, our consultant Element Environmental, is working on analyzing the entire solid waste operation, including looking at the landfill and confirming the capacity remaining for that

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=127686>

³ V.2: Draft GP – Solid Waste: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=127685>

⁴ V.2: Draft comments re General Plan: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=127715>

landfill. So as long as you kind of make it general, maybe we, you know, because we don't have it could change. It's very dynamic.

I understand the reluctance to put a number in there, Chair Adams said.. And I think maybe a more general statement, which is sort of in here- if you give us flexibility to reword this, to just say that we have a shorter expected lifetime on that landfill.

Why can't we just make the modification based on the previous statement of 2025 years, Commissioner Beets asked. Because if it's incorrect, then it should be corrected.

The 100 years is definitely wrong, Chair Adams said. We need to have that struck. But it was kind of background information the way they had stated it in the General Plan draft. And so I think it's just taking out that misstatement and whether we need another sentence in there that says how long or expected to be.

I think DEM will correct that, if you don't mind, Director Mansour said. Because remember, this is 100 years based on that General Plan when it was drafted, even prior to the landfill activation. So we're talking about what's remaining.

I would rather DEM put in the language that you're comfortable with, Chair Adams said.

The Secretary will note that DEM will adjust the language as it sees fit within the studies taking place at this time, the Director said.

Okay, next one is there are a series of recommended actions, Chair Adams said.

I'm recommending a sentence to follow the 24.i, Commissioner Norris said. I was discussing with EPA about injection wells and their influence on nearshore waters, and I got a response from one of the hydrologists from EPA, and he mentioned that they had a draft guidance for future injection wells, and it comes from the Supreme Court. I asked them to look into what they're going to recommend for injection wells, in nearshore waters from Maui. There was a lawsuit that was brought to the Supreme Court, and the Supreme Court gave some guidance on how EPA should react to the vicinity of injection wells, near shore waters. And essentially, if you can prove that your injection well will not influence nearshore waters, shoreline communities, then the EPA will not impose any kind of NPDES requirements on your injection well. But if we would think ahead and think about where we put the- I got a phone call that we would ensure that these new injection wells would not impact the environment. We would save ourselves a lot of headaches in the future. So that's the reason for the recommendation, is that we do these kind of studies ahead of time before installing a new injection well to ensure that the placement and the plume does not extend to the near shore.

Director Mansour said he wanted to make sure that as Commissioners, when you reach out to these agencies, I hope you are not reaching out in the name of the Department or the County, because there's a lot of issues. My department is very cognizant of the lawsuit, very cognizant

of the requirement and the calculations and what it would take to do it. So I just want to make sure that when you guys do that, if you do it on your own, don't do it under the representation of the County or DEM because that could impact potentially any current project or any current discussion that's going with EPA. So that's to all commissioners. You are in the advisory commission, but we cannot prevent you doing your research. But just keep that in mind because it's very dynamic as a government entity, we work with EPA and the Department of Health on ongoing projects, litigations, et cetera. So I just want to make sure.

We've gone down this path with Maui all the way to the highest court system of our nation, Commissioner Perez said. And then they sent it back to Hawai'i and we had a substantial- we being the state- had substantial amount of research of the impact of injection. I'm wondering if this is the best path or if this is even necessary with the amount of research that Maui did in Lahaina and the amount of know how that the Director and DEM already understand the impacts that injection wells are bringing with that guidance from the Supreme Court coming back to Hawai'i saying we need to kind of fix our NPDES process. And I am curious if this is needed.

Commissioner Norris said she did not mention any affiliation with the EMC, so that's not an issue. I was just doing my own research.

The purpose of this was to look at whether or not EMC should file or send to Zendo Kern comments on the General Plan as the Environmental Management Commission, Chair Adams said. We spotted the one, correct that, but we will let DEM do it. So I guess maybe we are even asking the question, does EMC want to submit comments to the General Plan as the commission? Is there a real purpose to doing that?

I think it's very beneficial, the Director said. You bring a lot of issues to DEM and the County and we just talked about it earlier, right. Commissioner Perez was talking about development and septic versus cesspools and what have you. This is your opportunity. If you don't attend meeting and voice your stand on issues, it's not going to get heard and it's not going to potentially get corrected. The Vice Chair is bringing a good point. I mean, in the private sector, you're doing a resort, they may end up doing an injection well, but the Department of Health, just to let you know, it's being very stringent and very hard on issuing permits for injection wells. But that's good to keep it as a reminder for resorts and private waste treatment plants. But is it a Planning issue? It's really a Department of Health issue.

I just have a clarification point, Commissioner Acasio said. So our EMC input is due because they did extend the date, correct? We're still good. We could still have one more discussion. I mean, discuss and then do a little bit more.

But seeing the kinds of issues that are being raised and the right context, Chair Adams said, and is it back to the discussion that you had that what we really want to see is where do we put in this thing that you're not going to allow a development that encourages or allows septic unless

it has jumped through lots and lots of hoops, saying that's the last resort? So we could think of it in that term.

I like that a lot, Commissioner Perez said. And I also think that there is merit to thinking of injection wells, at least in a preventative way. I know that DOH is really inspecting them and if there is an additional layer of precaution that we have a chance to interject, I think that there would be, if a development is proposing a new injection well, yeah, it would be great if they don't already do this through NPDES. I mean, NPDES is going to look at all of this anyway, right?

Well, yes and no, because injection wells are still allowed by the state, Commissioner Beets said. In many states, they've got groundwater. So groundwater will be increasingly dependent on, especially sea level rise, et cetera, and with our own population growth, so just another potential source of pollution, whether you want to call it a point source or not, that gets into a bit of controversy. I think it's imperative that we put in, we make a recommendation like this.

