

**ENVIRONMENTAL MANAGEMENT COMMISSION
COUNTY OF HAWAII**

MEETING MINUTES

Wednesday, April 24, 2024

9:01 a.m. to 12:53 p.m.

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

Commissioners present:

Georjean Adams, Chair

Laura Acasio, Jim Beets, Dell Otsuka, Erica Perez, Lee McIntosh, Gonzalo Garcia

County staff present:

Ashley Kierkiewicz, Council Member

Ramzi Mansour, Director

Craig Kawaguchi, Recycling Coordinator

Shelise Lamb, Project Manager

Alex White, Recycling Specialist

Peter Sur, Secretary

Sinclair Salas-Ferguson, Deputy Corporation Counsel

Others present:

Tim Rowan, Carrie Kowalski, Jennifer Navarra, Eileen O'Hara, Steve Holmes, Autumn Buford, Victor P., others.

I. CALL TO ORDER

Chair Adams noted attendance and called the meeting to order at 9:01 a.m.

II. APPROVAL OF MINUTES FOR MARCH 27, 2024¹

Motion, second, and vote: Commissioner Garcia made a motion to approve the Draft 2 version of the minutes, to which Commissioner Acasio seconded. Ayes 7 (Acasio, Beets, Garcia, McIntosh, Otsuka, Perez, Adams); Absent 1 (Norris). Motion carried.

III. STATEMENT FROM THE CHAIR

It's been really busy month, and I hope you all were busy, too, Chair Adams said. We'll hear some good updates in just a couple of business items, but I think also to hear from DEM on how they're doing and what's happening in the rest of the state.

IV. PUBLIC STATEMENTS ON ITEMS ON THE AGENDA

Tim Rowan: Aloha and good morning. My name is Tim Rowan. I'm Vice President of Black Sands POA and President of Mālama O Puna. I'm speaking in support of Bill 140. Thank you, Ashley. Services at the Kalapana Transfer Station affect thousands of people, including me. I remember

¹ II – Draft 2 minutes - <https://records.hawaiicounty.gov/weblink/docview.aspx?dbid=1&id=130685>

last town hall, several residents testified the many challenges families and kūpuna have taking their trash all the way to Pāhoa. A round trip from Seaview to the Pāhoa Transfer Station is 30 miles. This is a public health and safety issue. Last month, we talked about the population growth of this area. Seaview, the Palisades, Kehena, Kaimū, Kalapana, Black Sands, Pohoiki, Royal Gardens, and everywhere in between. This growing area may soon need its own ZIP code. In paying our property taxes, we deserve equitable access to essential county services. Please support this bill as if your community had a transfer station open only one day a week.

Carrie Kowalski: My name is Carrie Kowalski and I also support Bill 140. When we moved to Black Sands Beach in March of 1980, Kalapana Transfer Station was opened every day. I imagine this was due to the heavy population down at that area. But in the late 1990s, the volcano came and it took away Kalapana Gardens, Royal Gardens, Queen's Bath, and it even took away the congregational church where we had to go vote. And you can imagine what happened with the people. Their land was taken, the house was taken, but they still had to go somewhere. And they were there. And as a result, I am not sure when, but a little after that, the Kalapana Transfer Station was open only two days a week. That was a problem for people and they got upset. And you can imagine they left trash at the gate during the closed days. Then on May 20, 2020, beginning of the pandemic, we got down to one day per week. The sign said transfer station open one day per week, 8:00 a.m. to 4:00 p.m. We'll accept only minimum, one truckload per family. No greenwaste or recyclables. They must be taken to Pāhoa Transfer Station. Reason for change? Due to limited public use and low tonnage problem. If the transfer station is limiting the amount of tonnage, then the transfer station is the cause of the limited amount of tonnage, not the consumer number. Two, limited public use. Let's assume that the population density was a determining factor. And so I did a little investigation. As of the census of 2020, Black Sands Beach had 410 people. Kalapana, 250. Kehena, 250. Seaview, 512. Lava, 30 whole households with structures are living on the lava as we speak. I came to a total of 1,462, and that's a conservative number. Now, how come these communities get three days per week? Honomū, 413, population. Puakō, 294. Wai'ōhinu, 210. There's a problem here. And maybe Kalapana Gardens can get a second day from one of the above stations that gets three days. Mahalo to Councilwoman Kierkiewicz for listening and attending to the serious problems like this in your district, and most importantly of all, trying to solve it. I'm hoping we can solve this. Thank you so much.

Steve Holmes: Aloha. Good morning. Hopefully everybody can hear me. I worked with EPA on the development of the AOC, the administrative order of consent for county wide wastewater deficiencies, and one of the little known provisions, or perhaps unnoticed provisions, is the ability for the County to ask EPA for technical assistance. When I was on the Honolulu City Council for 12 years, we faced a \$3.5 billion federal consent decree established in court, federal court in Honolulu, and we were able to reach out to EPA and get this kind of technical assistance. And I can tell you it was invaluable. We probably saved hundreds of millions of dollars as a result of EPA bringing in experts. A good example is the Honouliuli wastewater treatment plant, where we brought in experts to talk about water recycling, and we built the largest water recycling plant in the state of Hawaii in partnership with a company called Veolia. Billions of gallons of water have been recycled as a result of that public-private partnership.

And so I have asked EPA, under the terms of the AOC, to provide access to the Hawai'i Community Foundation's new team that focuses on water recycling and hopefully provide that kind of level of experience to talk about financing, to talk about what type of market development you might want to do to make sure that water recycling is successful. It enhances revenues for the County and helps protect sustainable yield in our aquifers. And so we've simply urged the Department of Environmental Management and the commissioners to take a look at this as a resource opportunity. Bring in experts that EPA has on contract and put together a workshop, bring in people from elsewhere in the State of Hawai'i and have a good discussion on opportunities for water recycling. Thank you for your time this morning.

Eileen O'Hara: My name is Eileen O'Hara, and I also represent nonprofit Mālama O Puna here in the Puna district. I was the county's first recycling coordinator back in 2003-2006. And when I left that position, the Kalapana Transfer Station was open three days a week. And even that, at the time was not completely adequate. Our population continues to grow here in Puna. Regardless of lava flows, we are still one of the fastest growing areas of the state. As Carrie pointed out from Black Sands, we have a population that far exceeds some of the population serviced by some of the smaller transfer station communities up the Hāmākua coast and South Kona. And yet they are only serviced one day of the week. And I know, having put together the concept plan for expanding the 20-some transfer stations to include things like recycling of green waste and other recyclables, that the Kalapana Transfer Station was considered large enough to do that kind of recycling. The fact that it's only open one day a week is not sufficient. I thank Ms. Kierkiewicz for putting up this bill to increased all of our transfer stations to at least two days a week. And I would actually encourage her to change that to three days a week. I know this comes at a high cost. I'm very familiar with all of the costs associated with hauling our waste. But if you don't, it results in litter up and down the highways. And that's all you need to do, is drive down the highways and byways of Puna and see how much illegal dumping and how much highway waste there is as a result of not maintaining hours at our transfer station. Yes, the Pāhoa station has a lot more services, but it is quite a distance from Kalapana, Black Sands, Seaview Estates, as has been pointed out. And these people try to stay in their communities because it is costly to travel in today's world. They're doing wonderful things. At Black Sands, they have a keiki college. When public school is out, they have community gardens to feed the people. They're trying to keep things local. So, please, let's see this transfer station opened at least two days a week, if not three. Thank you very much for the opportunity to testify.

V. UNFINISHED BUSINESS

1. 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, 2024.² *Postponed March 27, 2024.*

Bill 140: AMENDS CHAPTER 20 OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO SOLID WASTE FACILITIES).

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

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.

Chair Adams noted that this bill, unless any changes were made, would require 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.

We have not heard this bill since its initial introduction and being sent to the commission, Council Member Kierkiewicz said. I did not make note at the last meeting that we would be happy to work on amendments, including increasing the number of days from two to three days a week. And this would protect against, you know, future communities that may see a decrease in service, but to also just kind of set a standard level of service across all of our island's transfer stations. There was also a desire to ensure that recycling services are included as part of this. So that, that is another change that I plan to be making at Council.

One of the requests that I put in before this meeting was to have some background information, Chair Adams said, and what we needed at the last EMC to be able to really discuss this was to get some information from DEM on what it's going to cost, how they could manage to operate Kalapana at two days a week. And I was told there was some information going to be presented. So is there anyone from DEM on the call who can give us some more background specifically on what the impact would be and what additional funding you might need to be able to do two days a week, much less three?

Director Mansour thanked the Chair and the Council Member and the people that submitted testimony. Definitely, there's still work in progress, but I could share with you some of the Excel sheet I'm still working on. It's complicated. It's not easy, as I was trying to discover. As you all know, our accounting system is still behind, as we still do time cards by hand. So I have to kind of work with our Business Services division to kind of get more into the weeds of creating a ledger sheet and trying to balance it with all the numbers we have. It's not an easy operation, as you all know, but if you look at Kalapana, it's one day. So what we did, we took the east side transfer stations and they list it here, as you see. So we looked at the annual tonnage for each facility, the number of loads they create, the travel time, the equipment and operations, the number of staff. So the annual operating transfer station side cost, that's just, without just bringing it from transfer station to transfer station, Kalapana is currently at \$65,000 per year just to bring it to the Hilo reload facility. And, you know, from a cost point of view, it is probably the most efficient one, because it just, you could see the other costs. But actually, it costs about \$1,250 per day to operate just to get it from Kalapana to the reload facility. And then that doesn't stop, right? Because we're going to transfer that all the way to the west side. So, the one ton that is being collected, travels across the entire island and ends up costing at \$115,000, almost \$116,000 per year. That's to collect the waste, haul it and dispose of it. That comes to about \$276, \$277 a ton. Well, we charge \$124 a ton. So that's almost twice the amount of tonnage that we charge. That tells you how expensive it is, and that's the cost per ton.

Chair Adams asked what the cost per ton is for a comparable transfer station.

Director Mansour showed the various costs on screen: Glenwood (\$245.54), Hilo (\$157.33), Honomū (\$252.96), Kalapana (\$276.73), Kea'au (\$171.65), Pāhoa (\$179.55), Pāpa'ikou (\$206.23, and Volcano (\$255.93). These are all served with the same staffing on the east side. When we hire staff, they are designated to areas. So the west side staffing are different than the east side staffing. So what I did was able to break down sites that delivered to the east side and sites that delivered to the west side.

Because we have what we call the double handling cost, the Director said, and that comes almost at approximately, I believe, close to \$3 million a year just to transfer the waste. We are still working on the detailed number, but about \$3 million just to get it from the reload facility to the west side down Saddle Road. So. I took the same amount of data just for the east side, the most to closest one, it's really either we reduce one day from Honomū or Pāhoa because they, technically, they share some common factors. So if you could cut down one day for Pāhoa because it's seven days operation and give it to Kalapana, we could do with the same staffing level we have now. So it's, you know, that probably would be the recommendation if Pāhoa could take one day, give it to Kalapana because it's within the same area, the same distance. And if you look at the tons per load, it's 9 and 7. So there is similarity. Looking at these sites, I'm trying to get the common factor that could actually allow for transitioning like it was suggested. See if we could take one day from other side to give it to Kalapana. And I think, you know, it's doable. You know, like I said, Pāhoa, if it goes to six days, that'll be, you know, a good transition. We don't need to increase the budget, but if we need to keep everything status quo- it's costing us about \$115,000, \$116,000. So one day, you know, you're looking at probably doubling that amount, another \$115,000 a year, versus maybe taking it from Pāhoa and transitioning the funding there. It's a matter of just taking it from one side, putting it on the other side.

CM Kierkiewicz said she appreciates the Director and his team taking a very cost effective sort of approach to this, but I am in no way supporting decreasing any service in the Puna region. I can't stomach the fact that our community is continuously having to make more and more sacrifices. So I am looking merely to increase the level of service across the board. And when you think about an \$888 million proposed budget for the upcoming fiscal year, an additional \$115,000 to support a community that has been disenfranchised is a drop in the bucket.

