

ENVIRONMENTAL MANAGEMENT COMMISSION  
COUNTY OF HAWAI'I

MEETING MINUTES

Wednesday, March 27, 2024

9:03 a.m. to 11:57 a.m.

Hawai'i County Building, Hilo, and Zoom

Commissioners present:

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

County staff present:

Ashley Kierkiewicz, Council Member District 4  
Kuuhiapo Jeong, Council Aide District 4  
Ramzi Mansour, Director  
Mike Kaha, Acting SWD Chief  
Shelise Lamb, Project Manager  
Craig Kawaguchi, Recycling Coordinator  
Alan Fukamizu, WWTP Operator  
Alex White, Recycling Specialist  
Chris Laude, WWD Engineer V  
Chris Sparber, Acting WWD Chief  
Peter Sur, Secretary  
Sinclair Salas-Ferguson, Deputy Corporation Counsel

Others present:

James Hustace, Cory Harden, Jennifer Navarra, Autumn Buford, Steve Holmes, Junior Tupa'i, Jaerick Medeiros, BJ Penn, Keoni, Aeva, Sheryll, others.

**I. CALL TO ORDER**

Chair Adams asked commissioners to introduce themselves and called the meeting to order at 9:03 a.m.

**II. APPROVAL OF MINUTES FOR FEBRUARY 28, 2024<sup>1</sup>**

Chair Adams proposed to delete an incorrect location stated for the meeting on page 1:

“~~[Hawai'i County Building, Hilo, and Zoom]~~”

**Motion, second, and vote:** Commissioner Acasio made a motion, to which Vice Chair Norris seconded, to approve the minutes as corrected. Ayes 5 (Acasio, Beets, McIntosh, Norris, Adams); Excused 1 (Garcia); Absent 2 (Otsuka, Perez). Motion adopted.

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<sup>1</sup> II – Feb. 28 minutes – <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=129360>

### **III. STATEMENT FROM THE CHAIR**

I want to thank very much the Vice Chair for chairing the meeting last time, Chair Adams said. It sounded like an excellent meeting. I was sitting in the Honolulu airport trying to hear and not talk. And I must say that was one of the most frustrating things of my entire life, not being able to talk during one of these meetings. But the meeting went well. It was a lot of good information and discussion. And I thank you, Dot. And I will have no qualms whatsoever missing another meeting because I know you can handle it.

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

Jaerick Medeiros - See Pages 19-20.

### **V. NEW BUSINESS**

1. Presentation and discussion with Christopher Laude, Wastewater Division, regarding wastewater pretreatment.

Mr. Laude began his presentation:

So what I understood I was to do is give you an update on where we are in the pre-treatment program, he said. I think I gave this PowerPoint to the group two years ago. So I used that as a [start] and then updated some things. I'm Chris Laude. I am the Civil Engineer V and have been working on this pre-treatment program since we got the AOC about two years ago.

The AOC requires Hawai'i County to develop and implement a pre-treatment program. We're supposed to develop it in year 1. And then year 2, which is this calendar year, we are supposed to implement it. And that includes a study and development of what they call local limits, if appropriate. And I'll get into those in some subsequent slides. And if you have any questions, just shout them out. I'll have time at the end for questions for those who like to jot theirs down and bring them up at the end.

Fair to ask, what is a pre-treatment program or what is pre-treatment? And it's the control of pollutants from dischargers at the source. So while it's still on the discharger site before they discharge it to us- and it's a national program run by the EPA. EPA delegates the approval authority of the local programs to DOH. So our local program is directly supervised by DOH, and we are the permitting authority. So the County would permit these industrial users. One of the main purposes is EPA wants us to understand who is discharging it to us and what they're discharging. After that, they want us to be able to control pollutants so that we don't get something that passes through our treatment plants untreated or causes interference with plant operations. So picture a big oil slick that comes into the plant. The plant is not designed to treat it. It's going to stick to everything. We got to spend extra time and effort to clean it up. And then anything that's incompatible with the wastewater treatment plant processes. So what that means is the plants are generally designed to remove solids, so they can be very small solids. And when they are, they need to settle out. So something that keeps that from settling out would be like large amounts of saltwater or surfactants, anything that keeps the plant from working the way it should.

The other two things are to make sure that we can recycle and reclaim wastewater and the biosolids, the sludges. So typical for the sludge, we got to test for dioxins every year. So right now we send all that to the landfill, so it's not really an issue. But going forward, we need the ability to be able to reuse wastewater sludges and the wastewater itself. And then the most important thing is it's also intended to protect our workers and the public. You can't have something explosive getting into the wastewater collection system and it explodes and the manholes go flying in the air, that kind of thing.

So just to illustrate it in a drawing, the industrial users, in this case, we have a bunch of factories they discharge into the collection system. And what we want to prevent is discharge of anything that corrodes the sewer pipes, or when it gets to a treatment plant, it causes issues. I mentioned the explosions, toxic fumes to workers. And then once it gets to the plant, we don't want anything that interferes or passes through and ends up in the receiving waters. I like that they include the money on this (diagram) because one of the driving thoughts of EPA is, hey, if you do all this stuff, you will reduce costs to your operation. If the sewer pipes aren't corroding, you don't have to replace them. If the treatment plant itself isn't getting impacted by deleterious substances coming in, you don't have to repair it. So that is one good thing I like about that picture.

We have some responsibilities. We have an AOC. What are we supposed to do? We're supposed to establish legal authority to be the permitting authority. And then we develop and implement a pretreatment program, and there's a bunch of steps in there. One is, like I said earlier, identify and survey all of the industrial users who are discharging to us. Once we understand who they are, where they are, and what they're discharging, we control them by permitting them and the waste haulers and various commercial entities.

We're also required to go out and inspect these users, sample them, analyze their discharges to make sure that they are complying with their permits. They are supposed to monitor themselves and submit reports. So we review those and make sure that those match not only our sampling results, but also they're in compliance with their permits. If they're not, we enforce upon them. We produce and submit annual reports to DOH and EPA. We provide public education and participation, and the county is obligated to fund all these exercises. The other thing they require us is, hey, do you need local limits? Do you need to limit pollutants that are discharged to your plant in order to make sure the plant can successfully treat the incoming wastewater to the permanent limitations?

So who's going to be affected by the pre-treatment program? They drone on and on about industrial users. So one way to look at that is just like it says, if it's an industry, then it's regulated. So we have Meadow Gold, the fish processing factory. Those are industries that discharge to us, so we're certainly going to permit them. Also the waste haulers because they pick up waste from outside sources and bring it to us. It also includes what most people would call commercial entities or establishments like restaurants. And although we may not place a specific discharge limit on them, we want to know that they are implementing best management practices to reduce the number and severity of issues that we see from their

discharges. And then I had to put a little plug in there for general public. So what this program does not directly regulate is residential users. They're not regulated, they're not permitted under this pretreatment program. They are, however, well, we are encouraged to educate them on what is appropriate to flush down the sewer through the public education and outreach portions of the program.

What about resorts, hotels, condo buildings, Chair Adams asked.

There's some nuance here, Mr. Laude said. If they're discharging domestic sewage only, then in theory, they're not covered. However, there's a big caveat here, and that is the "prove it." So as a commercial entity, they would be required to document that they are only discharging residential sewage and that the quantity that they discharge doesn't meet the threshold for being a significant industrial user. So a little complicated answer, but yes, the hotels definitely would be permitted.

Mr. Laude showed a flow chart and continued:

The chart starts with all discharges. Everyone connected to us directly or through a hauler. That's a user. Then from there, it splits into two divergent paths. One is the residential users who only discharge domestic sewage, pee, poop, toilet paper, maybe some other bodily fluids, but no chemical or no industrial process wastewater. It's just pee, poop, toilet paper. So a way to think of that is an accountant's office. Okay, well, it's commercial, but in this instance, that doesn't matter. What matters is, do they discharge anything other than from their bathroom? And if they do not, then they're not an industrial user, there's no permit, they go on their way. If they had an industrial or a commercial kitchen, so it's your favorite tax preparer who has a lunch counter, then they would be considered an industrial user, and they would have some level of permitting.

There are three categories under industrial users. Sorry, this is so complicated, but EPA loves jargon, and they love acronyms and abbreviations. They have a thing they call an SIU, a Significant Industrial User. That is a user who discharges to us, either directly or through a hauler who either discharges a large enough quantity of wastewater, which is around 20,000 gallons a day, or discharges something that has the potential to cause pass-through or interference. And under the Significant Industrial Users, they're all going to get permitted. They have Categorical Industrial Users who are industries that, I don't know, there's 13 of them, a baker's dozen, that the EPA recognizes. If you're in metal plating, if you're in animal slaughtering, refineries, those recognized industrial operations that you're listed as a Categorical because you're in one of those categories and you have special permitting and monitoring requirements. And then there are non-significant CIUs. And again, apologies for making this so complicated, but just as an illustration, a non-significant CIU would be someone like a dentist's office, believe it or not. Because if they remove dental amalgams, they have mercury, lead, other stuff in them that we don't want discharged. If they comply with the EPA guidelines, then they're listed as a non-significant. We still have to keep track of them, know who they are, but they get a pass because they comply with the EPA requirements individually.