The other issue is these two sections the DEM asked us to focus on are strictly municipal solid waste and wastewater, Chair Adams said. What you're talking about in terms of injection wells is DOH and general development. And it may not fit into these two sections. It may be a broader part of the General Plan where you've made comments about anytime you're looking at allowing a new development, there needs to be significant hurdles to putting in any new septic and evaluating injection. And frankly, my view of what DOH looks at it, they're just looking at drinking water. They don't care a heck of a lot about marine water.

Well, presently that's true, Commissioner Beets said. But here's my question to you. Do you think it's our responsibility to ensure that the state DOH considers future government injection wells because they have not ruled that out?

That's interesting, Chair Adams said. I'm wondering if we step back and look at, are there other places in the General Plan to comment about some of this as opposed to these two sections are what DEM is claiming for their areas of responsibility.

I know we talked about it, Director Mansour said, the Commission exists to advise the Department on solid waste and wastewater. And over the last three years and since the existence of the Commission, there's a lot of issues brought up by you and the constituents and the Department that are pertaining to, how could we create policies and procedures that could benefit and deliver on what you all wanted? And this is your opportunity to comment on all the issues that has been surfaced through your Commission. A good example from the Solid Waste, we keep talking about having a transfer station at each corner. Is that something that's going to continue? Are we going to allow for better hauling of the waste or could we allow developers to start building their own area of waste collection similar to an apartment complex in a subdivision? These are things that you could suggest from a development point of view, from your experience, from all the discussion since I started three years ago under the current administration. So you need to capture your issues and concerns over the years and trying to address it, as it's your opportunity. Because this is the General Plan 2045. And if you want

change, if you want implementation to potentially become policies and procedure to fit your vision of where you sit, now is the time to write it on ink and submit it to Planning so you can be heard. I keep hearing a lot about cesspools, wastewater, reefs. This is your opportunity if you want things to change from a Planning point of view. I heard that also in the Planning documents they say you cannot build- you have a sit back of 50 feet from the shoreline to build a septic or some type of wastewater system. Is 50 feet adequate? I don't know where the 50 feet came from, but if you are stewards for the environment, then speak out now and let it be known. And you have a lot of good comments over the year. Jot it down and present it to them. So you could know that your comments are being submitted and heard rather than just we have these meetings and continue talking about it. But if we cannot impact change, and this is the way to impact change, take opportunity and do it, capture it. It doesn't have to be two bulleted items. It could be everything that you been working on from an environmental point.

I wonder if a good place to start, Commissioner Perez said, because I really appreciate what the Director is saying and I think that he has done so much and has tried to really- he's just done a lot. I see the amount of work that his office is doing. And what I'm wondering is, I'm not as familiar, obviously, with the solid waste as I am with the wastewater, but I can absolutely very well begin a list of barriers that I see as being barriers that are preventing movement forward. And maybe if we could look at it from a barrier standpoint of solid waste and wastewater, and maybe work with the Director and DEM on identifying what regulations from a DEM perspective could help move that needle forward and then try as much as we can look at it also from obviously a Planning perspective and see if we could outline some solutions or at least recommendations to send to the Planning Director for the General Plan.

I think that would be great and appreciate you offering to do that, Chair Adams said. And I guess I would like to say the next meeting because we've beat on this a couple of times now, guys, not maybe focus so much on the specifics that are in the solid waste and wastewater listings. I mean, if you've got some problems with individual items that are listed there, but look at it at a bigger picture of the General Plan. What do we want Planning to be thinking about? I mean, one of my little pet peeves is they don't reference the 2019 Integrated Solid waste Management Plan. They're talking about the 2009 because that's when they did the last General Plan update, and look at the recommendations that are in there and that find DEM has listed these priorities that they want to look at, but there's this huge body of work that's there, and I don't know if Planning has even looked at it. So back off and see if there are big issues that we want them to try to incorporate. The way they've set up the comments for the General Plan is you're going online, you're editing and putting comments into specific language that's in their draft. That's awkward. You can try looking at where there are places to do that. But for example, one of the things I'd like to see in there is supporting the recommendation that we sent to Council that we are planning to achieve diversion from landfill for things that we can use, reuse and recycle. So that ought to be in the General Plan because by 2045 we ought to have a lot of stuff out of the landfill and be using it. And there is language that's already here about the resource recovery park concept, but we can get a little bit harder on, do what we've already recommended. Another big piece that we had in the ISWMP is planning for any business, whether it's operations or building permits or any kind of permits that planning gets

involved in. A piece of that should include waste prevention. Preventing the creation of waste in the first place, that you're managing the resources that you didn't happen to need when you built your place or you knocked it down and refurbished, whatever reason you got a permit for. That would be a different kind of statement. It doesn't quite fit into the two sections here about solid waste and waste management, but it is part of the development, planning process and permitting process should have these elements to it. And one of my pet peeves is there ought to be a requirement that you're thinking about the waste you're going to generate and how you're going to reduce and reuse, recycle. And have a plan. And somebody that you're going to hire at DEM is going to have to look at it and see whether or not it's adequate. But just asking somebody to do, to think about it will help even a little bit. So bigger picture, I think is what we're hearing the Director saying what I love doing. Okay. Next time. That's the assignment. I'll help you write it up. March 1 is the end of this, so go ahead and add it in. I will say that we need to keep it somewhat within our Charter, what the EMC is about, which is the area of waste as it's managed by the County. So there needs to be some nexus for us to call it an EMC recommendation. Each of you individually, whale on the thing.

I don't disagree with this insertion that's been recommended, amended at all, Commissioner Beets said. It may be in a different place in the future. I'm completely open to that. I'm a little concerned with only mentioning injection wells because there's plenty of other sources in other states that aren't addressed. And I'll just use one. The state of North Carolina opened pools for holding waste from different sources that usually get flooded and go directly into their rivers that are used as water sources for cities. We need to think broader than our present sense.