Chair Adams said it doesn't seem quite apples to apples to hire somebody and to have additional vehicles and the people who drive those vehicles to add another day, much less two days to Kalapana.

Director Mansour said it's not a matter of just doubling it. We have X amount of staff and we have X amount of equipment. We have a 4-10 schedule (four shifts per week, 10 hours per shift). So when you have a 4-10 schedule, you have to pretty much have two shifts, right. So the 4-10 schedule, we have eight sites. So you need about 11 staff members to coordinate within the eight sites. So for the seven sites, that means you have to have 11 people working 4-10s, then you have three days remaining out of the week. So when you have another 4-10, it's odd number versus even number. You got seven days, but you have four tens that equal eight days.

So you have a discrepancy in the way these originally were set up the operational system to seven days. And seven days allows you to have kind of disconnect, overlapping days within the schedule and the staffing. So it's hard to staff odd numbers with even schedules. Because you are always trying to- it's a challenge, whom to move around. Unfortunately, the current system that we have given, you know, the contract, we have the union contract, it's a 4-10 schedule, we have X amount of days. So we are working with the union and the administration because a lot of people call in sick within four days, then it overlaps. So you have to fill up these vacancies. So it's not a matter of just taking the same equipment, the staff, and say we want to do it that way. So it's a matter of rearranging. So the way we calculate the numbers is based on the available staff and the hours to work and move them around, given the current operation we have and the current contractual agreement with the union.

But my question is, Chair Adams said, you're adding new staff, you're adding service, and you need to add staff and equipment to add that service. How much would that cost? And that's something that the Council can decide whether or not they want to fund. So I think it sounds reasonable to me that an additional day to pick up at Kalapana means hiring more people, whether one more person or two more persons and vehicles, to be able to haul an extra day is an addition to the budget. And just how big is that addition?

Right, the Director said. That's what I'm saying. The cost is per ton. You pay Waste Management of Hawai'i, no matter what. They charge you X amount of tons. So that's a fixed cost. So when you look at the costs, most of these are because of the contractual agreement we have and the obligation we have with these contractual agreements. So you have to look at the cost per ton from the minute that gets disposed to the minute that gets buried, in addition to the minute that we have to maintain these landfills post-closure for 30 years. So all that is the cost of service. So when you look at your direct, indirect costs, because we're not profit driven, it's a matter of actual cost of the business. So there are certain costs that we are obligated to pay no matter what we do. It's not a matter of just, "oh, let's add a truck, let's add a staff member." But what we're saying is we have to pay certain contractual agreement to provide the services. And unfortunately, sometimes it could go high or low, but in this situation, if the concept of keeping everything and adding the service an additional day, that mean if you believe that's going to give us double the tonnage- if it's not going to give us double the tonnage but the same tonnage, then it just, you're going to pretty much go there twice, pick up the same tonnage for one day and it's going to cost you twice the amount because of the fixed costs that we have to continue.

My concern is, and we've got it as part of your director's report, is staffing, Chair Adams said. It sounds to me like unless you take it from somebody else, Pahoia or whatever, that you need to hire more staff and that costs money to hire more staff. But the thing that bothers me the most is you are shorthanded as it is, and it's been very difficult to even hire anybody. So it's not just the cost. Yeah, you could pay a chunk of change to hire an additional attendant and a driver maybe, and a truck, but you've had difficulty hiring, period. And so, can you feasibly even increase staff even if you got the money to hire them?

Commissioner Otsuka said that regarding the staffing, it was already in the budget for the positions that we need. So I don't think we're looking at an additional cost that hasn't been filtered or factored in for the budget on staffing. And it would be nice- I see the comparisons for the different transfer stations- if we could get a copy of that so we can kind of look at it, too, and get a better look at the cost affecting each of the stations. I went to the Kalapana Transfer Station, and CM Kierkiewicz has a very good point. But I was thinking, too, the two days a week may not cut it because you don't have the staffing or the equipment. But those are on order, I believe. But maybe relocate or have another transfer station midway, because this one is at the very end of Kalapana. So I can see how the distance to get your trash there would be a concern. Also on the signage, it does say it has recycling, but there's no recycle bins because there's no recycling in Kalapana. So maybe if you were to look, and it's within the budget to look at another location closer to the density of the area so that it won't be such a hardship to travel to take your trash.

Director Mansour said the Commissioner brings up a good point because that's the whole purpose of us doing that Solid Waste Operational Analysis. If I would recommend something, I would recommend something to say, wait till we get the operational study because it's going to come before County Council and EMC for major discussion and questioning, because that could actually drive policies and procedures. We are spending a good amount of money to analyze that, and so we could better manage and provide the services to our constituents. I hear everyone, and I'm in agreement, but it's a matter of, you know, we are doing this study to analyze every question that was brought up. So I think it makes sense to wait till the study is complete so we could all make the right decision moving forward. And I think it's very important because I feel like that's the whole purpose of that study. But at least now, as I mentioned, this is still work in progress. Hopefully, I'll have it ready by the time we present to County Council in May. But, you know, based on the budget information.

So all these numbers came out of the budget for 2022-2023, the Director said. So what I'm sharing with you here, based on the actual cost, it's not budgeted cost, it's not projected costs. It's the actual money that we already spent. So we went back to the 2022-2023 budget year. We took all the actual costs and what you see on the screen based on the actual cost. And it's a huge, I mean, when we look at \$276 a ton and we charge \$124 for commercial. So we are still going to do the commercial to see where we are at. But definitely we have to end up changing our administrative rules to reflect change of the tonnage and because reflect the actual service, cost of service. But I know we don't. I mean, we usually for the solid waste service, we get, I think, about 4% to 5% of the general fund that goes into our department this year. We got, I think, \$30 million from the general fund, (mostly) property taxes. So if you take that \$30 million and kind of get divided based on this, we're looking at, we get like, let's say 5% from property tax to offset the services.

So if somebody pays \$1,000 a year for property tax, we only get, you know, \$50 toward the solid waste, the Director continued. But if we pay \$276 a ton, that \$50 comes from the general fund to offset the program. It's very low unless we go into enterprise funds. So we could adjust, the demand of recycling, diversion, waste disposal, because if we stay fixed at that 5%, it just,

you see the numbers. So it brings a major challenge. That's why we are doing the operational study to look at possible revenue, possible different setup. Like I said earlier, we are the only County within the State that does not have curbside collection. If we end up going to curbside collection for the sake of, you know, the operating cost, and if we end up doing it at a wash, that's still beneficial because that will introduce the green, blue and brown containers to the customers.

Chair Adams said that the Council Member is proposing to increase Kalapana to two days a week, possibly three. And to do that, it sounds like you could achieve it with your current level of staffing and equipment. If you took a day away from another site, you could do it. And it would be a political issue of taking away a day from one of the transfer stations. But as a short-term fix. Would it be a near term solution? And then get your operations report and figure out what the real solution ought to be? It may be relocating or adding yet another transfer station, which doesn't thrill me. But I'm wondering if, for purposes of this bill, because we need to give a response back to Council as to what EMC supports, if we get the focus back to that bill, you could accomplish it with what you have right now. If you want to add service overall for the County, then you're going to need money, which, fine, the Council Member says there's money. But what worries me more is the people. Just getting people and equipment onto this island and working for DEM has proven to be very difficult to achieve.

Commissioner Perez thanked the Director for putting a lot of time and thought and effort into this. Do you have kind of just analysis, comparison between the actual- I can see what you're highlighting here is the method of borrowing a day from another location. Do you have comparisons of what it would be to add the resources needed, whether it be contractual changes or an addition to budget that would need to just add a day versus borrow a day? If you were to just analyze those two methods, so to speak, and then are there things that we could potentially do to modify or amend the contractual agreement or make those changes to be able to support the potential of just adding a day?

The Director said that he looked at similar sites, and you try to analyze that, the challenge is, we cannot get into the west side because most of the operation and the crew have different staffing levels at the east side of the island. And you only have seven days a week. But our contractual agreement with the union is 4-10. That means you have to create an eight day schedule, to be able to have two crews, or you got to overlap the days. So we figure, I'm still working with operations. It makes more sense in the future. When you have 4-10s and you have two crews, it makes sense to stay even, so you don't create those gaps. So if we go, for example, six days versus two days, or five days and three days, that give you eight days. So you have to create the equation to be able to fit the staffing level, the even number to the even days of operation. Otherwise you're always going to have a challenge of over-staffing. That's why you need more staff, because you just deal with odd numbers versus even numbers.

Commissioner Perez asked about a part-time employee that could be used to kind of fill the gap for the extra day.

We could look at that, Director Mansour said. Or like I said, we need to look at allowing the 4-10s to take the benefit of the 4-10s because they get three days off within seven days and we have to give them the three days off because that's how the contractual agreement is written. And if you have one or two people calling in sick within the 4-10s, then you have to have the additional staff to fill in for that. And we have an issue because there's loopholes within this whole argument because, you know, Mike Kaha and Walter Pacheco usually struggle with scheduling the staff because one staff member maybe does a different scheduling at a different station. So it's not like one person is assigned as truck driver or an equipment operator is assigned just to go from Hilo to Kalapana. No, you go from Hilo to Kea'au to Pahoa. So they do zigzag driving to be able to provide additional service. So you have to look at the route that they take every day and the number of available equipment operators. And sometimes when we have emergency situations, you have to take one operator out from these planned schedules to do something else and then that creates a gap.

Commissioner Otsuka said Commissioner Perez was asking about the possibility of hiring part time people to actually service, say Kalapana one day rather than taking from your regular 4-10 people and they can be your backup for all the other times employees call out sick, you could rely on your part time force.

And my answer was to that was, yeah, we can look into that, the Director said.

So maybe we should kind of do it real quick, Commissioner Otsuka said. But I had a question too on the actual and the budget on these figures that you had. So if the actual amount spent was less than what you're budgeted for, would that give you more leverage to do the things that we can get done, like maybe picking up an extra equipment or hiring these part time people? And if vehicle is a problem, you know, there's a fleet of cars out in the parking lot at the County Building that maybe if they're not being used, you could, they could allocate it to the different departments that do need it for the servicing of Kalapana or other small transfer stations that do don't have the bodies where they need the bodies.

We thought about it as well, the Director said. That thought is great because it's also on the table as well. But the unfortunate thing about that, you don't know how much you have left out of the budget until you get close to the end of the year to do your budget, you know, variance report every quarter to understand how much we spend, how much we have. So, you know, when we prepare a budget based on actual, it's kind of difficult, right. Because you do the budget based on the actual from last year and the projection of what we are going do with the staffing. For example, as I presented to Council, I have 86 vacancies. You know, that's more than one third of my entire department is vacant. I cannot find staff. So I'm working with Department of Human Resources to figure a way that we need to focus on getting the staff that we need so we could be able to function.

Commissioner Gonzales said he was sensitive to the public testimony we had at the beginning about the number of people being served at each of the transfer stations. Do you have a column already in your spreadsheet that says for Kalapana it's 1,400-plus people? Because I

think the focus solely on the tonnage may be understating the real issue depending on the population size being served.

And not only that, but the area that each transfer station serves plays a big part because Kalapana is huge as compared to Honomū, Commissioner Otsuka said. And if you're seeing the tonnage is equivalent to each other, the only difference is the area that it serves.

The Director showed Census Designated Place-derived statistics. Kalapana is about 170 and Seaview, I think, in the 500s. So we included Seaview to the residents of Kalapana of 679. So that kind of gives you an idea of, you know, if Seaview ends up using Kalapana transfer station, and we have a 418 tonnage out of 679 people, that's the analysis that we kept in mind and we worked with. So, no, we don't just go based on tonnage. I go deep into a full analysis of all the factors, the tons per day, the population, the amount of days open, the actual contractual agreement we have. You know, I even looked at EPA and they have certain recommendations for how many pounds per person per ton is being used. So it's a very, very complex analysis, and like I said, you try to tie the tonnage to the amount of people, to the actual amount they dispose per year, and you compare that to the national standard usage from EPA.