And then I know I've mentioned it three times already, but people who haul waste from industrial users are also Significant Industrial Users because they have the ability or there's a possibility they bring a hot load into the plant and it just messes everything up. And then the biggest chunk for us- so for SIUs, island-wide, we have maybe two dozen. So it's not a huge body of people to permit. The non-significant IUs who discharge stuff other than domestic wastewater, but not in a quantity or the quality of that wastewater isn't quite enough for us to get super excited about. It would be an inconvenience, but wouldn't necessarily cause a permit violation for us. We propose to permit these folks, which would be food service establishments, restaurants, because they produce a lot of fats, oils, and grease, automobile repair facilities, haulers who only haul domestic waste, the list goes on. So the AOC does not require us to permit these people right away. It focuses on the Significant Industrial Users. But the vast majority of our users are going to be these non-significant users. We have issues with fats, oils, and grease in our system, and we'll be rolling out a FOG program momentarily and permitting restaurants. Then the other category is they're not a Significant Industrial User, and they're- I hate using the word insignificant, but they're not their wastewater discharge is so small or the concentration is so low that's not really significant to our wastewater treatment plant. We won't even notice they're there. And although we'll identify, we're not going to require it.

What was that last category again, Commissioner Beets asked.

They are non-significant Industrial Users that we are not going to permit, Mr. Laude said.

So give examples, please, Commissioner Beets asked.

Oh, man, you guys put me on the spot. You ask for questions, I'll give them to you.

Wouldn't one of them be the folks who follow the dental amalgam rule, Acting Chief Sparber said. That's one, right? And then we have others that- Maybe some industrial sites that follow correct BMPs?

The doctor's office collects specimens for pathology, Mr. Laude said. And then what do you do with that? Well, as long as they comply with the state's infectious disease requirements, then we're not going to permit them. But we will identify them. We will know where they are, and periodically we'll go by like we will with the dentists and verify that they do have the appropriate paperwork in place and they are complying with the State requirements and Federal.

For clarification, Commissioner Beets asked, what you're saying is dentists, as an example, in the previous category, would be placed in the third category if they are meeting all the state requirements?

Yes, and federal, Mr. Laude said. In reality, dentists are Categorical Industrial Users, which is a daunting category to be in because there are a lot of requirements. However, in the categorical

standards, they say if the dentist plays nice and complies with the voluntary dental amalgam rules, then they start getting kicked down the chain. Then they get turned into a non-significant Significant CIU, and there we have the choice to say we'll permit them or not. And thus far, my opinion is, hey, we don't permit them. So they go into the non-significant IUs, and if we verify that they are complying with the Dental Amalgam Rule and they give us a certifying statement, then they're kicked out to the non-significant IU, no permit required.

Commissioner Acasio understood that dentists can move from the first category to the second category to the third. If they give a compliance note, do any of the other categories in that second category also move? Then the second question is, how often are we checking, what's the capacity for our County? Is it one person for the island, and then do they just- is it random?

Generally speaking, the federal requirements are intended to be phased in, Mr. Laude said, and they're intended to be iterative. Every year, we take a look and see who are our users, do we have any new ones? And we try to bring them into the compliance program. And after we identify them, we have to figure out, well, what are you discharging to us and how much, how often? How does that impact our collection system and the plant? And I suspect some of the folks that we've identified as Significant Industrial Users that will need a permit, will need to do their own sampling, we'll go out and sample them. We may do a round of the sampling and go, What do you know? It's really not significant. And I think that should be the process. We should move them down the chain. You're less impactful to us. We're still going to identify you. We're still going to permit you. We're going to monitor how your discharge impacts us. And then next permit cycle, we may decide it's not worth permitting, because it is a burden. It's a burden for the user. It's a burden for us to keep track of all that stuff. So, the idea here is not to permit, not to charge, it's to gain compliance. We want our plant to be compliant. We'll take all the steps we can to get there.

Vice Chair Norris asked what is involved with the monitoring, whether they're complying with the permit rules or not.

It ties in with the thing I said a little bit earlier, the local limits, Mr. Laude said. We are trying to figure out, I guess, are our plants, and these are for the three Hilo-side plants, Hilo, Kula'imano, and Pāpa'ikou. Those are the three plants. We're trying to establish that, are they compliant or not? As luck would have it, they are. They meet their current discharge limitations. So then the questions become, who's discharging something other than pee, poop, and toilet paper? What is it? How much? And how does that impact the plant? And if it turns out that the plant is not meeting its discharge limitations or something is being discharged that might be likely to overwhelm the plant, then we institute a limit, a discharge limitation for everyone and say, okay, we have to cut down everybody's discharge of, say, benzene, because we're approaching our permit limitation for benzene. So that local limit applies to everyone in all the industrial users in the collection system for that plant.

So you monitor organics then and metals, I assume, the Vice Chair asked.

Yes, Mr. Laude said. EPA calls those Pollutants of Concern. And there is a list of I don't know, a couple of hundred, I think. And they're all the organic, organophosphate fertilizers, pesticides, herbicides, metals, hydrocarbons. There are two emerging pollutants of concern, classes of pollutants of concern. One are the microplastics, and then another one are the PFAS, PFOS. Those are the perfluorinated hydrocarbons, the forever chemicals. So EPA is working probably more diligently on standards for the PFAS/PFOS, and they have a draft. So you can't just grab a sample and run some analysis on it. You have to use an EPA approved methodology for sampling and for analysis. EPA has not finalized those procedures for the PFOS/PFAS, but that's imminent. Then the next one they're working on seems to be microplastics.

The point is that the pre-treatment standard and wastewater standards are evolving. They got to keep up with them. And Hawai'i County didn't do squat relative to pre-treatment. We're playing catch up, and we will continue to have to amend as new requirements from EPA comes, Chair Adams said.

Yes. I suspect that our AOC was predicated by that, Mr. Laude said. EPA started looking at DOH and saying, well, hey, how come you haven't required them to have a pretreatment program? And then probably mentioned these other chemicals coming into the spotlight. And DOH said, "Hey, you got to do it now. You got to get caught up." And like I mentioned before, these pollutants of concern are all- Well, they change periodically. And as time goes on and as technology improves so we can detect smaller and smaller quantities, those limits go down. So yes, in both senses, we're going to be looking for new pollutants of concern and then reducing the ones we have. The other pollutants of concern are more general wastewater things like biochemical oxygen demand, pH, total suspended solids. Those are also things we evaluate.

I understand that some of the wastewater treatment plants are having FOG issues, the Chair said.

They all are, Mr. Laude said.

How is that going to back up to requirements on FOG dischargers like restaurants and whatnot, Chair Adams asked.

The AOC does not require us to implement a FOG control program right away, Mr. Laude said. A problem with FOG is a lot of places, and EPA as well, says, hey, you ought to have a FOG limit of 100 milligrams per liter. Everybody goes, okay, yeah, we'll test for that. We'll see how much FOG is dissolved in the water. Well, FOG does not dissolve in water. That's why it's a huge problem. It builds up on everything. That 100 milligrams per liter level is meaningless. If you collect the sample properly, you'll probably never see any FOG in the sample because it's all floating and you're collecting from below the surface. If you do manage to get a sample of FOG in there, it's going to be really high because one little spot of it is going to bust the limit. So our local limits- and I'll get into this in a couple of slides from here, but our local limits evaluation do not identify FOG as an issue. I think EPA's stance, I've dealt with Jim Pollack at EPA when I was at CCH, and it's just a given that FOG is an issue, that you have to understand who's

contributing to it, that they're implementing the appropriate best management procedures, like having a large grease interceptor in the parking lot, and that they're maintaining it. And then furthermore, where does that FOG waste go? Here, they can send it to a landfill or it goes to Pacific Biodiesel. So we need to make sure we close that loop, that anything that is collected and then taken somewhere, not us, but definitely goes somewhere where it's properly treated.

Mr. Laude continued with his presentation.

I only have a few more slides, he said. I went over what our responsibilities are. Through the permit process, we'll push some requirements on to the industrial users. They have to comply with our requirements. They need to perform self-monitoring, and they need to periodically submit those reports to us. We need staff to look at those reports. We also go out and inspect them ourselves periodically. Same with the waste haulers. A weakness at the City and County of Honolulu, was if the hauler didn't come to us at a designated location, we're like, "Okay, everything's great." But the big question is, where did they go? Did they go to the next manhole up and dump in there? Did they take it to an appropriate place? Did they dump it in Kalihi Stream? These are the things that we want to close the loop on to make sure we understand where everyone takes waste that they pick up. I listed a bunch of staff that I thought we ought to have based on what we did at CCH, and we need some staff.