DCC Tavares restated that the Chair is asking the Commission to make a recommendation, send it to the Secretary so that we can update this and you guys can have an open discussion and a vote at next month's meeting so that we can move on.

And feel free not to be constrained by the individual items and editing that specific language, Chair Adams said.

4. Adoption of position regarding support for extended producer responsibility legislation such as SB 1458 SD1 (2023) in the 2024 legislative session.⁵ *Postponed October 24, 2023 and November 29, 2023. Open motion made by Commissioner Acasio and seconded by then-Vice Chair Jon Olson to support SB 1458, extended producer responsibility legislation, and bills that focus on reuse, refill, and resource recovery.*

We postponed this, had some previous discussions. So the topic is, do we want to do something about extended producer responsibility legislation and how do we cast it, whether this is a specific language, do you want to still make a motion for this language or are we open to new language?

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

Commissioner Acasio asked if this allows EMC to recommend to the Council to either look into supporting this or directly saying the EMC supports it. I'm just wondering the protocol is.

This would allow EMC to send testimony directly to the Legislature, provided there are drafts of the communications of the testimony that are posted online, the Secretary said.

So we could file specific testimony with the Senate or House if we wanted to, or we could provide it to DEM, their testimony because we know they'll be testifying on whatever applicable bills. Or we could send to the Council and say, when you get your two cents in.

Commissioner Acasio made a motion that we adopt a position of support for extended producer responsibility, and recommending to DEM, our Council, and the State Legislature, but it was neither seconded nor recognized.

Chair Adams asked about striking references to a specific bill number.

That would be for discussion because Senate Bill 1458, for example, is sitting in WAM. And I think also, I'm not 100% sure, but it sounded like from earlier testimony, public testimony, that the same House bill is also in some position, maybe in FIN, and so those two are still alive. And it's very different from this new bill. So I think it would have to be specific to SB 1458, or we would open up more general and say, supporting the concept of EPR as it is specifically being worked on, because they might not pick this up.

Chair Adams asked for a second.

It would be good if you just make a motion, DCC Tavares said, and I would recommend that the motion be to adopt. The EMC will adopt a position regarding support for extended producer responsibility legislation during this 2024 legislative session.

Motion and second: Commissioner Acasio made a motion, to which Commissioner Perez seconded, to adopt a position of support for extended producer responsibility legislation in 2024 legislative session, to the Legislature, DEM/County Administration, and Council.

Discussion. It's all in terms of flavor and detail, Chair Adams said. I did support testimony opposing the House version, for various assorted reasons. I thought it was not ready for prime time and didn't really hit the EPR definition and intent. I do like the one that Jennifer Navarra had talked about, and I would really like to see some experience coming from California and the other states that are working specifically on packaging EPR legislation regulations, and they're working through the weeds and dealing with how do we make this work in our state. And California is not Hawai'i county. So learning lessons as we can, and I think some EPR legislation goes a step too far for us. But the general concept of EPR is one of the solutions to certain types of waste and how we can construct it and make it work in this island is a worthy effort if it can result in significant diversion from the landfill. If it keeps a ton of plastic straws out of the landfill, eh, I'd rather work on something that's bigger. Construction and demo, organics. So

how it gets framed, how big it's going to be, and then working the individual language is a whole other step. So as far as general support, yes, extended producer responsibility has to be in that kit that we use to tackle these problems. But it's not the only answer. And individual examples may or may not work. If we can keep it at that high level, as you stated, support, and then we get to the point that all right, specifically, we've got a bill that looks like it's going to live. We can detail it out. So that would be my nature of support, of a general support.

Commissioner Acasio agrees. And also with the caveat or the acknowledgment that there are different kinds of EPR that are very different. So again, where you're talking, there's the pro and non pro. That's very different. And bringing up California, for example, and you brought it up earlier, we don't have industry that's doing the recycling. So again, we are an island state, very different than California in terms of that kind of recycling capacity, and with that acknowledgement that there are different kinds of EPR, as opposed to thinking all EPR is the same. Therefore, putting out that general support gets a little bit scary almost because it's very different.

Chair Adams asked for a restatement of the motion.

Support for EPR legislation in 2024 for state, DEM, and County Council matters.

Can we add the acknowledgment that there are different, that gets confusing- Commissioner Acasio said.

It's basically the approach or the concept, the thing that EPR- Chair Adams said.

Which then the state does their job, if they're doing their job in public hearings and working through and having the stakeholders, right holders, et cetera, contributing to the conversation in those constitutionally mandated public hearings, Commissioner Acasio said.

Commissioner Perez said that if we submit a general statement - I like the general component of this - if we submit a general statement in support and wait at least until we know more of what is being introduced, how it's going to be written, if it is very different from the original last year, 1458, or different than what we have, we can then make more edits to our recommendation, right? Or change our recommendation.

This isn't to send anything at this point, DCC Tavares said. It's just EMC is taking a position of support. But what you are doing is you're looking at what's going to be coming down in this legislative session and deciding what specific items, if any, you folks will be submitting as the EMC. Because nothing prevents you from submitting individual testimony. But if there's going to be, just at that time, a general statement of support coming from EMC and whether or not you folks would, as EMC, submit recommendations for changes or whatever it may be, that will be done at that time. At that time. Because this could also go nowhere and there won't be an opportunity to submit testimony.

It makes complete sense to just say as a concept, we are- Commissioner Acasio said.

We could say we are opposed to anybody wanting to open burn trash on this island, Chair Adams said. So it's a position of, yeah, we like the idea and the devil's in the details. We'll deal with that when we get to it.

It is a direction we need to be going in. It's something that we need to explore, Commissioner Acasio said.