So all that plays into the equation. So hopefully that answers your question. But yes, we did look at the population as well.

CM Kierkiewicz noted the last time the census was taken was in 2020 and we were facing a global pandemic. We also saw a huge increase of people moving to Hawai'i Island during and following the pandemic. So I appreciate that data set, but I don't know if it accurately depicts what is actually on the ground today. And I think it would be interesting to take a look at real property tax assessments, and who is claiming a home in Kalapana Seaview area as their primary residence to be a more accurate data set around how many folks are actually living in that area. I just wanted to point that out.

The Director said the Council Member was right on. We are four years behind, but Census gets done every 10 years. So what we did, we went and based on our GIS and Google, and it seemed like in that area there's not much growth. Most of it is in places like Mountain View. It's still a work in progress because we're trying to get it from the assessor's office as well, based on tax records.

The Council Member asked to add the communities of Kehena and Black Sands Community subdivision, I don't know if you had considered them in the population count, but these are the communities that also use Kalapana Transfer Station.

The Secretary said that by definition the count is imprecise for the reasons that the Council Member mentioned. It could have been a judgment call as to whether Black Sands would be counted as the Pāhoa transfer station population or the Kalapana transfer station population. Maybe they go to a little bit of both.

We have to continue refining these numbers because it is 2020 and they do it every 10 years, the Director said. But we made a request from staff to look at the tax record as well as if you want us to add more areas. It was kind of hard to differentiate how many tons goes to Pāhoa from these communities because we don't have a way to say, okay, where do you live? What comes in? Because whatever tonnage comes in, it goes through the scale. It doesn't have an identification on it. So it's either we do maybe a survey with that community and see how often they use Pāhoa. And that's why I'm trying to link these two sides together, because if that's true, then open Kalapana one day and take it away from Pāhoa, maybe the same people now will start using Kalapana. I don't know. I'm trying to figure out how much from these communities go to Pāhoa, if it's true that they drive in there or is it really the 418 tonnage based on the actual scale and based on the population? Any comments you give me to refine the calculation better? It's very welcomed.

Commissioner Acasio said she saw the conundrum, and I am looking at the numbers. Thank you for presenting them. However, I feel like our obligation as governance is to look at the needs and, you know, allocate funding and figure out those details. I am recognizing that it's a pickle with the contractual agreement, but I think that the needs of the community and what Council Member had mentioned in terms of Pāhoa oftentimes getting the short end of the stick for summarizing her or paraphrasing her words, that I think it is really important that we support opening or having a minimum two days. I think that also it does make sense, Director, as far as what you said is that a lot of the tonnage may be going to Pāhoa because Kalapana closed. That doesn't necessarily mean that it would be beneficial to close Pāhoa one day. So I would also push for not taking it away from another area in Puna, specifically relating to the Census data. Not to generalize, but oftentimes folks don't actually fill out their Census. And Puna is the hardest place to get folks to, you know, the workers that go around to try to encourage people that work for the census, Puna is the hardest place to do so based on gates and permitted structures and things like that. So it's very known that typical Census data for Puna is much lower than in reality. And therefore the trash is still being produced regardless of accurate data. So that's pretty much what I have to say. And if it's appropriate, I actually wanted to make a motion.

Commissioner McIntosh said it sounds more like you just can't throw money and people. It sounds more complicated than that. A better solution is, as the Director said, working within the system, at least temporarily, to resolve the issue. And, you know, people might not like it. You know, I didn't like it when they switched the Wai'ōhinu Transfer Station from six or seven days to only three. But we're still alive and living with it, moving it around and still functioning because we're not a rich island. So we have to work with the finances they have and the people that are available. So honestly, I feel that the bill should be deferred and the Council and the director should work together to resolve these issues.

I have another question, Commissioner Garcia said. It seems to me that maybe trying this on an interim basis to see if it's warranted to actually staff it with two people or two days or three days in perpetuity versus, let's do it on a trial basis, maybe survey the people that are using the facility. I'm just trying to think of preserving the Director's availability to be able to staff

appropriately versus what the community needs. And where does that responsibility lie? It's certainly within the County, to staff up appropriately. But I'm not sure we have enough real knowledge yet to require two days, three days a week there until we have a better grasp of it, so I guess I'd be suggesting it or asking, is there a way for Bill 140 to be implemented on an interim basis? Try it as a pilot and then see where it goes?

We could, the Director said. That goes to my initial recommendation, which is to allow us to do an interim change until we get that operational analysis because, you know, there's a lot of driving force. I know you guys and county council members as well, driving diversion ordinances where by 2026 we have to be at least going toward that. We have the Integrated Solid Waste Management Plan that was adopted by Council Members as well to allow us to recycle, divert away from the landfill. And if we don't get into the behavioral changes, we are going to continue producing more waste and more waste. If the intent to meet the carbon emissions, to meet climate change, to go into waste to energy, then we need to start going toward that direction. And I think the way to go through that direction, sometimes it may be tough on individuals either due to politics or due to whatever reasons. But yet I feel that if the end goal is to achieve better environmental protection and good services, that we could maximize efficiency and yet be able to divert, reduce, reuse, recycle, and expand the landfill. We only got 20 years remaining on the life of the landfill. Think about it. I mean, what we are saying, it's like saying we encourage waste generation instead of waste reduction. So if that's the intent, then we're going to fill up that landfill faster if we don't change the behavior where we said, okay, you know, now you are limited when you go to the store to purchase a certain amount, so you don't just decide to just buy whatever you want and dispose of it because you may never get to use it or eat it and what have you. And that plays a major factor. I'm looking at the forest and how we are going to shape that forest rather than start planting the trees without really looking at the health of the forest.

Commissioner Beets thanked the Director for his statement. I'm very concerned by the waste stream that's going into our present landfill. And with a 20 year life expectancy, I believe you'd stated previously that it takes about 20 years to get a new landfill established.

If you are going to site it, yes, close to 12 or 15 years the Director said. CCH tried to site a landfill. They've been working on it for the last three, four years and they even haven't got a site yet.

That's my largest concern relative to this discussion, Commissioner Beets said. We do need to definitely care for our communities, both in terms of waste disposal and safety and health. And I'm glad the litter problem was also mentioned. But our bigger concern is that larger picture, I believe. We do want to have that in consideration as we're making these decisions. And the other question that I had was, I'm sympathetic to the situation in Puna and waste disposal, and cutting days is a big problem at any of the sites. But I'm still not clear how often legislation is used to address this kind of issue, and I would like to hear that kind of comment before we conclude this.

There's a lot of legislation, the Director said. Commissioner Acasio had worked on trying to help us to get to zero waste with extended producer responsibility and what have you, and if they intend to go to zero waste, adding more days and allowing people to continue dumping more days- we're never going to go to zero waste. What is the end goal? If the end goal is to reduce, reuse, recycle, get to zero waste, then maybe we need to stay focused on that route. If the route is to open it 24/7 then we're going to defeat the goals and objectives and legislation of stay and focus on reduce, reuse, recycle, and meeting our obligation into the ISWMP that we committed to and other legislative bills through the state and to be able to reduce and trying to manage our waste.

The Kalapana area is new to District 4, CM Kierkiewicz said. After redistricting took place following the census, this became part of Council District 4. Council Member Matt Kanealii-Kleinfelder, prior to my work to introduce this bill, had tried asking DEM leadership, Director Mansour, and his predecessor if there could be an increase in the number of days that the transfer station was open. And, you know, there's been a lot of discussion about, yep, we'll get to it. We'll take a look at it. We can pilot curbside pickup, but unfortunately, and I know the Department is very, very busy taking on wastewater and solid waste, this was one thing that I could do as a policymaker to legislate some kind of action, which is why our office put this bill forward.

Commissioner Acasio commented on that last conversation that the Director had brought up around waste generation versus diversion. If we aren't actively doing anything to change both consumer and collective habits, then there won't be much change. We can wish for it or there can be the handful of people that do their own individual things, but it does have to come down to larger educational movements. It has to come down to different ways of doing things, and that is why the EPR bill focuses on reuse and refill in order to create less going to our landfill to begin with. Of course, it didn't pass the Legislature this year. And, you know, there's not necessarily champions around reuse/refill in the Legislature at the moment, at least that I am aware of. But at the same time, we, it's not going to happen if we're not doing anything. So as far as the County – again, not to put more burden on the work that you folks are doing – it has to be an active, engaged program in order to really be making any kind of change. And we still have to deal with what's happening right now. So if folks are making rubbish that's going to the landfill transfer station, then we have to deal with that. And I think it does make a lot of sense at this point to have a minimum. So mahalo nui. And again, the challenge is real. So I'm not minimizing that challenge. And at the same time, I do want to reiterate what Council Member Kierkiewicz had said before, which is that we have \$135 million and \$115,000 is a drop in the bucket. And there just needs, there does need to be an adjustment in terms of the budget allocation for solid waste so that we can deal with this issue.

Commissioner Otsuka commented on the staffing. After she had been to the transfer station and listening to the Council Member give her reasons for having it done, I'm for that. You know, again, having been there, I think the location of that one is far from a lot of the other subdivisions because it's at the very end in Kalapana. So if you've driven there, you'll see that the area is pretty large. Yes, maybe another day with a new staffer or a part-time person, that

might help, you know, but we need to start hiring people. And there's 30 vacant positions in the solid waste alone, which is 21% of the dedicated positions. So we need to start. I can't believe that nobody's applying for the SWFA job. I just can't. And being that there's a chronic problem with absenteeism more, so we should be looking. And if 4-10 is a concern, then look to find a part time workforce that you can count on and eventually convert them to regular positions because it's in the budget. So that's all I'm saying. Because I think this is a good bill. You know, we do need a lot more information, I think. But we cannot deprive them of a service that the County is required to give. Can't take from Pahoia because Pahoia is very busy and, and they are busy and they're not even taking recycling. So we cannot take from that to give to Kalapana.

Motion No. 1 and second: Commissioner Acasio made a motion, to which Commissioner Otsuka seconded, to support Bill 140 to have a minimum of two days per transfer station.

Discussion: It's great to say we want it, Chair Adams said. It's great to say just hire someone and here's a whole big pot of money, although it has to be within union scale. There aren't people out there, and to get them on is non-trivial. So I think we need to defer. I think you've lit the fire under DEM and they are looking at alternatives. And as Commissioner Garcia had commented, there are some things we could try with what we've got. The pain is real. The pain is now, but I don't know that it's ready for a new law.

The pain is real and it's been happening for too long. And the more we put it off, it gets worse. So if we don't act now or soon, you know, it'll be worse. And I cannot believe that no one is applying for jobs, Commissioner Otsuka said. I cannot.

Welcome to Hawai'i island. Everyone is short staffed, Chair Adams said.

We keep saying these positions have been vacant for so long, Commissioner Otsuka said. And we are critical for the survival of the county. I mean, this is not something we can just put off and put off.

I really thank everyone for the very thoughtful deliberation, Council Member Kierkiewicz said. Not just this meeting, but last meeting. You know, I hope that folks do consider moving this bill forward and providing a favorable recommendation. Yes, it would tremendously benefit Kalapana, but this is a community that has been disenfranchised for far too long. Increasing the days of service would certainly improve quality of life for folks so they don't have to drive to Pāhoia, Kea'au, or even Hilo to dispose of their waste. And I think what we're missing here is looking at this as a tremendous opportunity to further engage our community. We can have recycling. We can think about doing compost and mulching. I think we can do a lot more educational and engagement of our community at the transfer station if we're able to support moving Bill 140 forward. So just looking for everyone's support, but certainly understand that we are in very tough times, but just hoping for everyone's favorable recommendation and support.

Commissioner Garcia said he was uncomfortable taking away the discretion of the County to manage the business of the whole issue with the transfer stations. In my mind, we probably should give the County a chance to come back to us, let's say, next month, and say, well, this is what we can do from a practical nuts and bolts right now to make Kalapana two days a week, and maybe it's on an interim basis or something like that, but I'm inclined to say we should postpone versus put a new bill out there.