Currently, we do have an environmental compliance specialist for East and West, and then we have a program support technician for the East side. We need more staff. We're doing a little better with the ancillary support stuff. We do have vehicles available. We could use another vehicle for the West side. We have office space. We are working on a laboratory contract. When we collect samples, they're regulatory compliance sample. They are to document the compliance of our users instead of us documenting our compliance with the state requirements. So we should separate that from our lab and get a third-party lab to do it. We are purchasing a software package to help us manage all the users. We should get a collection system engineering support branch to handle things like evaluating sewer system overflows, capacity evaluations, get a flow model. And then real quick on the local limits evaluation. So keep in mind, local limits are about looking at who's discharging, identify who the industrial users are, figure out what they're discharging, and then how is that impacting your plant?

So Kula'imano and Pāpa'ikou, we don't have any significant industrial users, so it's a moot point. But we did the exercise anyway, and those plants look like they're in pretty good shape with respect to what comes in versus the treatment we're able to do to it. Hilo WWTP, I want to talk a little bit about because we tested at the plant influents. We tested at the plant effluent side. We also went into the collection system to look at who's generating what. And again, I touched on the pollutants of concerns, BOD, COD, total suspended solids. For the two country plants, we have final reports. For the Hilo plant, I left it in a draft because we have some unanswered questions. We collected samples on the collection system. Those look normal, not supporting the need for local limits. But when we looked at the headwork samples, this is actually at the plant, they looked a little off for a couple of/for a few pollutants of concern: ammonia, BOD, TSS, basically. So although the levels were high enough that we should start thinking about

maybe we need a local limit, they weren't alarmingly high. They were abnormal, and they didn't match the collection system. So for Hilo, before we do a final report, we should establish what proportion of those contaminants are being generated by the industrial users versus the domestic users, because they both discharge those pollutants. I envision that we'll have our permits in effect by the time we get around to doing the additional sampling for Hilo. So we should look at, Hey, did the permits, which are going to include lower limits for BOD, TSS, the ammonia, do they affect those results? Another thing is most plants receive, I believe, at least some of their influent from gravity systems. Hilo does not. The influent into Hilo comes from Pua. Pua pump station gets pumped sewage from the other pump stations within Hilo. So we need to understand how that affects those parameters. One is we're running it through impellers, we're making it finer and finer, and that probably increases the BOD and TSS. And it may have a long enough residency time in the collection system to increase the amount of ammonia. And then we'll redo the field sampling and analysis before the end of this year. This is an annual thing. We need to annually look at, how are we doing? Are there new users we need to be- are there areas that you're aware of? Has anybody changed their industrial discharge, added a new industrial process or some BMP that improves it, even?

Commissioner Acasio asked what is our capacity and what is our capacity for lab testing. And is it on island?

The pollutants of concern are traditional wastewater parameters, Mr. Laude said. They're nothing especially technical, and it's the analyses they're already doing. So they can do at least the sample analyses. We need to collect the samples, and again, we should probably have some extra staff to do that. A thought here is you collect a sample from an Industrial User and it doesn't match their sampling and it indicates a permit exceedance. What do you do? Well, you try to get them to come back in the compliance- a reality probably is they look at the money, pro and con, and what if they decide to sue? If they decide to sue, they request all our documents, and now the operation of the lab is impacted by that. Whereas if you just say, Hey, we're going to hire a contract lab to do these analyses for us, then you separate and protect our lab from that extra load. And we don't have the lab staff available to go out and sample our Industrial Users at this point. And especially in the first year, you want to collect more samples than are required because you definitely don't want to have somebody in significant non-compliance. Then, like we discussed earlier, the more samples you get, the better idea you have of what their discharge is and whether it actually needs to be permitted. You could drop some people out by collecting extra samples at the start. I understand there is a lab on the Big Island that we could use. There are labs on O'ahu, and shipping the lab samples over there is an extra step, but it's something that's done routinely.

I noticed that a lot of your monitoring is happening in Hilo, Chair Adams said. Do we have the same system in Kona?

The AOC just focuses on the three Hilo-side plants, Mr. Laude said. One approach would be, "Okay, well, that's all we're going to do." Logistically, that's a little difficult because then other residents in the County will go, well, how come they're permitted and I'm not? Or, how come I

have to pay extra for all of this and they don't? And they're just outside of Hilo. Another point is it doesn't matter if they are not directly connected to us. If they use a hauler and the hauler comes to us, then they fall under our permitting. It makes much it's our sense to say, Hey, it's the whole island. And that's what we did. Our approach is it's going to be the entire island. We're going to start in Hilo, work the kinks out, and then this year start rolling it out in Kona side. So what that means is we have to spend some time to identify all of the non-residential users. We have to go by and visit them, see what they're discharging, and make the evaluation on whether they are a Significant Industrial User who needs permit or a non-significant that we also want to keep track of, which would be restaurants as well.

Relative to rulemaking ordinances, Chair Adams said, the process of getting this all down, there needs to be changes in the County Code as well as DEM admin rules. Will they be coming to EMC in what time frame?

Yes, I'm working with Chris Sparber, our new acting chief, to corral those things, and I'll leave it to him to respond to an email on when that will happen, Mr. Laude said.

2. Presentation and discussion with Jennifer Navarra, Zero Waste Hawai'i Island, regarding a draft system plan for the Hilo Reusable Foodware Program.

Chair Adams said next month for this presentation and discussion may be better.

That's fine, Ms. Navarra said. Our comment period is ending on April 19. But I could come back and give a summary of the second draft. If the Commission wants to just provide any feedback prior to the 19th for Draft 1, that would be fine.

Also, everyone individually is more than welcome to pass on comments and should now, Chair Adams said. I believe you were all sent the link to the information. And if there's some special place, we'll get that information out to you. And we'll try to catch up on our April meeting with you.

And I can share this PowerPoint presentation that I put together for the commission, Ms. Navarra said.

3. Comment and recommendation, if any, on Bill No. 140, pursuant to Section 2-207(c), Hawai'i County Code. Referred by the Council's Policy Committee on Infrastructure and Assets on March 19, 2024.<sup>2</sup>

Bill 140: AMENDS CHAPTER 20 OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO SOLID WASTE FACILITIES. Requires that all solid waste facilities used for the disposal, collection, and transfer of household waste be operated and open to the public at least two days per week.

<sup>2</sup> V.3 – Bill 140 - <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=0&id=1073463>

Chair Adams asked Council Member Ashley Kierkiewicz to introduce her bill and the background for it.

Mahalo nui, Chair Adams, for taking this out of order. Aloha, Commissioners, the Council Member said. My name is Ashley Kierkiewicz. I am the Council member for District 4, which encompasses Lower Puna, Hawaiian Paradise Park, all the way down into Kalapana. Last week, our office introduced Bill 140, which is to require that there be a minimum number of days that transfer stations on Hawai'i Island are operated. As you know, the Kalapana Transfer Station is only open one day a week. That is Saturdays from 9:00 to 4:00, which isn't always the most convenient time for families to get to the transfer station. There are a number of folks that have moved into Lower Puna, and so this would ensure equitable access to an essential County service. Just to put things into context, other transfer stations are either operated three days a week or seven days a week around our island. This bill would allow for any future transfer station to be operated for a minimum of at least two days a week. We would certainly entertain if the commission would like to establish it to be three days a week. One of the things that we heard during our Committee meeting when this was first introduced was the desire to also ensure that recycling services be added to this ordinance, so that is something that we will be doing in Committee. But in also speaking to members of our community, they see this as an opportunity to really build out essential services that would support the community, including having demonstration projects around mulching and composting. Just putting it out there for the Commission to deliberate on and looking for your favorable support and recommendation on this. Council members are required to send bills that have anything to do with environmental management to the Commission and the Director for their review as part of our deliberation process. I'm here to answer any questions that you might have. Thank you so much.

So as I understand, Chair Adams said, we have 45 days from the day we were noticed that there is this bill to provide comments. So we should be able to come up with comment and even approve it at the next meeting if we need to- if not now, at least verbally. Are there questions or other commentary that we could get perhaps from DEM on the impact of this proposed bill? Otherwise, I'll jump in with a couple of thoughts. One question is whether - I listened to the hearing on Bill 140, and I was not quite clear on - whether there were times when there was stuff left in the container at Kalapana and not picked up within that week, the Saturday, I guess, that it was open so that there may be some festering waste, if you will, sitting in that container for a long time. So what's the pickup schedule to DEM for that container? Do you wait till it's full or do you pick it up weekly?

The issue is that the Kalapana is currently only open one day a week, and to open it two days a week would mean adding service at cost, or there's a potential for reducing service at other transfer stations, however the logistics work out, Chair Adams said. Are you contemplating actually providing funds to increase another day's service to Kalapana?