Vote: Ayes 7 (Acasio, Beets, Garcia, Otsuka, Perez, Norris, Adams); Nays 1 (McIntosh). Motion carries.

VI. NEW BUSINESS

1. Discussion and feedback on the presentation by DEM consultant Carollo Engineers to the Council's CRCO Committee on January 23, 2024, regarding the Integrated Wastewater Management Plan and public engagement.

Director Mansour said some of the Commissioners have seen the presentation yesterday. I invited the consultant to address, rather than going through the whole presentation again, just to address some questions or concerns or ideas you guys may have. But we could just give you a brief description of the presentation, which is to address the County's direction into complying with House Concurrent Resolution 208, in addition to implementing the integrated wastewater management plan for the entire island. This topic has been in discussion since I started pretty much about three years ago. Some of the commissioners that were around back then understand the direction that we committed to take, to create a better roadmap for the County of Hawai'i to utilize from the wastewater perspective. And we introduced that yesterday, the why and the how of why we're doing it now, and the reasons. So with that, we would love to entertain any questions from yesterday's presentations.

Commissioner Perez said one of her takeaways from the presentation yesterday is that the recommendation from DEM is that basically it's going to drive Individual Wastewater Systems as a solution for our County. And maybe I should just ask, is that the recommendation that's coming from DEM from this study?

I don't think we came to any recommendation, the Director said. The intent for the presentation yesterday is to start engaging the public and we got two public engagements coming up next month. I'll have Dr. Ishida talk about the timing of these meetings, but the intent is no. To answer your question, no. We don't come to a recommendation of determining IWS versus connection because we haven't done this complete study yet. Some of the areas would require connection because they're going to be within the sewer service area. Some may be a decentralized system if the community is willing to create a district. Some could be IWSs. But the intent of the study is to drive that discussion and also potentially come up with policies and procedures that we as a County could start implementing as a roadmap for the future. So that's the intent. And to create that roadmap and policies and procedures requires everyone's involvement. And that was a draft, just to get the communication going.

And that's why I actually started with that question, Commissioner Perez said. Just because the three of us have had exhausting conversations about this. And so I just wanted to make sure that I didn't misunderstand or I wasn't confused in what direction, hopefully, we're going in just because I think that question in itself is so important because of the role our coral reefs play, the importance of our groundwater. Looking at Florida as an example, driving individual wastewater systems forward, and then historically having to transition them to collection systems. I guess that- is there a component of this research that is going to look beyond just County owned, current County owned systems, but look at the potential of connecting communities that are nearby private systems-

I'll have Dr. Ishida talk more about it, but the intent is to identify all the private systems, Director Mansour said. And if there's policies, legislation, resolutions, bills need to be driven to change the current law. The current law allows connection to municipalities only. So we need to work with the State. It's going to take legislative action to change the current law to allow connection to private wastewater systems. And that also is going to be discussed and is going to be laid out in the report as we dig deep into it. The report is not going to give you a solution for every possible scenario, but it's going to trigger the discussion of policies and procedures, because it's not going to go into the engineering details. So it's just going to be a document, a roadmap, where you could enter your address and it kind of gives you your option if it's already determined that you're so far away from any system, you don't have to wait on us. You could do IWS because you're so far away and it's impossible to get to you. So we don't have to hold up our constituents to conversion, because as you guys heard yesterday, it takes about 2,000 conversions per year starting today to stay in compliance by 2050 for the County of Hawai'i. So our intent is to get the education out there, work with our constituents to create an ease of transition for them, rather than wait to the 11:30 hour and everybody will be panicking and say, God, how am I going to finish 48,000+ cesspool conversions by 2050 if we wait till the end of that period? Because we only got 26 years. And like I said, within that 26 years remaining, we have to start doing 2,000 conversion per year to meet that deadline.

Thanks, Erica, for that question, Dr. Cari Ishida said. This integrated wastewater management plan will act as a roadmap. It will go over- there are three solutions, right? The individual wastewater systems, decentralized or cluster systems, and connecting to the County system. Three ways for people to convert their cesspools and it just is not feasible for the County to connect all cesspools to their system. So individual systems have to remain as one of the solutions. So it is a plan, it's not research. So it will act as a roadmap for homeowners to have some guidance as to what the County is thinking for extending their sewer system, as well as potential areas for decentralized or cluster systems. And the County can only do what they can, what's within their purview. So connecting to private systems, it's just a conversation starter. So there's many more conversations to be had around those types of conversions.

Chair Adams said EMC has provided guidance to DEM on what we expect to see in an Integrated Wastewater Management Plan. And from what I've reviewed against the different components, you're doing it. But in that recommendation, we're supportive of private-public

partnerships, of being able to use what works for the place you're dealing with. So having that flexibility, I think you've already gotten the official EMC input: Go for it. And if you've got specific legislation that you would like us to also support that would recommend changes to the law to allow private wastewater treatment, is a perfectly fine option that we want to make sure happens as much as it is possible. The whole idea is to have sustainable systems, whatever people are deciding works best for them. So I think we've got the flexibility that we've already provided to DEM on that regard. And if you'd like to go back through, we could send out that list of the things that ought to be part of an Integrated Wastewater Management Plan. But part of that is also, it's evergreen. You're constantly updating and adding in detail as it matures and evolves, and you're not going to have it all laid out. My understanding is that the state legislation said you will have an Integrated Wastewater Management Plan for every county. Well, it's not as detailed now, but it is focusing down on how we're going to do it and the process and the considerations. And I really like the way it's been laid out, that it is recognizing we've got to be flexible and we got to hurry up. So anywhere you think you want to bounce it off of us for something that isn't already included in that guidance we provided, just let us know and we'll beat on it.