This bill is three years in the making, Council Member Kierkiewicz said. We've had three years of conversation with DEM for their potential solutions. So this is essentially forcing the conversation and making it a priority because they've talked about addressing this issue without legislation prior to Bill 140. So, respectfully, we've tried. We've tried to do this without legislating, and we're at the end of the rope.

Commissioner Perez recognized the challenges that DEM has with staffing as well as the many things that the Director is conveying. I also have empathy and understanding for the need of the community. This trash is an end result after use and something has to be done with it and to keep it out of our oceans, to keep it out of our forests, to keep it out of our properties that create other health issues. I commend Council Member Kierkiewicz for being able to bring this forward. And I will be supporting and hope that DEM with excellent leadership can solve some of these really large problems.

Commissioner Beets asked DCC Salas-Ferguson about making a subsidiary motion to defer.

DCC Salas-Ferguson said that could be a valid motion.

Although part of our problem is we're in this 45-day window of EMC needing to provide counsel with our recommendation, which could be yay, nay, or silence, which means no opinion whatsoever, which isn't true, Chair Adams said. So that 45 days is May 3, next week. So that's the result of a deferral. Is it going to work? This is the meeting that we have. This is the meeting to vote. So you can vote for support. You can vote not for support. And we could have an alternate motion. If the motion to support does not pass with five votes, then we'd go to the next motion.

Commissioner McIntosh asked if it were possible for Commissioners to submit a summary of their views. One camp thinks, okay, the Council should work with the Director, and another camp-

As I understand the rule, we are going to vote on the motion to support. If five people vote to support, then that's what we send to Council. If fewer than five people support that motion, then we have another motion that could be offered. And you can say that motion however you want to say that motion. So the first hurdle is, if there is a majority that would support it, then that's what the position of the EMC would be. If there's not, then the game's open again for new motions.

DCC Salas-Ferguson said somebody made a motion. You are discussing it. Somebody could make a motion to move to table the item, to a further date, whether it's the next meeting or beyond. However, the Chair pointed out that this is your last opportunity to provide independent comments and recommendations on the bill as proposed. The Code (HCC 2-207(b)) says here to provide independent comments and recommendations. Your comment would be a comment in support. That was the motion on the table right now. What's your specific question?

I think the question was, can we qualify it, add other information, Chair Adams said. Fortunately, the Council Member has been here. Thank you so much for taking away your time. She's heard a lot of the comments that we've had. So I think in that respect, we have provided some comment, but we could amend and add to a motion to support and then provide some additional commentary. Although getting consensus on that commentary could prove to be a challenge if we have to do it before May 3.

Perhaps you want to vote on a motion to support and then somebody could make a motion to provide specific comments, DCC Salas-Ferguson said. Maybe five of you agree to support it. So you just want to vote on that limited issue. Then somebody else could make another motion to provide additional independent comments and recommendations, and then you could decide on that. Does that make sense? So kind of going through piece by piece.

The fact that Councilwoman Kierkiewicz mentioned that this was three years in the making, that would say that it's been through this administration, Commissioner Otsuka said. So I would think that it would be prudent on our part to move to accept it because it's taken so long. And how, how much longer will it take? We should have had more information within the three years from DEM on this, but I didn't. But I can say that for the future of this bill, it does serve the community, not only Kalapana, but other communities that's coming up, to make sure that the service that we're supposed to provide them and they should have, are given to them.

This also needs to go through the full Council, Commissioner Acasio said. So this is not a decision that is being made per se today. We still need all of our Council Members to agree and go through deliberation around this as well. And I think that's where the conversation can get a lot more into the weeds with a Director who's been doing a lot of work and has a very big challenge, as Commissioner Perez had mentioned earlier. So just wanted to reiterate that it will also go through the Council.

Thank you, Chair Adams said. Individually, we each have opportunities to talk to our representatives and to the Council.

Director Mansour said on behalf of DEM, and I know we have been working with Council Member Kierkiewicz on that issue. I talked to the community members. The major concern the community members had is they were afraid that eventually that facility is going to close, similar to Miloli'i. And we assured them it's not going to be closed. So they were afraid they were going to lose that one day. It's not a matter of having a second day. But that's the whole

reason the operational analysis is out on the streets, is to come up with suggestions and recommendations. We talked about curbside collection, doing a pilot program for that community. The fact that the comments were made that DEM didn't do anything for three years, that's an inaccurate accusation to the Department. The Department has been working and we were able to secure fund that we fought so hard for to do the operational analysis. So we'll have a better vision on the current countywide operational analysis. You need to look at the forest. We cannot continue planting trees without looking at the forest as a whole. I'm in support of providing services to everybody. But yet we have a whole system to look at and we just want to make sure whatever decision we make is for the health of the entire system. Otherwise, if we do a decision based on segmented information, we come back later, say why the heck did we make that decision without looking at the details. And that's, you know, just for the defense of the Department. We have been working on it. That's the reason for the operational analysis, it took us a while to get the money approved toward that operational analysis. And that's exactly what we're doing. To say otherwise, it's inaccurate.

My memory of being on the EMC for more than three years, I do not recall it ever formally coming to the EMC for review by Council, Chair Adams said. So a lot of work's been going on, a lot of conversations have been going on. I think this is our first formal opportunity, so I'd like to take roll call vote for the motion that EMC supports Bill 140 as written.

Vote: Ayes 4 (Acasio, Garcia, Otsuka, Perez); Nays 2 (McIntosh, Adams); Excused 1 (Beets); Absent 1 (Norris). **Motion No. 1 fails.**

Chair Adams announced the motion did not pass, and opened the floor to entertain a new motion.

Motion No. 2: Commissioner Mcintosh made a motion that the commission encourages the Council and Mayor to work with the Director or DEM to resolve this issue in a timely manner, and rather than trying to pass a law, working instead work within what the County has.

DCC Salas-Ferguson asked whether the motion is to encourage them to increase the level of service at the Kalapana Transfers Station.

Yes, Commissioner McIntosh said. Either through the budget process or taking a day away from one place and adding it to another. But whatever they could work out to accomplish more days at Kalapana without having to pass an ordinance.

Second to Motion No. 2: Commissioner Beets seconded the motion.

Discussion on Motion No. 2: I just have a quick question regarding the motion, Commissioner Perez said. Is that not already happening? I feel like that is what's happening within, even previously to the bill. So just a better understanding of the intent. I'm just slightly confused on what expectation of the end result is from that motion.

The other issue is basically our response to Bill 140 is no, we are not supporting it, but we are encouraging continued discussion and work to resolve the service issues at Kalapana, Chair Adams said.

We support the intent of the bill, but we don't support an ordinance as the vehicle to accomplish that goal is essentially what I'm trying to say, Commissioner McIntosh said.

I want to be really clear as to what this means, because I do want it to take place, but I don't know if that is an appropriate recommendation at this time in regards to a bill that is put into place, Commissioner Perez said. Is there not any better vehicle than the government framework that's set up to put in course an action that's not being done to serve the communities?

When you pass a bill or an ordinance, you set that in stone, Commissioner McIntosh said. That doesn't allow flexibility and it could discourage new ideas, ingenuity. Opening a new trial transfer station would be more difficult because now you have two instead of one. It's always best to work within the framework of the system or administration rather than always running to passing laws because you can't see the future. You don't know how that could possibly affect or hinder future operations. That's usually been my mentality in regards to passing ordinances or laws. And just listening to what the Director has said, it sounds like it's possible that they can do this without the ordinance. It's just for whatever reason, they have not acted on that yet. So maybe the Mayor needs to prod him along. I don't know. I'm not for an ordinance in this regard.

I just want to jump in and say that I've always used legislation as a tool of last resort, Council Member Kierkiewicz said. I'm at the last resort here. We've tried for many years to have conversations about what could be done for Kalapana specifically. And I appreciate the concern around potentially stifling creativity and innovation with our waste management problems, but the problem is we haven't gotten anywhere. And so this bill is forcing this issue to become a priority and it's very clear that we're not going to have consensus within the Commission. So my very humble suggestion is to document who is for this bill, who is against it, who is abstaining and who is excused. And be very upfront with the Council about where everyone stands and just list everyone's concerns, but also everyone's desires for what could be done to resolve this issue.

Chair Adams restated that this is a discussion of the motion to encourage Council to work with the Administration, including DEM, to further work on ways to increase service to Kalapana

Commissioner Otsuka repeated her support for Bill 140.

We have your vote, Chair Adams said. It is documented, will be documented in our minutes. So we voted on that motion and now we are voting on a new motion that is encouraging, not saying "Don't ever do Bill 140," but saying what we want you to do at this point is encouraging discussion with DEM and Council to increase, and supporting the intent perhaps behind Bill 140,

but not Bill 140 per se. So I don't think we need to go through the arguments again on why we should vote yes on 140. We did that vote and it did not pass. So now we're looking at a separate motion as our alternative. We didn't support it. So that's not one of the alternatives left to us. It is, say nothing and just let Council go as they go, or to say something else, that we recommend these actions be taken in lieu of Bill 140. And I think that's what we're talking about right now.

Before we can take any action for this new motion, I think we should have more information on the reason why we're not in agreement with it, Commissioner Otsuka said, and for DEM to provide us the statistics, the data that's making them hesitant in doing so. Because like you said, I did move to have it passed. So the second motion is what I'm confused about, but-

The second motion is that we still send a letter to Council, Chair Adams said. We could choose not to send a letter. That would be a third motion that we could play with if we wanted to. But the motion on the table is we send a letter, and the content of that letter is, will you two outfits work together to try to find a solution? Not an ordinance as written in Bill 140, but something else.

Commissioner Otsuka said that when Commissioner McIntosh mentioned to have them do that in a timely fashion, what timeframe are we looking at then? Because this can go on with that second motion. So we're having this motion because-

You could ask the maker and seconder of the motion whether they want to amend the motion to say some deadline, Chair Adams said, to which Commissioner Otsuka agreed.

Commissioner Beets asked to make a friendly amendment to Motion No. 2. I fully support what Commissioner McIntosh has stated and has done with this motion, he said. I believe my friendly amendment on this is to put in a reasonable time period by which DEM is proceeding with a trial effort of a second day for Kalapana.

That sounds fine, but I don't know what that timeframe would be or what date to put, Commissioner McIntosh said.

Chair Adams said the Director has an operational study under way as we speak. And that certainly one of the important drivers for any decision making that they would want to do. And that is due to be done the end of this year. Whether it'll be done in October or November or December, I don't know if you have a date you want to commit to.

End of October of this year, the Director said. So in about six months it's going to be completed, but it's probably, it's going to be going before Council sooner than it gets finalized, I would imagine. So a draft probably be circulated before that.

My original question was to ask the maker of the motion to clarify what he meant by timely fashion, because that is the biggest concern around this current motion, is not understanding

what is a timely fashion, especially considering that this has been apparently been a dialogue for quite some time, Commissioner Acasio said.

Commissioner Garcia asked Commissioner McIntosh if he would be willing to amend the motion to say something to the effect of, DEM should provide a second day of service on an interim basis to Kalapana pending the finalization of the operational plan. Because I'm hearing that there's some critical need to get more services in Kalapana. And so if we say on an interim basis, provide that second day, and then once the operational plan comes out, that gives us a better view of the whole problem, not just one part of our problem.

Commissioner McIntosh asked if that would be a separate issue we could send after we address this point. Because we're talking about Bill 140 and we're sending this to the Council as advice. We're not addressing the Director directly. So to me that sounds like a separate issue that we'd have to address maybe at a next meeting because it's not on the agenda.