That's certainly the Council's prerogative, and we're moving into budget season now, CM Kierkiewicz said. We have budget hearings the second week of April, and so we can figure out

from DEM leadership what the cost considerations are for that. Three days of service would be ideal, and that would match other communities around Hawaii Island. DEM, I think you heard during the committee (meeting) was concerned about not there being enough trash being generated to justify opening up additional days. I want to pick that apart a little bit. I think a lot of folks are having to go to other transfer stations because Saturday is not convenient to them. We might see an increase at Kalapana and a decrease in other transfer stations if it were opened up two or three more days a week. I know that the Director had also mentioned wanting to invest in smaller trailers for the trash. And so, again, that is something that we are absolutely looking to invest in if it means opening leading up service to that Lower Puna community.

And once upon a time, Chair Adams said, I recall seeing a DEM table of the cost per ton to pick up trash at each transfer station. Were you able to find that, Mike?

I don't have that information with me, Mr. Kaha said. I actually have that- I sent that over to the Department, and I didn't retain a copy for myself. I apologize. I feel like I'm a little bit unprepared. I'm still willing to be on this call and try to answer as much as I can. I think if I can just skip back real quickly. You asked the question earlier about how often the solid waste was removed from the site. Currently, it's removed on the day that we are open. We don't leave anything there. And there is a cost balance sheet. I'll get that over the Secretary, and maybe he can provide it over to the committee.

CM Kierkiewicz asked about the trash from Kalapana. Can you transport that directly to West Hawai'i, or is that added to what is hauled from the Pāhoā transfer station? Again, I'm trying to think creatively about how we might cut costs and environmental impact vehicles on the road.

It's taken straight directly to the sort station in Hilo, Mr. Kaha said.

Have you thought about actually getting together with other nearby communities, Chair Adams asked, to see whether or not they'd donate a day to Kalapana? Cut back to six days a week?

I have not, CM Kierkiewicz said. Pāhoā is open seven days a week. And again, it is a growing community in Lower Puna, and so we do appreciate having this service available. I feel like a lot of sacrifices are already being made by just having one day a week.

I'm just looking at what are the options to basically not increase costs, Chair Adams said. There may be a case where other stations that are open seven days a week are a little more generous than are needed. I think that says back to Mike Kaha, we need to see the numbers. How much are you picking up? Is there overflow happening at these places that are seven days a week open, or is there room to skip a day, for example, in Kea'au or Pāhoā, wherever?

That same question was asked by the Council, Mr. Kaha said. I'm not certain if that was provided to Council. That's a question that I would leave to the Council people. When we start looking at picking away services, I can provide the data, I can provide how much tonnage is and

whatnot. I can tell you what the nearest tonnage is for the year is in Pāhoa and Kea'au, as opposed to over a year in a year at Kalapana. And this is on average, this is over the last 11 years from 2013 to 2024. We average about 546 tons every year. It's about 47 trips every year, as opposed to Pāhoa, which we have two chutes that take in residential trash, but collectively, they do seven days a week. We do about 5,100 tons of trash every year. That's roughly about 600 trips a year, closer to 700. Then when you look at Kea'au, Kea'au does about 8,000 as opposed to the 6,000-7,000 in Pāhoa. Kea'au does about 8,200. And they do, again, about the same amount, about 620 to just about 680, 690 trips a year. So that's the nearest ones. And to decide whether or not that's too much or too little, I can give you the numbers. I can tell you what we're doing in comparison to Kalapana. The harder task is trying to decide whether or not you want to take a day from those sites. I don't think that that's what Ashley was looking for in the bill. The bill is suggesting that each site at a minimum should remain open two days. I can speak to that if that's you guys are asking about. And this worksheet that I'm looking at, I'm sure that we'd be more than happy to share this with you folks as well so that you guys can deliberate the same as we do here in the division.

CM Kierkiewicz asked what is the tonnage that is created at transfer stations that are open three days a week, in the more rural communities.

In Volcano, Mr. Kaha said, we do about 1,100 to 1,200 tons each year. Glenwood does about 1,600 to 1,700 each year. Volcano, in terms of trips, again, Kalapana is about 47 trips every year. In Volcano, we're talking about 282, and Glenwood, about 132. We can look at some of the Hāmākua sites if you want. Starting in Pāpa'ikou, and then working our way out to Honomū and Laupāhoehoe. In Pāpa'ikou, we do about 1,500 tons every year, and that equals out to about 120 trips a year. The next station heading out to Laupāhoehoe is Honomū. That one does about 950 to 960 tons every year, and that's about 75 trips a year. Laupāhoehoe does about 884 tons, and they do about 78 trips a year. Those sites are a little closer to Kalapana as far as the trips. You're talking about the 40 trips as opposed to 70 trips or 80 trips, so a little bit on par. You can see where the trips equal up to the higher tonnage.

Commissioner Acasio asked how many days Laupāhoehoe is open.

The last four stations that I spoke on were three-day-a-week sites, Mr. Kaha said. Only Kalapana is one day a week. There is no other station on the island that's one-day-a-week.

In the integrated solid waste management plan for 2019, I was on that committee, Chair Adams said. We did recommend that DEM consider closing some days or even some transfer stations. So we were open to that as a possible way to manage resources and money. Evening it out, I have to say, personally, providing seven days a week is somewhat of an entitlement, if you will, and backing off someone to six days a week and figuring out how to manage the logistics to add an additional day to do Kalapana seems a reasonable way to do the trade-off. And I think it comports with what is in the solid waste management plan.

Commissioner Perez said that just recognizing the need for solid waste management, I was just trying to think of ways to do this strategically without having to cut calls in order to bring on another day. I know that in Puna, when transfer stations are closed, closed, even if it is for a day, rubbish piles up at the gate. And I know that that's not a good habit for our community, but it is still what we see, and then somebody has to manage that. And so I was just wondering if there has been thought towards maybe even just a phased approach of opening a day more out in Kalapana. So you're not going from maybe one to three days, but you are going one to two days and seeing if a third day is needed, but more so looking for areas where we can get funds to be able to support additional days? Is that- rather than cut, basically, is there thought being made to get funds to support the need rather than cutting other places?

From my point of view, since we're talking, the Division is here to provide a budget that works for the public, provides the services, Mr. Kaha said. If there is a decision that we need to look at providing more services, I think the Department has said on a number of different occasions that what we think, looking at the population and just being on par with similar communities, instead of looking at island communities here on island, but looking at the Maui, Kaua'i, Honolulu. So that that would be where we would be looking at. I think Kalapana would be better served with something nearer to curbside collections where you can get the recycling that you're asking for, you can get the pickup service that you're asking for. You can get the pickup service that you're asking for. It'd be something that would make better sense. Just taking a look at what we look at in similar-sized communities, not just here on island. It is a little bit more difficult when we are talking about comparing communities to communities because each one of us has families around the island, and they don't all have what we're talking about here. I know it feels like that we're not providing equity-

I know that Director Mansour has mentioned on a number of different occasions that from when he first got here back in 2020, into currently, it is something I was not as big as a believer as I am now, Mr. Kaha said. I've spent the last 2-3 years looking, speaking with my colleagues on the other islands. It checks off all the boxes from the standpoint of the tax base to providing the services for these communities. When you're talking about Kalapana at 167 people to Seaview Kalapana, which is another 500 or so people, total 600 or so people. You want to take a look at how do we serve those people. I think that to me, if you're asking the division, I'm just concerned about when you make a rule or a law that requires us to hit a minimum, I know that on so many different occasions for things that are outside of our control, when we can't hit that two-day minimum, it does make it very difficult for my guys to then say that we didn't meet the law. I do have some concerns and reservations about having something in place when you have that. But then again, if this is something that everybody wants, we'd be going back in. Let me just say right up front, the Council has been really helpful to my Division to get bodies and equipment. I'm not here trying to suggest that they haven't been. If this is what they want, we can get that. You can't send half a body somewhere. You're going to have to bring somebody on full-time, and you're going to have to get equipment to provide that. Again, 400 tons a year, 40 tons a month, 10 tons a week, four trips a month, 10 tons a week, sometimes even less. My trailer carry 20 tons at a minimum. I just want to be really careful about when making any long term decisions there. That's all I want to share.

It's great discussion, Director Mansour said. To me, where does the County want to go with diversion, recycling, waste reduction, operations, and new technologies. It's an emerging discussion all over the country, right? How could we divert, how we could reduce? We've been talking about possible legislation to prevent certain products and banning certain products- I think all that comes into play. Maybe this is the great time to talk about all of these issues. I understand the need for services, and if it's diversion, recycling, open the facilities more, accessibility. But all that comes at a cost, and we all know that. Because currently, our budget for the solid waste comes, I think, around 4% to 5% of the entire County operation. That is equivalent to becoming a status quo every year of \$38 million, \$40 million a year. That's to cover the current status quo operation and has been over the years. So anytime we add programs, we're going to ask ourselves, where does the money you need going to come from? I know in the discussion with EMC earlier, you were entertaining collecting fees at the transfer station. Somehow we need to subsidize the system because currently it's within our charter.