Director Mansour said the input is important as we move and finalize that. I keep hearing the Hawai'i Administrative Rules for the state are hard to change, and it takes forever. But we need to get started. If there is potential for our constituents or any constituents within the state, nearby private waste treatment plant, they need to have the option to be able to connect. It's no brainer, because why would you go on septic if your next door neighbor is connected to a private system? So whatever it takes from legislative action, we need to lobby with a state elected official to drive that. And, Erica, I think your organization would be great for that.

I fully support that, Commissioner Perez said, and then the other bills of the Cesspool Conversion Working Group spent four years putting together too. I mean, I think that we've discussed a lot of the potential of public private partnerships in many different ways and what that looks like, or opportunities to change current standings of county or state regulation in order to allow those to take place. And I am in full support of moving that or proposing that move forward. And that's all in hopes of addressing the cost and ownership of these recommendations that we're putting forward. And putting recommendations forward is challenging on its own and then dealing with the ownership of those recommendations and the actual costs of who those then trickle down to, it's worrisome if we put all of those costs and those burdens on the homeowners of Hawai'i. Hawai'i County has the most cesspools across the State, and there's huge opportunity here to think of successful transitions not as singular households, but as community sections. And 80% of our county's wastewater is not sewage. So that means 20% of Hawaii County's wastewater is actually sewage. Of that 20%, Hawai'i County has municipalities-

We have six waste treatment facility plants on the island, the Director said. Even though we have six plants, they are all being underutilized and under capacity, because it's just, we're not allowing for connection as we plan forward. But with this document, hopefully it could set up the stage for future development within a service area that they must connect. So for us to be

able to increase our customer base, we just need to be proactive during the planning process. Otherwise, we're going to continue on the same road that got us here. We literally outpriced ourselves for sewer waste treatment plants. It is expensive. You've seen the number yesterday. We're talking about \$14 billion to sewer the entire island. That's a lot of money.

It's an uphill battle in trying to put all of this together and trying to map it out, Commissioner Perez said. After doing so much extensive research in Puakō regarding all of these different components of wastewater transition, it really, in my regard, often comes down to cost and ownership of these recommendations and who's going to be the carrier to move those things forward. It's a hard thing, and I appreciate you guys trying to tackle it.

You hit it right on, Director Mansour said. Puakō is going to be the example of how the County got involved to bridge over the communication between the private and the community. And it's working. American Water committed to allow for connection. The community set up their own task force and they're moving forward with laying out the financial option. Dr. Ishida has been working with the community as part of assisting that community to connect to American Water. So I think that's coming to fruition. I talked to Barbara Bell yesterday prior to that presentation because she did submit testimony and she is a member of that task force. So we start seeing the light through the tunnel. It's coming to fruition. We've been working on it. Your report laid out the options. And I think one of the best option and more feasible options is to connect to the nearby private waste treatment plant. And that's moving forward. So something to look at as becoming the model for the entire County.

And I would say to you, Chair Adams said, if there are things that you want to bring here as proposals or things that you think the weight of EMC has to advocate and support finding solutions, do it. We're more than happy. I'll get you on the agenda. You can have a forum here to help DEM get things.

I'm in full support of finding avenues that the private industry can support our County in moving these things forward in a more expedited fashion, Commissioner Perez said.

At our scale. We've got so many cesspools that we're unique, as usual, Chair Adams said. So you wanted to give out the dates for the public meetings?

It's on Slide 26 from yesterday's presentation, Dr. Ishida said. The first round of outreach will be- there's February 13 in Kona at the pavilion from 5:00 to 6:30 p.m., February 15 on the Hilo side at Auntie Sally's from 5:00 to 6:30 p.m. And then February 27 at the Nā'ālehu Community center from 5:00 to 6:30 p.m. And February 28th at the Kohala Intergenerational Center from 5:00 to 6:30 p.m.

And that also is going to be on our website, the Director said. You all know that we, DEM branched out to have our own website because in the past, we used to be linked to the County, and it's hard to navigate through the department website. But now we have our own DM website, so information will be shared as well on that.

Well, Chair Adams said, I would also encourage the commissioners, if you can attend in your district, to hear what the concerns are, and again, think of ideas of, well, what could this Commission help with?

Commissioner Gonzalo said it must be variable data depending on which district. But are there maps of where these facilities, the public and private facilities are, trunk lines, laterals, et cetera, by district or just across Hawai'i? Because I'm trying to better understand for District 7 how big of a bite it is. When I moved in here, I had to convert my cesspool over to septic. If I knew where a trunk line was, I would have been more than happy to tie in, and maybe there's others in a comparable position. So it would be just really useful to have some maps or something like that to understand how big a bite it is within each district.

I think the short answer is not yet, Dr. Ishida said. There are maps of all the different sort of aspects, from locations of the current cesspools to the locations of the current county service areas to the locations of the private systems. But our plan will integrate those maps. And help to put them together. So we're working on it right now. All that information is kind of spread out between county databases, Department of Health databases, and whatnot. So we're working to integrate that. So stay tuned.

Just to let you know, Director Mansour said, how the State of Hawai'i works when it comes to wastewater, different than any other states I've seen, at least from my experience, because you mentioned the trunk line. So here is, No. 1, the County of Hawai'i. We don't even charge connection fees. Keep that in mind. And private systems are run and administered by Department of Health, not the County. So sometimes we don't even have access to the data unless we get into their database and try to get the information and that creates a lot of challenges because the state administers that, not the individual county. Even the septic tank conversion, it's state driven. The state issues a permit, not the county. So I just want to make sure that's clear, because I know to some other people may think the County oversees all of that, but in reality, Department of Health oversees that. Once we build our treatment plant, our collection, then it becomes County. If anybody within that service area needs to connect, they have to come to the county, not the state, but if any private entity wanted to install any type of wastewater system, they have to work with the State. Just to give you an idea. I know, Gonzalo, you asked the question, and maybe that could clarify some of that. But it's a great question. Are you willing to connect? I want to hear from every developer, everybody on the island. Where's the trunk line? Let's get it in. Let's connect. Let's have a sewer service rather than doing septic. If you have a nearby sewer line.