DCC Salas-Ferguson said according to statute you can provide independent comments and recommendations. And so we read that to be okay, Commission, here's your agreed upon comment or recommendation. But the EMC could also- I've seen another advisory commission, where, you know, they couldn't agree on anything and they just didn't want to not provide any comments. So what they did was they said, okay, we're going to vote that we're going to each provide our individual comments, and so you submit your individual comments to whomever by this date, and then we'll just provide that document to Council. So that's another option that you have. So it's pretty wide open as far as how you want to approach providing comments and recommendations. So that's just another option for you. Initially, when I spoke earlier, I was saying you could go through issue by issue. It seems like Commissioner McIntosh's motion on the table is to support the intent of the bill, but not the mechanism, the vehicle. You can vote on that and then aye or nay, and then somebody else can bring up comments or recommendations issue by issue. I mean, you could say, somebody could say, I'm okay, I make a motion to say that, you know, whatever. But anyway, so those are, so those are some options that you have going forward. Does anyone have any questions on that?

So maybe my motion should be closer to what the DCC just said, that the commission supports the intent of Bill 140, but not the mechanism, Commissioner McIntosh said.

Because I think after hearing you, I think that's what the intent of your motion is, DCC Salas-Ferguson said. So you could make a motion to amend your motion to say that, and then you can vote on that, and then you can continue to vote on any comments or recommendations that you want to give to the Council regarding that specific bill.

Withdrawal of Motion No. 2: After a brief parliamentary discussion, Commissioner McIntosh withdrew Motion No. 2.

Motion No. 3, second, and vote: Commissioner McIntosh made a motion, to which Commissioner Beets seconded, that the Commission supports the intent of Bill 140, but not the

mechanism. Ayes 6 (Acasio, Beets, Garcia, McIntosh, Otsuka, Adams); nay 1 (Perez); absent 1 (Norris). Motion carried. **Note: This motion failed on the reconsideration as noted below.**

Now we can entertain a motion to somehow compile a list of recommendations from each of us individually, Chair Adams said.

Motion No. 4, second and vote: Commissioner Garcia made a motion, to which Commissioner McIntosh seconded, that the Commissioners will, by May 1, provide their individual comments and recommendations regarding Bill 140 to the Secretary, who will then submit to Council. Ayes 7 (Acasio, Beets, Garcia, McIntosh, Otsuka, Perez, Adams); Absent 1 (Norris). **Note: After Commissioners returned from recess, DCC Salas-Ferguson advised that Motion No. 4 was *ultra vires* (invalid).**

I thought about what I said earlier, DCC Salas-Ferguson said, and I talked to my supervisor, and what I had mentioned earlier was that I remember a situation where a Commission input all the individual comments, but I'm remembering back to what they did and they took everybody's comments and put it on a paper and said, these are the Commission's comments. And so I was looking at the statute again. And so any comment or recommendation from the EMC has to be agreed upon by the EMC. So then providing all these individual comments to be submitted as individuals, I don't think you guys can do that. It's just got to be that one agreed upon comment, which I think was the motion by Commissioner McIntosh. So I apologize for that. And I don't know if that makes you want to go back into any discussions to forward any agreed upon comments or recommendations, but just wanted to correct that.

Not allowed, Chair Adams said. Not appropriate for our Commission. So what it says is each of you, if you want to send in comments, send in comments. You can send it to the Council as a whole. You can send them to Ashley. You can send them to anybody and his brother. You can send them to the newspaper, whatever. So I think the assignment should still ride on you to come up with your opinions that you would like to communicate to Council, but you're not going to do it through or as EMC.

In light of this ruling, Commissioner Acasio asked for a revote on Motion No. 3 so she could change her vote to a no. I actually do support the mechanism at this point, she said. Let me also, in lieu of the fact that we can't make individual comments as commissioners, because I was going to be, in theory, I can clarify. I could clarify a lot more of that, being that I made the original motion to support the bill in its entirety. But if not possible, that's okay. I'll write individual comments to the council members. But since we came back into it, I thought I would ask.

Motion for reconsideration could be another vehicle, DCC Salas-Ferguson said. Maybe you could do that. A motion for reconsideration, you could get a second, and you could explain why you'd want it to be reconsidered, and then you could all vote on it again and you could change your vote to make that record clear.

Motion No. 5 and second: Commissioner Acasio made a motion, to which Commissioner Garcia seconded, for a reconsideration of Motion No. 3.

Discussion on Motion No. 5: So when we say we support the intent but not the mechanism, explain to me exactly what this mechanism is, Commissioner Otsuka said. I'm not clear.

Bill 140 would be to create an ordinance, Chair Adams said.

And I just wanted to reiterate what Council Member Kierkiewicz' stated in the comment section, that the bill protects and ensures an essential service, Commissioner Perez said. There's no language specifically toward Kalapana. It's just blatantly saying that at minimum, Hawai'i County should have two days service for waste management.

Motion No. 5 vote: Ayes 7 (Acasio, Beets, Garcia, McIntosh, Otsuka, Perez, Adams); Absent 1 (Norris). **Motion No. 5 is carried.**

Motion No. 3 (Reconsideration): Ayes 4 (Beets, Garcia, McIntosh, Adams); Nays 3 (Acasio, Otsuka, Perez); Absent 1 (Norris). **Motion No. 3 fails on the reconsideration.**

Okay. So that motion is not passed. So we are now at a position where we say nothing to counsel as EMC unless somebody else throws up another motion, Chair Adams said.

Commissioner Perez asked if she could make a motion to support Bill 140 and providing essential services to communities, pending additional finding from the Solid Waste Operational Analysis that is going to be finalized October 2024. We would like to support the intent of providing essential services to communities that Bill 140 states.

Basically what I'm trying to say is to implement Bill 140 and revise as needed once the October 2024 study is actually released, Commissioner Perez said. But to be able to get something in movement, just because a study is released doesn't mean that actions are going to take place. And so I understand the value of the study, of the research, and think that it will actually inform what we do five or 10 years down the road. But the immediate service of what that Bill 140 would offer, can we not put that in place and then in the future, as these studies come into finalization, be able to then move forward with what the studies are recommending?

The study will cover a lot of stuff, including the operation of all transfer stations, Chair Adams said. And I understand your intent, but I think it is beyond complicated for a motion and what we would send.

We're being asked to send a recommendation, Commissioner Perez said. So can our recommendation be to implement, to basically triage what's needed right now for that community, implement Bill 140 and then be able to revise or be able to continue- I'm taking all of our concerns, Commissioner McIntosh's concerns of stifling innovation and, and future progress. I want to recognize the study and I want to recognize the need of the immediate

community, and there's got to be a way to be able to merge those together, to be able to at least have some kind of recommendation that we as a Commission can put forth to our Council.

Commissioner Otsuka asked if it would be better to have the Director go over the update for the operational analysis before we try to make another motion. Because then everything is based on this study, right?

Commissioner Perez' request for a motion is probably contingent on the study, Director Mansour said. But remember, the whole idea is you don't want it to become a law because you will lose flexibility. So the idea is we already have- once this becomes law it's hard to revise a law. Technology is changing every day. If you want to put yourself in that little pigeon hole where you cannot implement any future technology, because now you are committed to this law, it's hard to change it. So I don't understand why we try to take that flexibility away. Services are already being provided more than twice a day. If the intent was for one site, let's finish the study. And it could have more than one site. But remember, the technology is changing. The same people talking about additional services are also recommending diversion, recycling. And so it's a matter of just technologies are changing every day, different types of services provided.

(The discussion was tabled until after the solid waste operational analysis update.)

Motion No. 6, second, and vote: Commissioner McIntosh made a motion, to which Commissioner Acasio seconded, to support the intent of Bill 140. Ayes 7 (Acasio, Beets, Garcia, McIntosh, Otsuka, Perez, Adams); Absent 1 (Norris). **Motion carried.**

We will write that up and send it in, Chair Adams said.

2. Presentation and discussion with Jennifer Navarra, Zero Waste Hawai'i Island, regarding a draft system plan for the Hilo Reusable Foodware Program. *Postponed March 27, 2024.*

Jennifer Navarra introduced herself as the program director of Zero Waste Hawai'i Island, and has been working, really trying to be a champion of reusable packaging systems in Hawai'i. And broadly, it is a national, if not global, movement now to try to reduce the amount of waste that we create in the first place through waste prevention programs. And as many of us know, packaging makes up a huge portion of our waste stream. We don't have numbers for our County, but the EPA's national average, about 28% of our waste stream is packaging. So it is an area that we can make a lot of progress in working towards reduction, reuse, and recycling. So I'm here today to talk about the system design for the program that we are designing and implementing in Hilo, a reusable packaging system. Just to give, like, a brief overview for those of you that are new and maybe not familiar, but they essentially function by having a service operator in place that's going to recollect containers once they're returned by customers, transport them to a centralized washing facility, and then redistribute those back to vendors.

Ms. Navarra continued with her presentation: And you really need that piece in place because a lot of people like to want to bring their own containers, but currently, by Department of Health standards, that's not permitted. And so we need this piece in place, really to allow for the convenience, because even though I'm a zero waste person, I'm not good about bringing my own container. And so I think getting everybody to bring their own is maybe a stretch. But by having a system in place, or essentially, it's some very similar experience on the consumer end, is an important solution for this problem.

So we do have a number of partners now involved in doing this work, she said. The role of Zero Waste Hawai'i Island is to be the local partner and really engaging with the community, doing the community outreach. And now we're moving on to working with the business community on this project. Perpetual is really the lead. They are working in four cities in the United States, one of which is Hilo, to design and implement reusable foodware systems. And the idea of Perpetual is to really come in and create a solution that has all the elements in place from the outset to provide convenience to consumers in terms of having the collection systems in place.

This goes to our very lengthy discussion earlier. Collection systems are really key to have in place to have effective waste management systems. We want to make sure that we can have the economics in place to make this work, because you really need the volume of containers circulating through the system to make it an economically viable endeavor. We're also working with Hawai'i Sea Grant, partnering with them on one grant. And I'll talk a little bit more about our funding. They're the applicant for that. And then also County of Hawai'i was the applicant for another grant, which is funding the infrastructure for this project. We're really fortunate. We're probably the largest public funded reuse project in the country. There's a whole bunch of money coming right now from this Inflation Reduction Act and the Bipartisan Infrastructure Law that's really helping to address a lot of our solid waste and anything to do with climate change, really. So we have \$1.5 million. It's going to the County, as I mentioned, that will support the infrastructure. Establishing a dishwashing facility, getting transport vehicles in place, having tracking technology for the containers, which is really critical for making sure we have high return rates, and also having return bins around Hilo to make it convenient.

The pollution prevention grant, that's the one that's awarded to Hawai'i Sea Grant, that allows us to bring on a person to provide technical assistance to businesses and also to five schools and five community organizations that have meal programs. We just have this week, Paul, starting with our team, and he will be really the person to. To start engaging and working with the business community. And then hopefully we did make it into this Climate Pollution Reduction Grant that the State is applying for. It's a \$50 million grant going to a bunch of different projects across the state. And so we have additional money that would help with leasing a space, hiring on a person to be a reuse extension agent for five years to expand this program across East Hawai'i and additional infrastructure.

So where are we at in this long process? We started with this mapping and engagement all of last year. We did a lot of outreach in the community and had hosted workshops. We're now in this design phase, which includes why I'm here today. We essentially had meetings all through

the beginning of this year until March, public meetings to field input on the different the design elements of this system. Once we finalize the system draft in June, we will begin the system setup process, which will include putting out an RFP to find a service operator. So to be clear, Zero Waste Hawai'i Island, the County, Perpetual, none of us are going to do the service operator piece. Our role is really to like help establish and set up this system, but a business will actually take on that role. We hope to launch this at the beginning of next year, perhaps in February.

We did lots of community engagement. These are just some photos, but about 700 different community members were engaged either through outreach, tabling. We had lots of meetings with different stakeholders over the last year to help get to this point of having our first draft of the system design.