To me, he said, and I have been very outspoken about solid waste, it needs to be in our enterprise fund because it's subject to services. If people want recycling, then that people have spoken and we need to adjust the fees to allow for services. But to continue getting 4 to 5 percent of the county operation fund and continuing to providing more services for the same basket of money, it's impossible. I think we need to look at it from the perspective of where does the County want it to go with this program? Do we need to continue collecting waste only and allow for more waste to generate and fill up our landfill faster? Or should we invest more money into restricting, diverting, and recycling programs to expand the lifespan of the landfill? Look at the City and County of Honolulu. They cannot even site a landfill. Right now, there's legislation and talk about it's hard to build the landfill. So if we're going to get out of this solid waste business to 100% zero waste diversion, we've got to start somewhere. And I think that's the discussion we need to have. Mike Kaha put it perfectly. I mean, we're here to serve.

And I know I keep saying it, the Director continued, but it all costs money, right? Because the demand is so high on diversion, recycling, saving the landfill, stopping carbon emissions on the highways from East to West. All these come at a cost. Nothing is going to come without a cost given the status quo for the last 10 years. So it's mission impossible. Unless it's an enterprise fund, then you could go back to the public and say, what do you guys want to do? And let the people speak and choose the program they want it. And if they're willing to pay for it, then let it be. But currently, the way the system is set up to get a status quo percentage every year- but yet the demand of the public is more, I don't know. It's just like tying somebody's hands, throw them in the water and tell them to get out of that water. Like I said, it's impossible, but there is a lot of discussion we need to have. And that's why we're doing the operational analysis. Because I'm looking at the forest. If I want to look at the tree, I may lose focus of that forest. But if we want to look at the trees for the meantime to do this and not have the vision, 10 years, five years down the road, we're going to say, Why the heck are we in this position? But like I said, it's a great discussion. Probably we need to sit down with CM Kierkiewicz and have a creative solution as we work the numbers and services. Like they suggested, maybe one of the other facilities may instead of seven days, be six days, and give an additional day to Kalapana.

When we look at these things, we look at it from every aspect. We look at it from dollars, we look at it from the location, convenience, because we're only given so much money to manage the operation, and that money doesn't expand every year. Something is going to give for something else to take if we want to stay within the same restrictions we have. But we are very creative. Kudos to our staff. Like Mr. Kaha said, we need to do it more efficient, how to go about it with the number we have, maybe smaller equipment, maybe have another half body. We looked at that. We're looking at probably \$80,000 to \$120,000 just to start without the equipment. Then after that, probably we're looking at a cost of \$40,000 a year to have a person there, and we could charge his time or her time to other facility if we just want to bring that additional day.

We went through the same exercise when we did Ocean View, the Director said, but Ocean View has more tonnage. Before Council member Maile David had left. During the budget process, we added that additional day for Ocean View, and we gave an estimate. We could go through the same process for Kalapana this budget year and submit a cost and include it in the budget, and we go through that route. But like I said, if we're not taking any other days, but it goes back to the forest. If we focus on the forest and we're going to achieve diversions, I remember Resolution No. 73, which said by 2026 we have to divert and have planned- we cannot defeat the purpose of our intent is to stay focused on maximizing the lifespan of the landfill, divert, recycle, and reduce. So that's all I have to say, but this is a great discussion. I know with the great minds here at the meetings, at the Commission, and Council Members and us, We'll find a solution, no doubt.

I just wanted to comment on some of what the Director is saying in that I understand and resonate with a lot of it, Commissioner Perez said. I also in many discussions around waste, whether it be solid waste or wastewater, hear the reasoning of us not making advancement is because one, we either can't afford it or two, we don't have capacity to be able to do it. And I think that if these two reasons continue to come up within our waste management practices, to me what it sounds like is systematic changes are needed. And so I just hope that as we continue to have these conversations, that it's not a one or the other discussion, that it's like, how do we navigate? If it is costs and finances, how do we navigate that in order to continue to provide service. But I just really- I find it disheartening when we across the state, we, when we continue to use that "we don't have government capacity" and that we don't have funding to provide service, but yet we continue to grow and develop here, I have a hard time with that. And it seems like a disconnect. And if it's systems change that's needed to address that and make that bridge, then hopefully the discussions can start to go in that direction.

I really appreciate the discussion, CM Kierkiewicz said. Couple of things: Erica, when you were talking about the County saying, We don't have money, the longer we wait, the more expensive it's going to be. I'm going to give you that every year we are supposed to be getting a fund balance report from the administration. This year, our fund balance is \$132 million. We can afford an extra day of service for Kalapana. These are residents of Lower Puna that pay taxes like everybody else. They do, and they deserve equitable access to resources. It's not just about how much it's going to cost the County, but think about the negative quality of life that folks in

Lower Puna are having to live with because they do not have access to this service. On the fund balance piece, \$132 million. We can afford one or two more days of service in Kalapana transfer station. Last year's fund balance was \$70 million. The year before that was \$50 million. So if there were ever a time to really start moving the needle on solving problems that we have been plagued with for decades, this is the year. I also want to point out that we are sitting on \$60 million of ARPA money, American Rescue Plan Act money. This can be used to do pilot projects that the Director is referring to. We can use that as leverage to then establish proof of concept, do things like curbside pickup and all that stuff, and then secure other resources from state and federal government. Money is out there, but the key is making sure that we've got champions within community and government working together to make it happen. I'm here with you, Ramzi, 100%. We also have Kalapana community that is pining to be part of the solution. They don't want a place to just throw away their trash. They want to think about ways in which we can be diverting it, recycling, repurposing. How might we connect this to Hawaiian Earth Recycling to get composting and mulching happening there? We want to be part of the solution and work toward that zero waste future we've "architected" for ourselves.

Commissioner Beets asked when the Solid Waste Operational Analysis is projected to be completed.

It is projected to be completed by end of October this year, the Director said.

And will that include topics like landfill closure and cost and monitoring of landfill sites that have been closed, transportation cost and savings, those kinds of topics, the Commissioner asked.

Yeah, they're looking currently at the current operation, the Director said. They're analyzing the current system and providing recommendations. They're looking at multiple facets of how to improve the operation. They're looking at our current 20-plus transfer stations, one landfill that's going to reach capacity within 20 years. We don't want to get there because it takes about 12 years to site a new landfill. So that's the reason we're doing it, just to have a better roadmap of having to make decisions now that could prevent us from regretting them later, at least an attempt to lay ground or roadmap and plan it better. So it became like our master plan eventually of how are we going to get there.

Yes, those are all excellent points. Who is conducting the operational analysis, Commissioner Beets asked.

It's Element Environmental. It's a consultant that we retained, the Director said.

Commissioner Garcia said he came out of the private sector. My question is, and it's a very common practice, is to do lean sigma type analysis on trucking, different variables and all that. I've actually been trained to a certain level, but when you do a Lean Sigma analysis, I think it can find very dramatic ways of reducing cost in one area and figuring out how to optimize- if it's just

the hauling, you could look at it, you could look at the whole program. Is that part of the operational study? Are they doing any Lean Sigma type of analysis?

The second phase, we already have money in this year's budget. Once they finalize this report it is to get into more detailed analysis. This is the overarching umbrella, the first report. The second report is focused on more targeted areas that is going to be outlined in the first report. So yes, we have here in-house, we looked at when we worked with Sustainability Partners, the amount of trips that our vehicles put on the road every day. We calculated that. We looked at the carbon emissions, the causes of double, triple handling the waste. Think about it. All of our waste get picked up from these decentralized transfers station. Once they go to the reload facility in Hilo, then they get picked up from there another time, and then they get transported to the west side. So doubling, tripling the waste comes at an operational cost, as you know. So what is the more efficient way? Is it possible to have a landfill on the East Side so you don't have to double, triple handle the waste? So all that, we have a vision of trying to analyze it to get a better idea on the operational costs for now and the future.

And it goes back to solid waste should be an enterprise fund, the Director continued. That way the people want service, they deserve the service, they vote for the service through the process rather than being held hostage to that 4% within the taxes. So I think, and probably if it gets put out for the people to vote on, probably then you could provide whatever service you need, because the people will speak about this and their voice will be heard. So I think from a system change, I know Erica talked about affording it and capacity. I mean, you could afford anything. It depends what you want to cut or you add and within the money you have. I mean, it's a matter of just changing an operation to stay within affordability. But I think once it becomes an enterprise fund, it's easier to meet the demand of the people because you put it back to the people to vote on the service they're requesting.

Chair Adams interrupted to say an enterprise fund is not on the agenda, but she would want it on the next meeting with a lot more research.

When I first read about this in the paper, I was concerned about the two days, and then I thought it was only for a certain area, Commissioner McIntosh said. But being passed into a law, my concern would be, what would you prevent in the future from other transfer stations being dropped to two days when they have three days for whatever reason. So I've always had a philosophy of rather than passing a law to solve a problem, if there's another way to do it, like the Director mentioned, the budgeting process coming up, I think that would be a better solution rather than passing a law like this because you don't know the consequences for it down the road, and it doesn't allow wiggle room for being creative or when circumstances change and you have to pass another law or amend it.