It makes sense, Commissioner Gonzalo said. And to me, it's a facilitating and enabling tool for planners, whether they're private planners, construction developers, et cetera. Without that mapping, we're kind of in the dark.

Yes, the Director said. And like Dr. Ishida said, we've got to work with multiple entities and agencies, try to bring that mapping into our GIS. Hopefully, it will be successful. Most of these

resorts, I don't know. It's because the only collection line you're going to see, it's within their facility, doesn't go outside that resort area. So we may end up getting challenged on getting that data, but we're going to continue searching.

Commissioner Beets asked what is the expected timeline or completion date for the maps.

The draft integrated wastewater management plan will be issued to the Department of the Environmental Management by the end of this year, 2024, Dr. Ishida said. The draft cesspool conversion plan will be issued to DEM in March 2024. The draft maps will be in the draft cesspool conversion plan, and that will be ready in March 2024.

Is there any way to uncouple those, Commissioner Beets asked. I've seen several ArcGIS maps for the State and the County and districts, et cetera, that have various amounts of data in them. And it would be a great opportunity to get input from all those different sources just to follow up on. So that's the only reason I asked that question and I'll leave it as a statement.

I just want to reiterate draft because we need to make sure that we have time to iterate with county staff. We don't want to put anything out there that's inaccurate. So we need time to make sure we QA, QC that with staff, Dr. Ishida said.

Commissioner Beets said to the Director, I understood what you said in that all permits for conversion require state, but are you informed on all of those permit applications?

No, we're not, Director Mansour said. The only time County gets informed through probably the Department of Public Works, when they get a home improvement permit to add a bedroom or to modify current existing housing, then the Department of Health requires the conversion prior to any improvement. And I would imagine that goes through the Department of Public Works. But our Department does not get notified of these conversions. Like Dr. Ishida said, we need to log in to the Department of Health database site and see if they even have the latest and greatest. We know that Department of Health is lacking staff as well and whatever data they have, that's what we're going to depend on.

Goodness, Commissioner Beets said. I know that in many states, Florida being one, is that when you apply, you're actually doing an application that's concurrent with districts as well as State. So maybe we ought to pursue that if that doesn't exist or make it a recommendation from this commission.

I would support that recommendation, Commissioner Perez said. I don't know how things work, but I would totally support that recommendation. Regarding future development. I know that the Planning Department is also looking at development codes and planning of how communities are built out and seeing across the state or across our county how much development is taking place. Is there collaboration between the Planning Department as they look at these development codes that are basically impacting exactly what you folks at DEM are trying to now deal with in this current timeline? Is there currently collaboration taking place?

And if there is not, or if there is, how can that be supported, in order to not continue this way of development into the future, where we're relying on homeowners to cover multibillion dollar projects and manage wastewater, which is something that I receive a continual remark to from community members and other folks that constituents think that this is a government responsibility. Whatever hand of the government that be. It might be confusing, but very much a government responsibility and not individual homeowners to correct community problems.

That's a good question, Dr. Ishida said. So at the end of yesterday's presentation, we did have a slide in there that included what is and isn't included in this integrated wastewater management plan. I think what you're speaking to are kind of the policies that would follow, and there's a lot of work that needs to be done in that area, whether it's changes to building codes, whether it's new bills proposed to the Legislature, what have you. So there's a lot of work to do there that's not all going to be done in this plan. There may be recommendations for policies or rules to be changed in this plan, but we're not going to be able to make those changes. As far as coordination with Planning, I believe the County is in the midst of updating its General Plan.

I'm actually not speaking about the General Plan, Commissioner Perez said. I'm literally talking about Community Development Plans. It's separate from the master plan

There are two things, Director Mansour said. There's the General Plan that also considers the current Community Development Plans. So they go hand in hand, and the Planning Department has been doing a lot of public engagement. And once again, you as commissioners, as public, our constituents, you guys, it's your opportunity to participate in these planning meetings. They had half a dozen meetings, if I recall. I know I attended three to four of them at least. And I think it's very important to start voicing out what you want. But when I go to these meetings, and that's the reason Planning does this meeting, is they want to hear what the public has to say, what their preferences are. But when nobody shows up to voice these types of plans, then you cannot just expect change without fighting for that change, because it's not going to happen on its own. So from as far as developers, usually when somebody submits for a development, go through zone change or go through Planning Department for a big project, they run it through every department within the County. And we are involved in seeing the process for a new development. But as you know, and we talked about it a lot, the current state laws allow you to do septic tanks for less than 50 lots. Unless that has changed, we cannot continue talking about it. The law needs to change to be able to enforce what your vision is and if anybody comes in and says, I'm going to build 49 homes the Department of Health is going to approve it, not the County, because it's a State law.

I've attended those community meetings and stuff for those opportunities to be able to participate, Commissioner Perez said.. And I definitely encourage the communities that I work with. One thing that I have noticed is that sometimes, because it's so complex, they don't know how to recommend or what is needed to be changed. People just know at the end road what they want. They want clean water, they want improved- they want the end goal. But how they get there is also a little confusing to community members because we don't know the

regulations and the laws and the specifics of that law that you just said, of the 50-lot buildout-those things, community, I don't think can come to the table with saying this is what needs to specifically be changed. I think that that's the give and take of all coming together and looking at that end goal and trying to figure out who plays what role in order to collectively get the collective there.