We are technically in the draft two portion of the system design as far as our timeline goes, but we haven't made any changes to the initial draft yet. We've had a lot of support and some comments, but nothing I think, that is really suggestive of making any real changes. Hopefully maybe the Commission today will have some suggestions on the different systems. So I'll be walking through all these different elements of the system currently. So the interest of time, I'll move on. I do want to mention real quickly that we did have the first public meeting this last week or last Tuesday, I believe it was in Keaukaha Elementary School, and had really good, awesome turnout of people from the public to learn about this and give feedback. I just want to quickly highlight that we want to make sure when we design these systems that they kind of touch all the different areas of interest. We want to make sure we have an economically viable system, right. We need it to be environmentally beneficial. We want to make sure health and safety things are concerned. We want to make sure we're integrating well with an existing infrastructure within the city, and we want to make sure there's equitable accessibility to all members of our community to participate in the program.

So there's lots of different elements of a reusable food ware system that I'm going to walk through. We want to make sure we have a way to track the containers with technology. We need to make sure we have those reverse and forward logistical pieces in place. We need to make sure we have a place to wash the dishes, which has been a real stumbling block here in Hilo to even doing a pilot program. Just like a lack of dishwashing infrastructure is a reality not only in Hilo, but pretty much across the State.

So the first element that we'll be talking about is the revenue model. So essentially, how do we pay for this? We decided through the discussions that we had and during our meetings that it'll be a pay per reuse model, essentially meaning the business will pay a per use fee for each container. So it's very similar to what they're paying now. They pay a per use amount for each use of a single use container and possibly offering lower per use costs for higher volume usage. And there's been a little bit of, some people felt as though it wasn't as equitable to maybe favor good, larger businesses that have larger volumes. But my argument is that the more businesses that are participating in this, it's going to lower the cost overall for everyone. Economy of scale is a reality across any kind of business. So with scale, we can reduce costs. I just have listed here

other different models that exist and that are being done in other places. But I'm not going to, in the interest of time, not go into detail on those.

So we have some graphs here. I just want to highlight some of the data here that we have is from work that we did in terms of collecting the different workshops that we did. This was actually- we brought on a few people just temporarily to go and talk to businesses to get an idea of the different types of containers being used so we could move forward with a decision. We decided to start with just doing containers. So not cups and containers, but just containers, and then move on to other packaging formats when ready. That's because, as you can see from the data we are mostly using, more businesses are using containers rather than cups of different sizes.

For the container types and the type of material to be used, the plan is to offer a mix of small and large food containers with bento boxes and single use compartment containers being the starting point. There wasn't a huge amount of enthusiasm for plastic, so we're going to look at using glass and stainless-steel containers with simple universal branding. And this graph here is data that we collected during the workshops and also at outreach events throughout last year.

In terms of technology, the technology piece is really important. In terms of tracking the containers and making sure we're having high return rates. We want to make this system as convenient as possible. Like, we don't necessarily want, you know, each time someone's going to join the system for this first time, that they have to go through a lengthy process of downloading an app. So there is this kind of seamless checkout where they can basically scan a QR code, which would link to a credit card, and then track the return of the container that way. So it's kind of a seamless, easy system. It doesn't work when people are paying with cash. And I'll address some alternative mechanisms for tracking. If people are not paying with credit cards, there will also be technology tracking in the background to look at, you know, inventory and management. So essentially, like, where are the containers? How many are out? How many are in the warehouse, how many are in transit?

In terms of return incentives, this kind of goes along with the tracking in the sense that we really need to make sure that we have high return rates. We need a return rate of at least 90% to have a successful program in place. If people are not returning containers, then we're going to have at least an environmentally friendly solution rather than a single use system. So it's really critical to incentivize return. We have decided to make it free for users to check out a container. So not a deposit, but if they don't return, there will be a non return fee. So basically, after one week, if the container is not brought back, then they would be charged essentially what the value of the container is.

There will be an opportunity to extend beyond one week because we know people live in Volcano and down in Puna, and they might come into Hilo for the day and take a container home. So essentially, kind of like checking out, extending your time period for a library book, you could extend the time out for the container. We'll also want to incentivize people to return containers that maybe they aren't ours, or maybe a tourist comes for the day and abandons

their container in Downtown Hilo. Anyone could return the container for a 15 cent redemption value. And then token piece would be- this is the scenario where we could use to track people that are paying by cash. So it could be like a prepaid card or a keychain that they can check out the container basically with a prepaid deposit on it. And that would allow for tracking and incentivizing return. You could get maybe five containers out at a time. And if you have your five out, then you're not going to get any more until you return some.

We want to make sure, again, that it's really convenient for consumers to return the containers. So we'll have at the launch of this program, 75 to 100 bins in public places, both with a mix of the tech enabled and the non tech enabled. So the tech enabled would be like where you could scan your QR code and the door of the bin would open up. Your container would be checked back in right away to you versus just kind of dropping it in. We need these containers to be like pretty weatherproof and vandalism proof. So they'd still have that even if they were non tech enabled. Some of the downsides of the tech enabled is they need connection to electricity and that sort of thing. We also want to encourage businesses to have indoor collection bins and anyone that's participating. And we hope to eventually place up 325 bins around the Hilo area, maybe some areas outside of Hilo as well.

For the collection locations, if you guys have your phones handy, or I can also send you a link or put it in the chat. These are the different locations that either have been suggested by the data science team that Perpetual is working with out of the University of Chicago, from pins that people put on maps during our different workshop events. One thing I didn't mention earlier is that we will also have roughly three redemption sites in Hilo. It could be Mister K's, for example, where people bringing their HI-5s in. This is where they could come and bring containers back. Some people we've talked to, don't feel comfortable throwing their container in a bin. So they could just hand it to someone and know that it's getting checked in right then. And also to get that 15 cent redemption value, that would also be- I think they would need to be returned to these redemption sites. As I mentioned we do need to establish a new dishwashing facility in Hilo in a centralized location. And we're fortunate that we do have the funding for the equipment to do that.

In terms of collecting the bins and transporting them, we'll do a mix of both electric, either cargo bikes, trucks, or vans. And the collection route essentially will just optimize it for efficiency to make sure it's the most efficient route possible. Something to consider is the distance outside of Hilo and how much return of containers they may be in those locations and whether or not it's efficient to pick those up. That's something that we'll look into a little bit more in detail when we get closer to actually setting this up.

This program is an opportunity to create a lot of really good green jobs. We want to make sure we're paying living wages and offering health benefits. And there's lots of opportunities for partnering with different organizations for workforce development, such as Going Home Hawai'i, or Arc of Hilo. There's lots of different interests in workforce development, and so this is definitely an opportunity. And I know there's really not a lot of good paying jobs on the east side of the island. And so if we can create some well-paying jobs, that would be a benefit.

Surge events - this is making sure we have enough containers on, you know, in stock to handle when there's a lot of people coming to town. We don't have a ton of those in Hilo, but we have Merrie Monarch. This year will be the first time (since 2004) that IVF World Sprints is being hosted in Hilo, and it's coming in August. I know CM Jen Kagiwada is trying to see how we can make that a zero waste event, which is kind of complicated when we're looking at compostables. We don't have any composting facilities that are permitted on the island and we don't know of any on the east side. So it's really complicated and just a little backstory. That's where we started in large part as Zero Waste Hawai'i Island. We used to do zero waste events and realized like a lot of the problems with this single use compostables not really being an ideal solution. And that's why we really pivoted toward looking at reuse as a solution to reduce the amount of waste from takeout and cups and containers. The other thing we all know is we have our cruise ships that come to Hilo, I think multiple days a week now. So those are other surge days when we have our cruise ships in town.

The last piece is the governance. So basically the oversight and the management of the system as a whole. Right now, the County's role is to oversee the spending and the process for the funding. So there will be an RFP process, as I mentioned, to find a service operator. There's still some things to be decided upon. For example, who retains ownership of the equipment that is paid for by the SWIFR grants. Does that go to the service operator? Does the County retain ownership? Do we create a nonprofit that's going to look at different elements of this and maybe they're the owner of the equipment? So these are questions that we haven't found the answers to. And I think it could be useful as the Commission where you could maybe weigh in and give some guidance on the direction.

We need a reuse system management role. This could be the County or it could be a contracted entity. It could be maybe another county commission like the Environmental Management Commission. But we need to make sure that we ensure that there's coordination and collaboration among different service operators. So as this, we hope this program will be countywide at some point. There could be different service operators providing that piece, but we want to make sure that the different operating systems operators are working inter-operably. We want to make sure we have the same symbols and branding for return bins. The reuse management role could be possibly owning the different reusable containers. And so these are things that still need to be worked out, as I mentioned. And then the role of the service operator is just to execute the system operations. So the washing, the logistics, and managing the return bins.

How you can provide input, hopefully. We have a place on our website to give feedback. You can also, if you don't like typing, you could just voice your thoughts and send us an audio or video or we're also happy to set up a meeting one on one if you want to share with Zero Waste and Perpetual and the County on different thoughts and ideas on any of these elements that you think should be addressed. We are hoping to finalize this by June. So yeah, we'd love to hear any questions, comments, and I know it's been a long meeting, so happy to take any questions if you have any right now. (End of presentation)

Thank you very much, Chair Adams said. I think the operation has been incredible in looking at, it's an ecosystem, guys. It is the circular economy and all the pieces throughout the passage of the material. And it's not easy, not simple. It's not a ban. It's a, figure out how do you set up a complex system that works in the place we're talking about, specifically Hilo. So kudos to Ms. Navarra and all her partners for what they've done. If you wanted to come back, you said they're collecting input now, so poke on those sites and if you've got something to offer, please do so. Questions for Jennifer.

I just want to add, Ms. Navarra said, if you want to put this on the agenda for next time, just to have a discussion, I'm always listening to the meetings even if I don't show up. So we'll gather that input, I'll be here. If you're going to put it on the agenda, that you can have time for discussion if you want to.

Commissioner McIntosh asked about charging a credit card. wouldn't you have to do that when they get it and then you can reimburse the fee rather than trying to retain their credit card information. And then if they don't give it back, charging it, because I know dealing with stores and whatnot, they always say, well, we can't keep your credit card information on hand. It just seems if more incentive would be okay, I paid \$5, I want it back. So you return it so you can get that refund. Kind of like with the HI-5, except we pay 6 cents but only get 5 cents back.

The downside to the deposit system, Ms. Navarra said, and in terms of community feedback, that was the most supported idea. When we had workshops where we had discussions with people, they had in mind what a deposit would be. The problem with that is when people pay a deposit, in their minds, they think they own the item. And so you need a deposit that is equivalent to the value of that container. So probably about as cheap as you're going to get is a plastic polypropylene clamshell. Those run about \$5. So if you're having people pay a deposit upfront, that starts to exclude people that don't have the money to pay upfront from participating in the system. And so that's why we went toward, it doesn't cost you anything as long as you bring the container back within the time period, you don't have to pay anything. But it gets a little tricky if people aren't paying with a credit card, and I didn't probably mention this during the presentation, but if someone goes past the week, and they didn't extend their time and then they returned the container later, they would get their money back [minus a processing fee].

In terms of the security of having people's credit card information, I don't know if Autumn Buford can better address that piece of your feedback better than me. I mean, it's going to be securely-

Ms. Buford said Ms. Navarra did a great job there explaining that, and this is something we can follow up and provide additional details, but my understanding is that there's a small charge placed on the credit card as a hold, and this is similar to how a lot of other systems operate. So then you are only charged the full non-return fee if the item is not returned.

Really awesome work, Commissioner Acasio said. Your presentation in Keaukaha was really great and well received by so many people. Thank you for the opportunity. I know you're looking into businesses, and that does make sense because we're thinking takeout and, and such. Have you folks looked into more captive audiences like schools, charter schools or DOE, or even in any of the private schools where they have a vendor, it goes directly to a location and then could go directly to the wash facility or something, as opposed to it getting lost in more of a consumer world and more on an individual basis. Just was wondering about that and what the capacity for that is. I know, not to derail the whole thing, but just knowing that they eat every breakfast and every lunch with single use.