Thank you for that, the Chair said. Okay, so we've got 45 days. We can address and give our final recommendation. The way the rules work, we can make a recommendation, thumbs up, thumbs down to the Council within that 45-day window. And if we say nothing, it's neutral. It isn't a negative response. It's just not a response. So we can take up the final decision. And I

feel like we still have some of the data that DEM was going to package up for both the Council and for us to look at just to get a feel for how much. But I'm just wondering if we're at a position today to be able to say, yes, we support Bill 140, no, we don't support Bill 140. Do other people feel like we should take a vote or you want to get more information and hit this at our April meeting?

I would like to get more information, Commissioner Beets said. I was just requesting to postpone the vote.

I think more information would be more responsible at this point in time rather than make a decision based on what's been said here, Vice Chair Norris said.

Testimony of Jaerick Medeiros: Thank you, Ashley, for introducing this Bill 140. I believe that we are being set up for a disaster of the route we're going right now. I had a conversation with Ramzi last week over in Wana a lot at the Hāmākua Community Development Committee planning stuff. And I'm glad to hear him saying that he wants to let the people vote on these things because it's super important. But more so, Ashley, she just talked about some funding that we got from Ormat for the County. It's like \$4 million. And so I think them asking for our people to pay for testing done for Ormat at Puna Geothermal should be put on a back burner and use that funding to fund our waste because Ormat owes our community. We shouldn't be paying for testing the wastewater at Puna Geothermal. It's just- there is funding available. It's just not being talked about. \$4 million for the County by Ormat for Kalapana, where Geothermal is at, close to, I'm sure we can get funding for that from there. I mean, they owe the community something. They've been doing something bad in their community for years, over 30 years. There is funding there. There's funding that they've asked for this past... They request for money for more of a Kīlauea recovery plan, where \$3 million will go to nonprofits. We don't need those things. It's done. It's past tense. If our wastewater management and our Waste Department needs funding, let's tap into those fundings before making more problems, creating more taxpayers to pay more taxes. I'm a taxpayer. All everybody here is a taxpayer. Why did the mayor give himself a raise? Why did the council give them a raise? If we're having this type of problems, I think this commission should push the thing on that. But yeah, thank you for my time. I think there are places we can find funding. Let's go get it instead of depending on the taxpayers to pay more right now.

Chair Adams said, I'd like to see some more information. I think we can get creative. Ideally, we'd be moving toward more service rather than just one day a week. On the other hand, we shouldn't spend money that is foolish just by, all right, we just added on top of our current services. I think there are some creative ways to look at this. But it sounded like from testimony at Council that this is a long-going pain point for Kalapana. And so how do you best address it without foolishly spending money, whether or not it happens to exist. So I guess I would agree with, I think, what I'm hearing is consensus. Let's put this to the next meeting. We'll have some more information from DEM that they will be sharing with Council. I assume you guys are up for testifying at the next reading of this bill. So there'll be another chance to collect information, look at it, evaluate it, and then we can decide and even write a short response in the meeting in

April, if that's okay with everybody. I think we'll be able to get more information in time to make a simple thumbs up, thumbs down on what we think of Bill 140.

## **VI. REPORTS/CORRESPONDENCE**

### **Director's Informational Report**

#### **1. Legislative update<sup>3</sup>**

Director Mansour said the Secretary has done a good job listing the status of the bills that we've been monitoring. If you guys have a question, I can answer. Otherwise, I think the Secretary had done a great job given day-to-day updates. Does anybody have a question on any of them?

Erica, I assume you're following the cesspool ones, Chair Adams said. They look like they were waiting for WAM. Are hearings being scheduled?

The next stage is to go to WAM, Commissioner Perez said. They have passed up to now. I think that we're going to take a more in-depth dive when we meet as the PIG to go more in-depth of what the remaining bills are, so as to not take time here to do that because there are so many.

That was really the only legislative question I had, Chair Adams said. But otherwise, the Secretary does a fantastic job summarizing those things.

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

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

We recently had the household hazardous waste pick-up collection event in Waimea on March 2, which had 285 customers and 750 gallons of UMO [Used Motor Oil] was collected, Mr. Kawaguchi said. And then March 3, in Pāhoa, with 286 customers and 1,560 gallons of UMO was collected. So all events were successful in collecting UMO and other hazardous waste.

Commissioners also reviewed greenwaste data collected in recent months.

##### **2. Solid Waste Operational Study update**

(No discussion)

##### **3. Wastewater Division Projects and Updates.**

Chair Adams thanked Mr. Laude for his presentation. It's a lot to swallow. It's a complex process, and it's going to require a heck of a lot of education to the community, both the commercial operations as well as individuals. And Lord knows what's being poured down kitchen sinks.

Director Mansour said that the Chair and Mr. Laude had started some time ago to look into the ordinances and the code, and we need to get with Mr. Laude and find out the status of when he's going to give you a draft. We do appreciate your comments. I believe you have given us some comments on the possible changes to the code and the ordinances, but I believe the ball

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<sup>3</sup> VI.1 – Legislative update (as of 3/19) – <https://records.hawaiicounty.gov/weblink/DocView.aspx?dbid=1&id=129363>

is in our court, and we'll make sure that TA Chief Sparber and Mr. Laude give you some update on that as well.

That the biggest policy issue is the idea of adding a new fee, Chair Adams said.

Adding a fee in addition to strengthening our codes and ordinances to navigate through the requirements. And I think that's a major task that need to deliver on. So I think it's very important to, as we do the code change, and as we have been talking about, is to try to capture as much as we can within that code change. It may go beyond the pretreatment, but we need to get to that and put it in front of the public and County Council.

#### 1. Pāhala and Nā'ālehu Large Capacity Cesspool Closure AOC<sup>4</sup>

TA Chief Chris Sparber introduced himself. So the current project, our division, is just really laser-focused on compliance. We have three active AOCs. We received the signed and executed Countywide AOC back today from EPA. So that AOC is a culmination of a couple of years of negotiation and work with EPA to develop something that fit our community with the necessary improvements, repairs. And so that is active. So the other AOC, like the Director mentioned, is to close the Nā'ālehu and Pāhala large capacity cesspools that have been around for a long time. So we're progressing. So Pāhala, we are moving the collection system ahead in efforts to try and utilize some grant funding. We're looking... The goal for that is to get it out to bid by first quarter of next fiscal year. And we're currently working on finalizing the environmental information documents, as well as working on initial design concepts for the treatment facility. Nā'ālehu is going through the environmental process, we're working on getting our environmental documents updated for the current alternatives and getting those out for public review.

#### 2. Countywide Wastewater AOC

(See above)

#### 3. Hilo WWTP upgrades

We're on track to bid out that project the first week or so of May, Chief Sparber said. So that project has been a large endeavor. For this county, it's probably one of the largest renovation projects to a facility that we've had in quite some time. And so that is looking at bidding the early part of May, and that is on track. And then we have other various projects that are within the AOC that are also continuing through design. We have Hale Halawai Force Main Replacement, which is an AOC project in the countywide AOC. And that we're looking at getting bid ready plans in Q1 of next fiscal year. So a lot of things in progress.

#### 4. Wastewater Plans

##### 1. Integrated Wastewater Management Plan and Public Engagements<sup>5</sup>

Part of our countywide AOC says that we need to define sewer service areas, Chief Sparber said. So currently, our team with the community input that we've gotten is really working to develop those areas and do it in such a way that positions our county for success. Because I

<sup>4</sup> VI.3.1 – Ka'ū - <https://www.dem.hawaiicounty.gov/projects/pahala-na-alehu-large-capacity-cesspool-closures>

<sup>5</sup> VI.4.1 – IWWMP - <https://www.dem.hawaiicounty.gov/projects/integrated-wastewater-management-plan>

think everybody, we can all agree that on the sewer side, we really do need to expand our rate payers. We should be providing sewer to the most amount of people that we can. So that's really what our team is focused right now is on the integrated wastewater management plan is How do we, as a County, with our resources, provide sewer to the most amount of people that we can? And so that's what we're working on. We just finished up our first round of public engagement. We're working to conceptualize and put together our second round, which should address the comments we received in the first round.

## 2. Puakō and South Kohala Regional Wastewater Master Plan<sup>6</sup>

Our other plans, Puakō and others, are in progress with draft versions of the various documents and also in public outreach stages as well, TA Chief Sparber said.

Chief Sparber opened the floor for questions on Wastewater Division projects.

Are we going to pursue funding possibilities with the Clean Water Act, Vice Chair Norris asked.