And it's going to take a State level change, Director Mansour said. So it's going to require every County and I know during the cesspool committee these issues surface. But if we don't get every County on board to pressure the State because it's a State mandated change, or unless State elected officials are willing to take that on and change the law or propose a new changes to the Hawai'i Administrative Rules, that's going to continue.

Chair Adams asked the Commission to go back and think about what are the list of things in the, specifically as we're talking about the cesspool conversion working group, identified barriers you're running into, barriers that require State law to change. Just get them on a list. If you could pull that together, Commissioner Perez, I think that would be great. And say these are the things that are State law and we're going to have to by a process and I'll let these two at the end of the table tell us protocol. But as EMC for this Hawai'i County, our job is, well, we can make some comments to Council, but Council has to be pushing on State to get changes. So I think we need to start lining that up and we can write letters and try to move that. But maybe if you could take a whack at it and get some input from Dr. Ishida and Director Mansour on what are the State law changes that you need and maybe we can start leaning on our representatives. The other thing I wanted to comment on is that each of us can go to these public meetings for Planning or for DEM as representatives of our district, but not as EMC representatives. And as individuals, you're welcome to go, but please do find out what your constituents care about and maybe talk about, well, that's something maybe I could bring up to the EMC, but don't talk like you are EMC.

Commissioner Beets thanked the consultants for their presentation. It was fabulous. His question was, if we go to a public meeting, but we're asked a question because they know we're Commissioners, can we answer?

You can answer, but not in the capacity as you're speaking on behalf of EMC, DCC Tavares said.

But as a knowledgeable citizen that is also a Commissioner. Then we can make a statement, Commissioner Beets said.

If that is what you want to do, with the clear understanding that you're not speaking on behalf of EMC, you're speaking for yourself, DCC Tavares said. And you can acknowledge that you are a Commissioner on EMC, but it's not that you are speaking on behalf of the Commission because the commission has to take a position and issue some kind of statement as a whole during one of these meetings that we have. But if you attend a community meeting or a Planning meeting or whatever it may be, then, yes, you're free to speak. Just not, "I'm saying this is EMC's position and this is what we're trying to do. That is not permissible."

2. Annual election of EMC officers.

Motion, second, and vote: Commissioner Beets made a motion, to which Commissioner Acasio seconded, to elect Georjean Adams as Chair of the Environmental Management Commission. Motion approved by voice vote.

All right, you're stuck with me for another year, Chair Adams said. This is my last year on EMC. I term out. So if you know anybody from District 9 who want to be on the commission, let me know.

On the nominations for Vice Chair, Commissioner McIntosh said he would do it if nobody else would.

Commissioner Norris said she would nominate herself for Vice Chair.

Commissioner Acasio nominated Commissioner Perez for Vice Chair, who declined, and Commissioner Acasio withdrew her nomination.

Motion and second: Commissioner Acasio made a motion, to which Chair Adams seconded, to nominate Commissioner Norris as Vice Chair.

Discussion: Commissioner Acasio explained her nomination as being on the condition that Commissioner McIntosh would only nominate himself if nobody else would. Was that still his mindset?

That's fine, Commissioner McIntosh said.

Vote: Ayes 8 (Acasio, Beets, Garcia, McIntosh, Otsuka, Perez, Norris, Adams); nays 0.

VII. REPORTS/CORRESPONDENCE

Director's Informational Report⁶

1. Legislative update
2. Solid Waste Division Projects and Updates
 1. Landfill tonnage
 2. Recycling and Landfill Diversion updates

There was new information provided on organics, green waste, Chair Adams said.

I appreciate the fact that we're bringing it up as a monthly kind of agenda item, Commissioner Otsuka said, because I think it's important. From what I understand, there's still an abundance of inventory at Pu'uanahulu on the green waste. So I wanted to ask about that and the mulch. So I understand that the trucks are not bringing back the mulch. Or if they did, they only brought back 48 yards of it for the whole month of January. So I just want an update on that.

⁶ VII: Director's Report: <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=127714>

And what we can expect every month to see a more substantial movement of that mulch to East Hawai'i because the need is more in East Hawai'i. That's kind of it for that.

They're going to start moving mulch again, Mr. Kawaguchi said. It's when the trucks are available and time wise, because they have to go over, drop the trash, and then load up the mulch and then come back. I think the drivers go at least twice a day, up and over.

I thought it was more like eight times a day, Commissioner Otsuka said.

It's four trucks. Sorry, four trucks. So they're just going back and forth with the trash.

Do you suppose maybe the last of the two trips they could bring back mulch, Commissioner Otsuka asked. (Mr. Kawaguchi's response via Zoom was unclear).

I raised this before about the hazardous condition by having the amount of green waste there, Commissioner Otsuka said. I was the only one there that visited. And at the time, the levels there were so high, there was no room, and it was a potential threat. And so that's why I want to be on this all the time. That was on the movement of the mulch to East Hawai'i, since the need is greater in East Hawai'i, although they are moving it to Kealakehe, which is a good thing.

They're going to start moving in January, Mr. Kawaguchi said. He then explained the purpose of his graphs:

For the East Hawai'i organics facility, the first column, it's what residents drop off at the site, Mr. Kawaguchi said. The next column would be the commercial green waste drop off at the site. The third column is the amount of green waste dropped from the different transfer stations. Chipping is for Volcano.

So overall, East Hawai'i Organics Facility is receiving 4.6 tons of mulch per these dates between these date range, monthly, Commissioner Perez said.

Obviously, the majority of the green waste is coming from West Hawai'i, Chair Adams said. And the issue of what's happened to the mulch is a separate issue that, if I'm remembering correctly, you said you didn't quite get all the numbers.

I haven't gotten all the numbers confirmed, Mr. Kawaguchi said, for the mulch that goes out to the public and commercial.