This has been a passion of mine is to work with schools, Ms. Navarra said. And so like I mentioned, we have that pollution prevention grant. It's to offer technical assistance in addition to businesses, but also to five schools. It includes money for them to get reusable trays, to have storage equipment. We've met with the Department of Education- for them to do reuse in house is not feasible because long ago they reconfigured their facilities and that would make it really difficult to put- so the service model is what is going to work. I also wrote a grant the last couple weeks to do more education in schools. I think it's going to take some dedicated outreach with Department of Education. As with any State-level organization, change doesn't come easy. So I think we'll have much more successful in the near term, probably with charter schools. And actually from Sasa from the meeting last week, you know, that they're already excited to be a part of this.

So now that we have Paul on board, we're going to really start touring schools, Ms. Navarra said. I want to get all of them. There's 15,000 students in East Hawaii, going up to Laupāhoehoe. It's a lot of students. A lot of free meal programs are free and reduced price in most of the schools. So, it's a lot of waste reduction that I'm excited to work on.

And we're happy to meet with any of you, like one on one, Ms. Navarra said. If you want to dive in and ask more questions and give specific feedback, this is our opportunity to make changes. This is still just a draft. We had a lot of deliberative questions because it's not easy, especially dealing with our populations of people that are not going to pay by credit card and maybe are unhoused or just people that are struggling. We know we have a lot of that in Hilo. Those are the people in my mind just going back to my personal life and managing a property, and it's hard to change human behavior. Anyway, happy to meet outside of the Commission if people have the input or feedback.

Thank you very much, Chair Adams said. And if there are an interest or you guys grab onto something individually and want her to come back, like she said, she's always following these meetings so we can set it up.

VI. REPORTS/CORRESPONDENCE

Correspondence

- Environmental Information Document and Environmental Assessment Consultation Package for Nā'ālehu LCC Closure, Nā'ālehu, Hawai'i Island, Hawai'i – March 29,

Chair Adams said Commissioners can provide comment if they want. We were talking last time that, oh, there are all these environmental assessments out there and they're important and EMC should review them. Yeah, well, there's a lot of documents if you've gone and looked through what gets published by all the people trying to get permits and build things, including the County, and if you have any particular one that you want to bring to EMC for comment, great. Just contact me or the Secretary. And otherwise you can watch them yourself and you could submit comments.

Reports

- Attendance at Reusable Foodware System Design – Draft 1 Workshop on April 16, 2024 (Acasio, Otsuka)³

Ms. Navarra had covered in her presentation what was said at the workshop, Commissioner Acasio said. It was a great presentation, well attended.

It was really good, Commissioner Otsuka added.

- Permitted Interaction Group on Cesspools and Sanitation (Perez, Beets, Acasio, Otsuka)

We've set a standing meeting, Commissioner Perez said. We've officially secured a date, so we can just kind of get the ball rolling in more discussion. I have sent the correspondence to the Secretary of the back and forth of how that date was secured, and that's where we are right now. That is set for Fridays.

Great, Chair Adams said. Having done a PIG before, it's a challenge. Busy people, and good luck. But when you have something, we'll keep it as a standard item for reporting on the agenda. And as you have something, we'll let you report. If it's a bigger thing, we'll give you a bigger slot.

- Waste Reduction Workshop – Sustainability Summit on April 8, 2024 (Adams)

Chair Adams said that she, Ms. Navarra, and Nick Risnyk from Hana Hou Recycling, are working with the Mayor's Sustainability Summit. There are a set of six different work groups, one of which is the solid waste reduction workshop. We had a meeting April 8. I wrote up a report from that workshop.⁴ It was well attended, and a lot of exciting things are going on already on this island toward waste reduction. But it's always the case that a heck of a lot more can be done. Most of the attendees raised their hand that they wanted to continue and work on different projects that we had identified during the workshop. So we'll see whether or not it really has legs and can continue. As we get something more and more concrete, I will likely be bringing them to the EMC. I did present, I guess, on behalf of the EMC, the recommendation that we sent to Council to look at that potential ban ordinance for not being able to landfill things that we've got recycle programs in place for. And one of the big challenges of the workshop was, how do we do more recycling and make it more available? So read it. If you have questions, contact me. We will be also making a report at the May 3 sustainability summit, which the Mayor will be hosting, about the workshop. And what kind of follow up happens out

³ VI – Reusable Foodware System Design Workshop - <https://www.youtube.com/watch?v=8p3Jg6UV5NU>

⁴<https://records.hawaiicounty.gov/weblink/1/edoc/130877/Final%20Report%20SW%20Reduction%20Workshop%204-8-24.pdf>

of that, I have no clue. I am trying to speak as myself rather than as EMC, other than informationally providing that draft of a rule. Same thing we've already been posting. So I'll keep you up to date as I run across things that I think are sponsorable, if you will, by EMC. I'll bring them to you.

- Director's Informational Report⁵

1. Legislative update

Director Mansour thanked Ms. Navarra for her presentation. My department always submits testimony in support of waste reduction. The idea is we always try to reach that goal. And I want everybody to ask themselves about the discussion that we had earlier. Does waste reduction equals increase of services or better management of services? So you need to just ask your question now if the intent is for DEM to continue supporting testimony for waste reduction for nonprofits and everybody else, we have to stay focused on that goal because that's what we are telling the agencies that we are getting the funding from. So we have to walk the talk and, and be able to prove it and allow flexibility. As we move forward with continuing supporting waste reduction measures and submit testimonies

2. Solid Waste Division Projects and Updates

1. Recycling, Greenwaste, and Landfill Diversion updates

Chair Adams asked about the green waste and mulch. No one is selling the mulch. It's being given away for free. Is that correct?

That is correct, the Director said. Each resident could be able to have up to three cubic yards.

Commercial users are charged the loading fee, Mr. Craig Kawaguchi said.

But not selling this valuable mulch, is it a revenue source that we should be investigating or is it something that we can't do by contract with HER, Chair Adams asked.

We would need to check on the contract part, but as far as where it ends up, we're not sure, Mr. Kawaguchi said.

My vague recollection from looking through a whole series of contracts with HER is they can sell it if they want to, but the County was not getting any money from them for the mulch, Chair Adams said. I'm going to put that on the agenda for next time because what you need is steady source of revenue and a lot of mulch is moving.

2. Solid Waste Operational Study update

(The following discussion preceded Motion No. 6 on Bill 140.)

We've heard the operational analysis should be done October-ish of this year and we'll probably see some earlier draft results and you'll get pressure from Council to release that,

⁵ VI – Director's Informational Report – <https://records.hawaiicounty.gov/weblink/docview.aspx?dbid=1&id=130683>

Chair Adams said. But do we want to go back and do a motion relative to Bill 140? Otherwise, we can be silent. And again, as EMC and individually, comment to our Council people.

Commissioner Otsuka asked about the update – was there an update? Did I miss that?

Just that it's in process, Chair Adams said.

Ms. Shelise Lamb said that Element Environmental is about 60% complete with Phase II. They are currently holding interviews this week with other counties such as Honolulu and Kaua'i. They are continuing their interview process from that Phase II. They have also begun Phase III, their data analysis. They're 16% into the data analysis where they're proceeding with their evaluations of the research that they've completed related to the landfill expansion, the equipment and operations base yard equipment, recycling, curbside pickup, WTE, green waste compost evaluation, and the statewide program evaluation. So they're in the process of their analysis as we speak. The current schedule shows that the draft should be submitted at the end of August and currently still on schedule for the final being submitted end of October.

Commissioner Otsuka asked if there is anything in writing as far as what we're looking at on the update on the operational study part? I mean, that's the whole plan of this study. But so far, the updates, is there anything we can look at as to what's been completed and what information they have with the updates to date.

Ms. Lamb's thought was to allow Element Environmental to complete their analysis of what they've researched so far, so that the draft report will provide their analysis.

I agree with that, Director Mansour said. They need to focus on finishing the draft by August. And you probably will have a copy of it in three months to be able to review and comment.

Well, Commissioner Otsuka said, my concern too is from the get-go, I wasn't able to provide the feedback that I wanted to, because I wasn't given the information as to the objectives that required feedback from us. So with what I was given by the consultant, I had a question about that because I don't know if you heard, but it wasn't correct. What I'm asking is, if you're telling us we have to wait until they're done to look at the draft. My question would be in the process of them working on it for every update, that we be given the update so we can look and see what direction it's going in before we get the final. And then it's, or maybe not the final, but the draft in August or October, and then we have our questions. And so I'm just saying it would be-

You always have the opportunities to make comments to the Department anytime you want, the Director said.

Commissioner Otsuka said the comment feedback was during a certain period, and that's when they were taking it. I never got to give it because my question was, what objectives did DEM deem necessary for us to give feedback on? I never got those objectives. So it's hard to give feedback on something I'm not sure is not working. So I take it was from the 2019 integrated

plan. So if there are any problems with that that you are looking at for us to give feedback on, I don't know what was wrong with the plan because I never got any feedback. I never got any listing as to what was wrong for me to give any meaningful feedback. So all I'm asking is, if we're looking, if we're being told that the update, we'll get it when they're done, I'm just asking because I keep being reminded that we're an advisory board and it's hard to advise during the process if we don't know what's happening during the process. That's all I'm saying.

We have submitted or posted, given out to everybody, Chair Adams said. Will the Secretary send again the scope of work for this?

I was given the timeline on the three phases, Commissioner Otsuka said. All I'm saying is, I wanted to give feedback, but I wanted to know why am I giving feedback or, or what am I giving feedback on, based on the 2019 integrated plan, isn't this what this study was about?

You're supposed to give feedback on the scope of work and the objective of what we're trying to achieve, Director Mansour said. So if you read the scope of work and you have concern about the objective we are trying to achieve within that scope of work, that was the feedback you need to give.

But the objective weren't listed, the Commissioner said. When I-

Within the scope of work, the Director said.

The scope of work lays out the different areas that they are focusing on, Chair Adams said. And even if you don't see what you're interested in and focusing on, I think that the Director and crew are quite open to accepting comments. As a former consultant, I do not want to give away drafts when I haven't analyzed the data and put it together. So I don't want to be premature and jumping all over things that they haven't had a chance to vet within the Department as well as within the consulting firm. So if there are particular areas that you are concerned with, focus on them.

Well, I'm not looking to jump into anything, Commissioner Otsuka said. It's just that now with the Bill 140, it was mentioned that we should wait till the operational analysis is done before we can even look further into that. So I'm asking, if this is going to be on hold in addition to the three years already, I can't understand that. That's all. I just can't. Because we're just, we don't know what's going to happen until this is done. And when we have questions after it's been done, it's like we're looking at more time that we need to talk about this stuff, you know? I'm sorry, I just can't understand all the time that's being taken and we're kept in the dark until, you know, you folks deem it necessary for get us to be able to look at it. That's all.

"Dell, I'll take objection to this accusation being in the dark," the Director said. A conversation ensued between the two:

"I'm not, I'm not accusing-"

“Let me just finish. EMC gets the Director’s Report every meeting. That's not keeping you in the dark.”

“While the fact that we cannot know what's happening while this is going on? Yeah, that's kind of in the dark.”

“Well, it's a consultant’s work. You want to join a consultant on every step they're going to take to analyze? They need to take the time to put the data together. How could they come with the data and present something to us?”

“So I don't know if this is the right time to bring it up, but I did bring it up before, where I found some discrepancies in what was given to me. And so. So that's I'm-“

“Bring it to us.”

“You want me to tell you?”

“Give it to us. Tell me or submit it in writing so we could forward it to the consultant.”

“It is in writing, and it was to the consultant. And I-“

“OK, Shelise, could you please make sure you follow up on that?”

And this is regarding the three-page presentation that she had submitted to me, and I believe it was in October, Commissioner Otsuka said. I can get you the exact date. I questioned her and all I asked was to get the objectives from DEM to let me know what it is they wanted feedback on. Because I couldn't possibly give any feedback to something I'm not sure is wrong because that was a very- 296 pages of the integrated plan. I mean, so I wanted to know specifically what was required or what was needed from us as far as the feedback. And all I got were these three pages of the presentation, and in that I found discrepancies, and then I let her know. And even then- and that was the last communication I had with her. So, yeah, that leaves me thinking that, you know, why? Why can't we just have the answers or to the questions we ask? I mean, I'm not asking for detail. Just how come?