Do you have any specific funding sources that you're referring to within that, Chief Sparber asked. Current funding sources for the Countywide AOC that we're actively pursuing is the State Revolving Fund, which is a low interest long term loan that's issued through our Department of Health. So we're pursuing that. That program has approximately \$20 million available for each of the counties each year. So with respect to our project budgets, it's funding that's great to have, don't get me wrong, but it's not a huge endless pot of funding. We've also received in the final versions of the Congressional Directed Spending Tables, the Community Project Tables, two of our projects were funded- I think it totals about \$ 2.1 million, and that is grant funding. So that's a huge win for our division. And that would be for the Wailoa sewer pump station, electrical control upgrades there, and then also for Onekahakaha, our Zoo pump station facility. That is what we would call a can pump station. So getting that replaced will greatly improve the safety to operators. And it was also installed in the early '70s, late '60s. So it has done its time. It's time to replace it. And so that's great. I'm also working on a feasibility study for some funding on the Kona side for Kealakehe, the acting chief said. That's matching funds. So we get a grant, and then we also have to come up with a portion of that from County funds. And then we're also working on figuring out the coronavirus funding for the Pāhala project. We've programmed some funding for that as well, pending the results of our public consultation with the environmental information document. So right now, I have three pots of funding with respect to Clean Water Act and one pot of funding that comes from Treasury and it is coronavirus relief. That's not with respect to the Clean Water Act, to specifically answer your question.

Commissioner Perez asked a question in the chat about the AOCs, Chair Adams said. We have the countywide AOC, Administrative Order on Consent, which basically, EPA says, if you don't do this, we're going to sue you, Hawai'i County. So the countywide one has been signed?

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<sup>6</sup> VI.4.2 – Puako/S. Kohala - <https://www.dem.hawaiicounty.gov/projects/puako-and-south-kohala-regional-wastewater-master-plan>

Yes, Chief Sparber said.

Okay, great, Chair Adams said. I'm asking the Secretary to send us a copy of that. I mean, it really lays out the whole plan of where you're going and what you're going to do, not even just to fix the broken problems, but also where we're going to move to in terms of integrated planning. So I think it's a good template for all of us to have a copy of. So anyway, if you want all of the AOCs, I suppose we can send you all the AOCs.

We should create a directory and anyone can access these public documents, the Director said. We'll designate an area within our website. We just received it this morning, so we'll share it with you, and then we'll put it on the web as well.

Commissioner Acasio asked if there is any attention being paid to the collection system repairs as a whole, and then in particular, saltwater deterioration and intrusion along the tidal zones.

Yes, Chief Sparber said. For one, our division is focused on compliance. A part of our AOC is the assessment of our collection system. So we have approximately 120 miles of collection system. Per the AOC, we need to assess using NASSCO assessment tools that collection system within five years. So currently, we are on track to meet that, and that assessment is being recorded within our asset management system. So we have a couple of different ways that we are physically repairing the saltwater intrusion issues. We have grouting capability within our sewer maintenance group. And so what they'll do is they'll go and they'll grout areas where the pipe is leaking and whatnot. And then they'll go back. And they can also do a trenchless repair method. So that's one way that we're approaching it. At this point in time, we haven't collected enough information to put together larger capital improvement jobs. Say that there's a mile of pipe that's really leaky and really bad that we need to replace. We were really trying to finish this integrated plan first so that if that pipe needs to be increased in size or as we connect more cesspools, we can kill two birds with one stone, so to speak. We can leverage that. So that's what we are currently doing. And then with respect to the tidal areas, yes, in Kona, I know Ali'l Drive is a significant concern, and that is a focus for our collection system group when they finish up some current projects that they're working on.

Commissioner Acasio said she was hearing of concerns, especially in Keaukaha, around Pua pump station, and especially with saltwater intrusion. And so I guess asking for a little bit more information on that and clarification, maybe the Director, in terms of any issues that you're aware of with that saltwater intrusion. I'm thinking it's because of the tidal zone and then the saltwater damaging the pipes a lot more and it having an effect on the pump stations. And if we're addressing that.

I have not heard anything pertaining to that area, Director Mansour said. We had a community meeting with them just last week. If you have information about a particular sewer line, please share it with us. There was some misinformation out there. I just want to make sure we get ahead of that misinformation and communicate. That's the reason we met with the community. Most of the community is on cesspool, as you know, so they're not connected to sewer. There

are dry sewers that Department of Hawaiian Homeland constructed. We have a force main that comes from the pump station to our facility, and we use sodium hydroxide for odor control and corrosion. So, yeah, if you have any particular comments, please share them with us.

Commissioner Perez asked if the pump stations were also included under that compliance realm. Under these AOCs and under all of these compliance things, are all aspects of the utility being looked at from collection and pump stations all the way to the actual treatment utility and even the back end of that? Or is it just one compartmentalized component of the entire utility itself that's being looked at? I, too, have gotten some concerns from community members regarding pump stations, specifically, and the potential of water inundation. And then obviously, what goes along with that is that that inundation has to also go somewhere, which means that it's either going to groundwater or to our shorelines.

Yeah, there's no doubt that we get I&I into our system, especially when we get storms and king tides, the Director said. What Chief Laude was alluding to is to analyze our 120 miles of sewer. We have televised some of the sewer collection. We have videos. It's a matter of just sitting down and analyzing and reviewing the tapes and marking out the hot areas that we believe we need to either replace segments or go in there and maintain it. So that is part of the stuff that we're looking into on the agenda. We just had a meeting with a consultant that was hired by EPA, and they recommended about five to seven projects as far as the collection system. And they determined probably around \$77 million just to rehab the high priority needed collection systems that we need to pay attention to. So that's also going to be looked at and forecasted within our other projects. But they did identify a cost. Eventually, it's going to be under the AOC, but it's O&M operation and maintenance projects that were not identified as the major projects, critical project within the AOC. But there was identification made.

And I also want to note that the AOC itself in our sewer collection system maintenance program requires that the county repair these NASSCO Level 5 assets within 36 months of identification, Chief Laude said. So there will be, as part of the AOC, a programmatic repair effort to really reduce that I&I and take care of the issues, so to speak.

If it is looking at the previous conversation that we just had regarding the pretreatment and hearing that these same pump stations are the ones that are being backed up with the FOG or all these other emerging contaminants that are high for the treatment plant, are these same contaminants high for the surrounding environment that they're also leaching into, Commissioner Perez asked. And I know that thresholds for environmental purposes are really- I am on the monitoring end of that discussion, and I get that those are challenging discussions to have regarding thresholds and how those should or could be to be monitored into the future.

Hopefully, Director Mansour said, with all the programs that we're trying to put together, from pretreatment to programmatic sewer collection, connection from cesspool to sewer, as we're working on the cesspool master conversion plan, in addition to the integrated wastewater management plan we're working on. To create that roadmap and analyze the current collection system capability from hydraulic modeling to understand the capacity within these lines to

identify the leaking segments that allow infiltration and be able to schedule it, forecast it, budget it, and try to secure the fund for it. That's part of the roadmap for Wastewater, and it's all coming together. It's all connected. Hopefully, we have done so much within the last few years, and my take is hopefully by the end of this year, we could have everything connected. And the following year, we should start looking at policies and procedures that could be driven out of that wastewater integrated management plan. Because you have to identify the faults and the holes within the system and see how we could create policies and procedure that could allow us to be more firm on people that dispose of FOG in their system because that requires high maintenance. Our guys usually get calls because sewer collection systems are clogging because of the grease. It creates sewer clogging. So all of that is being put together and hopefully we are trying to play catch up. We never had it when we started, but we're going to have a way better system than what we had, and hopefully that will continue.

I think we're going to plan on an April presentation by Carollo on all the information that's been gathered from the public and where things stand, Chair Adams said. And I'll be checking in with the Director on whether or not you guys are ready for that. But I think we'll be at a point of having had the first rounds of public engagement, so that would probably be a good time to hear about it.

I think we're going to be pushed back to July, Director Mansour said. April is too soon. We just had it last month. We want to be able to give the public more time and also to collect more information that our consultant needs. Back to back meeting, it doesn't help until we give them enough time. And I think we need to be able to engage the public more. Some of these meetings, we have a handful of people just showed up. And I think we need to do a better job, which we did, I believe we did, but I don't know how else we could get the people to participate because it is a very important subject, and we need to make sure the message goes out.

Well, Chair Adams said, I guess we should encourage each of us as representatives of the nine districts to communicate out to our networks to make sure that they're aware of these meetings and they're attending and they're important and don't just wait until December 2050 and then worry about it. Now is the time to be thinking and corresponding. And I think it is wonderful. DEM is trying to engage the public, but it's hard. Everybody's busy. They don't really understand this complicated stuff unless you say, You want me to write a check for what? So some kuleana is on our part as well as EMC. So I appreciate all the work you've done and the success you've had in crafting AOCs that seem reasonable, except when you actually start doing this stuff, I'm hoping there'll still be the good relations to be able to negotiate against reality. Just one comment, I'm still struggling with it. There seems to be this tension in my mind between wanting to sewer the whole county versus dealing with the technical economic feasibility of this varied geography that we've got to deal with and the capabilities of individuals to make changes, finding place-based solutions that might not be a big honking sewer line going everywhere all over this island. And how do you balance the practicalities with the need for the best treatment, which would be sewage, but also the most costly, to get it set up against the needs of the individual locations?