We run out frequently over on our side, Commissioner Perez said.

But the difference between is huge, Commissioner Acasio said.

And the issue with transportation, again, I'm just trying to understand this a little bit more. I'm sorry, Commissioner Perez said. The issue with transportation is just that we just don't have enough trucks. Is that super simplified?

I think it's the backhauling, Mr. Kawaguchi said.

And then one more question, Commissioner Acasio said. But also it seems like more is getting dropped off in West Hawai'i. So it's not so much the- I mean, my question is not as much the transport of mulch after the fact, but just looking at this data, they're collecting more mulch or more green on that side, if you think about the.

This data is gold for further discussion about what our whole system looks like and also who is responsible and who's putting into that system, Commissioner Acasio said. Awesome. This is great. This is gold. Thank you.

There was comment, Chair Adams said, and we heard last meeting, \$1.5 million is going to the reusable foodware program over in Hilo. And Ms. Navarra gave us an update at our last meeting. And as they're going through getting public input on their design of the program. And so I think we still would like to get some periodic updates from her on how that's going.

3. Solid Waste Operational Study update

The solid waste operational study is chugging along, Chair Adams said. Could you tell us again when some report outs should show up on that?

They're looking at October of this year, Director Mansour said, I believe they did do a presentation to you and they're going to have public meetings and they will report, tentatively, October of this year.

Everything seems to be off sync or being able to use the results of that study in some of the legislation and the General Plan and all that good stuff, Chair Adams said.

3. Wastewater Division Projects and Updates

Any significant updates you want to make on the wastewater division projects, Chair Adams asked. It's really nicely laid out on what is being covered and when the dates are getting a lot of public input. I'm really pleased to see how that goes.

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

VIII. FUTURE AGENDA ITEMS

1. Follow up on action items determined today.

We've all got some more homework, Chair Adams said, on the General Plan. We should see some juicy stuff coming from legislation beginning to move. The Secretary is the expert in tracking which bills are going where at the State level. So we'll have that. Mr. Kawaguchi will get some more data to give us on the actual mulch transfer and logistics of getting it east side, west side. So if you have any questions you would like to see the director respond to in his report. We tend to get these quarterly rather than monthly, but they'll answer questions. So just ship it to her and the Secretary and we'll work it into the agenda, if that is appropriate.

And I have to look through the minutes, Chair Adams said, if there are any other items we called out today to get into the agenda. But you're welcome to make suggestions for what we ought to cover at the next meeting.

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

1. Provide an overview of the current management of greenwaste and future improvement plans
2. Provide accounting of transfer of mulch to east side vs apparent need.

IX. ANNOUNCEMENTS

The next meeting is scheduled for Wednesday, February 28, at the Community Meeting Hale (Building G) of the West Hawai'i Civic Center, 74-5044 Ane Keohokālole Highway, in Kailua-Kona. 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. Chair Adams said she was given four minutes to make a description of what EMC is up to at the Waimea Town Hall. The other thing, I'm working with a couple of people, specifically Harvey Stone, on putting together a workshop as part of the sustainability summit that Mayor Roth holds. And looking at what we can talk about regarding waste management. And I won't be pushing EMC specifically, but probably drawing on when I was a member of the committee that wrote up the integrated solid waste management plan. So we're trying to figure out what do we want to come out of that. Also beginning more as a "cc" so far, but getting closer to talking with Council Chair Heather Kimball on the recycle ban, landfill ban, and how do we want to organize that. So we're still talking about who, when, what, how. But she's interested in moving on that. So I think it's just gearing up for it.

Commissioner Acasio said that this past Saturday, Hānai Kaiaulu, who presented on their compost cardboard shredding to mulch program, brought over students from Nanakuli, O'ahu, and they worked with Waiākea High School Key Club and their agriculture department, and they held an event called Sustainable Saturday. I don't have the exact number that was diverted, but it was an incredible amount of shredding that happened. Folks went home with cardboard weed mats after the shredding and bedding for animals and such to turn into their compost. And I will have the data later. But there were a lot of different sponsors in our community that contributed. Folks would bring their cardboard. The students would shred, and volunteers were shredding. They could go home with shredded cardboard, and they also went

home with boxes of produce. So it was also a joint collaboration with Kokua Harvest, who works with the Food Basket. But they source. So from Lamalama Ka Ulu, which is a wellness center in Pepe'ekeo, they got three days before, volunteers harvested over 700 pounds of fresh produce and donated it to the event. So folks went home with tons of fresh produce. And it's going to be an ongoing event, resource recovery community education day. And so in the future, it'd be great to partner more with the County on that level. But many, many sponsors. There's a lot of sponsors. I don't need to list them at this moment, but just keep an eye out for that in our community. There's a few projects underway.

Commissioner Gonzalo said he was so impressed with the cardboard presentation, I've set them up to give a presentation tomorrow for the Thursday Rotary. And there's a great deal of interest in the Rotary group to fund one of the shredding machines for them to use potentially down in Ocean View to help with the Marshallese community down there. So it's a really exciting opportunity. I didn't do it as a representative of the EMC or anything like that. I just was so impressed, I set it up as a Rotary function tomorrow, and hopefully Rotary will provide funding for that piece of equipment.

Commissioner Acasio said we are also working with individual Council Members, to work through some of the questions that were posed about the film industry diversion or zero waste plan. So just an update. It's still happening, just slow going.

X. ADJOURNMENT

Motion, second, and vote: Commissioner Acasio made a motion to adjourn, to which Commissioner Perez seconded, and the motion was adopted. Ayes: 8 (Acasio, Beets, Garcia, McIntosh, Otsuka, Perez, Norris, Adams); Nays 0. Meeting adjourned at 12:10 p.m.

Respectfully submitted,

Peter Sur, Secretary