I just want to make it clear, Director Mansour said, there is no commitment from us or EPA or Department of Health to sewer the entire County. Because No. 1, nobody could afford it. As you see in Puna district, \$11 billion. I don't know where the idea comes from, where we are going to sewer in the entire county. What we negotiated is to come up with a programmatic sewer expansion plan within the [existing] sewer service areas. We have seven waste treatment plants. These treatment plants have a certain capacity. What you do is define the sewer service area the plants were designed for when they were constructed. And the commitment was back then when they were constructed is to make sure that it serves the people that was designed for. Unfortunately, if you look at our record, no connections have been made since these plants were constructed. It was very, very minimal. So EPA said, You guys were under stipulated agreement for Hilo to connect. Kealakehe Community Development Plan that was done in 2005, 2006, projected that in 20 years, the entire area will be connected. Well, 20 years later, there's no connection. So the idea is we need to manage these county sewer service areas. And as we are looking into the integrated wastewater management plan, people that want to convert from cesspool to sewer connection, be given the option, priority option, if they are within the sewer service area. So 80 percent of the entire county is probably going to be on IWS. So I don't know. It's an approvable system by Department of Health because most of the areas, we don't have waste treatment plants. Pāhala and Nā'ālehu, they're going to have their package waste treatment units, and that's what's going to be constructed. But the whole reason we're doing these two plans together is to create the roadmap and give our constituents options, the cheapest option for them to be either connect or go with a system that Department of Health is going to approve. I don't want you to start any rumors that we are sewer the entire County. We're not.

All right, I give up. Chair Adams said. I just say I think there's still this tension between just sewer- you guys build my sewer, and then I don't need to worry about it, and the reality of how much the options cost. And that's hard for individuals to get their brain around, and maybe why you're not getting the attendance you are at the meetings. But again, I ask everybody on the EMC to think about how you can help communicate and get people in to listen. Anything else in the wastewater arena that you want to get across to us?

I just wanted to throw one thing out, Chief Sparber said. I know something I've observed here is that this concept of sewer, it's this regulatory requirement. It's this concept of wastewater management. And I know that when I'm talking with people and working with people, I'm trying to rebrand a little bit and just say, look, our global population is exploding. Waste generation is increasing. I know that my cousins on the solid waste side, they're seeing their numbers increase. And so I just think it's going to be important for us as a team to just start rebuilding that concept of, it's not necessarily regulatory, it's how we mitigate our growth globally. And we're just a small part of a much bigger picture. And I just wanted to throw that in. As we've been doing these integrated studies and we've been doing public outreach and talking to people, that's one very clear thing is sewer is this regulatory requirement that we're getting shoved into. And in my mind and my vision for our Department, it really isn't. It's just how we're dealing with the population growth. It's how we deal with our waste. It's just something we must do as part of our growth.

Commissioner Perez reacted to a comment from Cory Harden: “Try having developers pay for a wastewater impact fee.” The issue is that we see the development happening in mass areas where we're concentrating development and still having individual wastewater systems, the approved technology for these areas. And most of the time, there are areas that are right next to a shoreline that are also drinking potable groundwater. And so if you take Hawaiian Paradise Park, for example, the answer cannot continually be we can't afford it. The Director says it's \$11 billion to deal with (Puna), yet we're still going to allow developers to come and develop businesses in Kea'au. We're still going to develop homes in Kea'au and continue to grow. And we're not going to have a forethought of advancing more than individual wastewater systems. I think that that's the gap that the Chair is talking about in that our growth is exploding, and we are going to continue to grow in these areas. And at some point, forethought has to be more than individual wastewater systems and the dollar being put back onto homeowners.

I think that we're here partly because of poor development practices and the way that we've parceled out all of these areas, Commissioner Perez continued. You look at Puakō, and to assume that Puakō is going to put functional individual wastewater systems with appropriately sized leach fields that are not directly impacting groundwater. Engineering-wise, it's not even possible. And I just think that there are gaps in these thinking mechanisms. It can't be, we can't do this because of the dollar. I just see so many doors closing that are concerning because if the only way for a larger than individual wastewater collection system to take place is either communities come together and try to build it, or a County comes together and tries to build it, or developer. But outside of that, there's no other way to get large collection systems into the ground. And so what are we doing about really large areas that if they were to be built in modern day society today, they would require more treatment. You would have to have more treatment if Kea'au was built all at once or HPP was built all at once. So I'm sorry. I don't want to be on my soapbox, but these hard statements of we can't afford it, we can't do this. I really, really want to urge the broader thought process of is what is in our system right now that's not allowing us to navigate around this or over it or through it or change a lot. But I appreciate what the Director and all the Wastewater Division team is doing. It's come so far with all of these studies, and there's still a lot of frustrating parts about it.

Well, Chair Adams said, it also goes back to the general plan and the frustration of how do influence development either by the individual planning areas or the General Plan in total. It's thinking that bigger picture long term, things we got to fix that we screwed up in the first place and things that we're going to allow to turn into bigger disasters. So life is complicated. So that's our conclusion for the day. And anyway, wish you the best. Keep talking, keep thinking, keep getting creative. I think you've got a leader in Ramzi Mansour who is very creative in looking at every avenue for solving these problems and trying to get it together.

#### 4. Status of existing staff vacancies

(No discussion)

## VII. FUTURE AGENDA ITEMS

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

We're going to tackle Bill 140 again at the next meeting, Chair Adams said. I'm going to have Jennifer Navarra come back. I'll send you the packet of information that she's got on that. I would like if I can get with Steve Holmes and the Director talking more about this concept of enterprise fund for both wastewater and solid waste. We had put the recommendation into the Council regarding wastewater as an enterprise fund, but I think I need to understand more how that can work. I think it's something maybe EMC can do more to influence how we get some steady, sustainable funding to do all the things that we need to do to play catch up, to maintain, and to build out in managing waste, because waste is not going to zero. There'll always be waste, and there's a lot to do to keep it from going elsewhere.

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

### 3. Status update from the Permitted Interaction Group on Cesspools and Sanitation (Perez, Beets, Acasio, Otsuka).

Commissioner Beets said the PIG has not been successful in being able to meet yet. But Steve Holmes has said that he's really interested in having a discussion with us, probably on the same thing you just mentioned. You're certainly welcome to attend the meeting.

No, I can't, Chair Adams said. You have to keep it under a quorum number of members. You've got your PIG, and it's got four members on it, as I recall. Do whatever you guys want to do, and we'll hear from you next time. That's already going to be on the agenda next meeting. So go for it.

I misunderstood. I thought anyone could attend as long as their as long as they're just attending as a citizen, Commissioner Beets said. Is that not correct?

It gets complicated, Chair Adams said. If five voting members of EMC are in a room together (talking about board business), we have to be (properly noticed), is that right?

There are four members from the EMC that are appointed to the PIG, Commissioner Beets told DCC Salas-Ferguson. And to bring in a fifth member of EMC?

You can't, the Deputy Corporation Counsel said. For a nine-member commission, the maximum is four. You can have less than a quorum on a permitted interaction group. So only four members of the commission can be part of that. You can add members from the community if you want, but not commission members.

So you can report out back to EMC, Chair Adams said, and I'll be sitting here listening to you and asking questions, but I can't really participate as a fifth member or even taking off my EMC hat. I can't take it off, apparently.

I saw there's a status update, DCC Salas-Ferguson said. And sorry, I was just taking a call right when this happened. But you form it at the first meeting and you define the scope of the

members. And then the second meeting, you report whatever the findings and recommendations are. And then the third meeting, you make any decisions, if any. So was today the report from the Permitted Interaction Group on Cesspools and Sanitation?

Chair Adams said the status update is to be given next month.

If you want something on the agenda for next time, let her and the Secretary know, and we will try to incorporate that, Chair Adams said.

### **VIII. ANNOUNCEMENTS**

The next meeting is scheduled for Wednesday, April 24, 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 the General Plan comment period is open until April 1. So if you want to go in and put the things we were talking about in there somewhere, you've got that opportunity.

Chair Adams said she is working with Harvey Stone, Jennifer Navarra, and Nick Riznyk on doing a Waste Reduction Workshop as part of the Sustainability Summit that is in May. But the purpose is to get a crowd together who know waste. Let's talk about some of the issues, what's happening and what's possibly going to happen, how we can continue dialogue on a community basis to reduce waste. I will report on that. We're having our meeting on April 8, so I'll report out whatever came from the workshop next time.

Vice Chair Norris said she will not be able to attend the April meeting.

### **IX. ADJOURNMENT**

**Motion, second, and vote:** Vice Chair Norris made a motion to adjourn, to which Commissioner Perez seconded. Ayes 7 (Acasio, Adams, Beets, Garcia, McIntosh, Norris, Perez); Absent 1 (Otsuka). Motion carried and meeting adjourned at 11:57 a.m.

Respectfully submitted,

Peter Sur, Secretary