Can we take this offline, Chair Adams said. And I'd be happy to talk with you, and maybe Ms. Lamb about what kind of information we could package up to provide areas for focus and concern, perhaps that you have around data. We'll set up something and then we can get back to EMC next time and try to address your concerns.

3. Wastewater Division Projects and Updates.

1. Pāhala and Nā'ālehu Large Capacity Cesspool Closure AOC⁶
2. Countywide Wastewater AOC
3. Hilo WWTP upgrades
4. Wastewater Plans
 1. Integrated Wastewater Management Plan and Public Engagements⁷
 2. Puakō and South Kohala Regional Wastewater Master Plan⁸

There were no questions asked about any wastewater projects.

⁶ VII.3.1 – Ka'ū - <https://www.dem.hawaiicounty.gov/projects/pahala-na-alehu-large-capacity-cesspool-closures>

⁷ VII.4.1 – IWWMP - <https://www.dem.hawaiicounty.gov/projects/integrated-wastewater-management-plan>

⁸ VII.4.2 – Puako/S. Kohala - <https://www.dem.hawaiicounty.gov/projects/puako-and-south-kohala-regional-wastewater-master-plan>

There's absolutely tons going on, a lot of detail in each of the AOCs and activities they're doing and the budget presentation that was made to Council's Finance Committee, Chair Adams said. There's tons of stuff in there if you had any questions. I think there've been a lot of public meetings, engagement meetings that have collected concerns. But you're heading in the right direction as far as I can tell.

4. Status of existing staff vacancies

In the Director's Report, there was a listing of staffing, Chair Adams said. Many, many vacancies. Eighty-six out of a total of 278 positions. Wastewater Division is hurting the most with 40 vacancies. Most have been funded already. And I was kind of whining before, it isn't the issue of money other than the basic pay that County gives its employees, it's people. Finding people who want to work on this island and have the level of expertise needed is incredible. It boggles my brain living here and hearing we don't have staff, we don't have staff, no matter whom you talk to about what kind of positions. So, you know, we're not unique here, but I guess I would challenge all of us to say, how in the world can we help? I'm too long retired to have decent contacts to direct to you. Do you know anybody who wants to work here? I mean, it's incredible. I love the idea that the Director had of maybe there's another way to meet the certification requirements without having testing that scares people away. The other is, it's not in our Charter, but reduce the cost of living on this island, please. You know, how do you bring people here that'll want to work specifically in DEM?

Commissioner Otsuka offered a suggestion about looking for internships, looking for the engineers from the college or looking at the high school for students, or even now looking at the employment or unemployment agencies. But it's one thing to say that there's nobody who wants to work, but then there are a lot of people I've talked to that say they've applied and they never got a chance. So, you know, I don't know, some people applied and never got called. But we cannot just stop and say that nobody wants to work because it's all over, you know, modified schedules, closed days because there's nobody to work. So looking for the workforce from high school kids looking for a second income or something or looking for part-timers who are trying to supplement other jobs with the transfer stations. One day a week, maybe to Kalapana or other stations that may need help. You know, that would be something to look at. I'm sure one day a week for some people isn't a problem. But, you know, the application process is long. If you've looked at it, it's really long. So it's discouraging to begin with, but I cannot believe that nobody's applying. I can't. And, yes, I look at that every time. You know that, because there are people who want to work. Maybe we need to reach out to different other areas, you know, social media, because I know the Prosecutor's Office, they have an Instagram page. I mean, maybe the DEM can do that to put out public awareness about the positions that are available and the benefits with it, because it's one thing to see a banner, We are Hiring, but it's also something else to see that, yes we are hiring and this is what you get. And, yeah, I mean, we need to do more than just banners.

I was told that it was not within our Charter to be able to bring in somebody from HR and talk about DEM hiring practices. That's not what we're supposed to do, Chair Adams said. And, you know, go ahead and, and pass that on to the Director at looking at what the alternatives are. I

know that he's out there advertising in various literature in the solid waste and wastewater worlds for the job openings that we have, many of which do require a minimum amount of training in the field. So it's complicated.

The transfer stations require the attendants, Commissioner Otsuka said. I'm not sure what level of skill that's required, but I know it's one of the better jobs. I visited nine transfer stations already, and so it's- I don't know how you can't get enough attendants. They don't have to have the skill level that some of the wastewater division people need. So that's why I get really frustrated.

Chair Adams asked for a position description for the attendants? They're more than just standing there answering your questions. They have a broader scope of responsibilities, I believe. So there must be a job description for the attendants and I don't know how many of those are represented in the vacancy you have of 30 people.

Here is the process, Director Mansour explained. I just want to make sure you always bring it up as the Department is not doing anything, and I take objection to that. The Department of Human Resources is totally separate from DEM. DHR is the department that does the recruitment, it does the search for our vacancies. So DEM asks for a position, we get the position, and then we have to allocate the position. We have to work very, very closely with DHR. Our Department has to have also enough staff within our Human Resources to be able to work with the Department of Human Resources. It's not like DEM has a free range of deciding the hiring and the recruitment and salary negotiation. All that has to funnel through different departments that are under different commissions or different boards that oversee it, so the work itself is just to coordinate between our Department and Department of Human Resources to fill vacancies. And that by itself, sometimes it could take three to six months, the coordination processes. And then once the position gets allocated, then we work with them on advertisement and get it advertised and we ask them to put it on professional organization lists like what the Chair said. If it's a professional position that requires certain experience, we'd advertise it in any venue we can, even on LinkedIn. So it goes out to the entire nation. Some may be interested, they submit applications, sometimes they withdraw their application because once they know the cost of moving, the cost of living, they just back away. Even sometimes we have to go through the interview and they back away after we interview them. So it's a bit of a complex process, not in the hand of DEM. It's multiple agencies and departments involved in the process. As far as your scale attendant or the solid waste facility attendant, yes, these are local positions, probably easier than the professional positions to fill in, but they still have to go through a process to get out on the street. So it has to go through our Human Resources department because these all positions are all civil service. So you have to go by the book of how to go about the recruitment process and how we need to work with Department of Human Resources. So we only have one HR person for the entire department in my department and we have over 220 employees. So not we only cover the labor issues within the current staffing, but we also that one person covers the assistants, recruiting, allocating grievances from employees. So maybe I recommend just come and sit with the only HR officer in our Department, so you can get a feel of the process because it sounds like we are doing

nothing. We are doing a lot and we are advertising these positions nationwide. So I just want to get the record straight because comments like that get thrown out and it's not helpful.

Well, I apologize, Commissioner Otsuka said. It was not meant to offend you. It's just that every month for the past year and a half that I've been on the Commission, that's all I hear. So I'm just trying to offer suggestions about internships, working with the schools, working with the colleges, now maybe working with employment, unemployment offices. If you have the people or, you know, if the HR gets people to come in, then maybe it's something that you got to reevaluate how the HR is doing it. I'm not saying they're not doing their job. They must be understaffed just like every other department. But that never solves problem.

I agree with you, Director Mansour said.

It was never to offend you, Commissioner Otsuka said. It's just as frustrating. Every month for a year and a half, that's all I hear. And so that's-

And every department in the County has the same issue, the Director said.

But not only the County, Commissioner Otsuka said. I know that. So I'm just saying if we're going to look at that as the reason why nothing gets moved or done, then it's like the- what are we really trying to do? What are we doing? Are we trying to make sure that HR is fully staffed so that they can fill the positions in all the departments? What needs to be done for this to happen? So I'm not blaming anybody. I'm just saying maybe we need to look. If we need the staffing like it says we do, then we should try and get the staffing. And if you're saying they're not qualified, then I don't know. I cannot believe that there's no one qualified out there and I cannot believe that no one wants to work. I can't, you know, it's hard.

Qualification doesn't go through our Department, Director Mansour said. It goes through different departments to determine qualifications. So if another department tells me this is the list of qualified people, I have to go with it. I cannot tell the other department, "no."

Go with what they suggest or recommend and hire them if that would be the case, the Commissioner said.

And that's what we do, the Director said.

Okay, so, but I'm just saying it's a chronic problem, Commissioner Otsuka said.

We've been working with the Mayor, we have been working with the Managing Director. We have been working with the Director of the Department of Human Resources. Not only me, it's every department. It's unfortunate. It has been chronic since I started and it frustrated me probably more than anybody else because I need to deliver. I get Administrative Orders on Consent, as you all know. I know I have to deliver to EPA. If I don't get the staffing and other departments cannot help me get the staffing, I'm going to fail. The County is going to fail.

I attended the University of Hawai'i at Hilo. I even asked the people that were graduate students there. The first thing I opened my comment with was, we're hiring.

I'm sure you are, Commissioner Otsuka said. It's just that all of the stuff stands still because we just have nobody to do the jobs or the projects and yet we're looking to do more, knowing that we don't have the bodies to do the jobs already now.

There may be other organizations that are working, have to be, I hope, working on this issue of workforce for government-provided services, Chair Adams said. There are probably 15 different commissions that cover that kind of issue. And it might be worth you looking to see whether there are some other leverage points. I just feel frustrated as EMC that we're not going to be the ones to find that solution. And maybe you could talk with your Council person and say, what can we do? And maybe at the State level that needs to be done as well because we are talking about State civil service and some of the impediments that we have and we're dealing with union issues and we're dealing with all sorts of things that really aren't in our charter.

I think that's where the legislation needs to be directed, Director Mansour said. I think bills and legislation need to go through state level from former Senator Acasio to others. And I think you already on the commission now- if you don't support legislation to change some of these current laws that tie our hand to be able to recruit and deliver the services, we are going to continue going around that circle.

I see the Director in many different settings soliciting his needs for hire, Commissioner Perez said. So thank you for that. I also am in many different wastewater settings, from technical conferences to working with some of the conservation organizations that you're speaking of that are trying to hone in on workforce development. It is a national concern. It is not just a Hawai'i concern, especially within wastewater specifically. It does require education and advanced certification for operators. I think that one thing that could potentially assist us. I somewhat disagree with the previous comment that it is not a money issue. I do feel that it is actually a money issue. Hawai'i's cost of living, as we all know, is high. And I would love to see national comparisons on where our operators and where our current standings for salaries are compared to a national level. I know that we receive national interest of operators to come here, and then due to cost of living and the actual wage that's being offered, there's a large discrepancy of how to make a living wage here in these positions, and I do see that being a hindrance to being able to fill them. There are State bills and opportunities for our Commission to be able to put in comment and testimony. Some of those specifically are around increasing job positions at the state level also to deal with wastewater. So there is a lot going on, and I think that maybe some analysis of how and where Hawai'i stands in regards to cost of living versus living wages at a national scale for these positions would be really interesting to see.

VII. FUTURE AGENDA ITEMS

1. Follow up on action items determined today.

Chair Adams said she would follow up on things she said she had previously committed to doing. Any time you want to try to get is something on the agenda, I will certainly try to work with you to do that.

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

VIII. ANNOUNCEMENTS

The next meeting is scheduled for Wednesday, May 22, at the Puna Conference Room of the Hawai'i County Building, 25 Aupuni Street, Hilo, and via Zoom. Please contact the Board Secretary or review the agenda posted on the County Calendar within six days of the next meeting for confirmation.⁹

Commissioner Acasio noted that she had reached out to Mālama One Recycling and Wāiakea Water. I was trying to arrange them to come and inform the EMC on their recycling plan, she said, and Nick Doyle wasn't able to join us. Is that a permanent "not able to join us"? Because I know you said he was open to questions directly from me, but not necessarily at a future date for the EMC at this time.

From a company-wide standpoint, they're not ready to lay things out in a big public forum, Chair Adams said. So individually, he's happy to talk with you. He also participated in the solid waste workshops (for the Sustainability Summit). You can look at some of the materials that I captured in that report. So our intent is certainly in the future he will be able to come, but I think it's maybe a little premature yet. They haven't gotten all their feet on the ground. And certainly if there are other people that, that any of you would like to hear from, other than I think we'll have issues if we try to bring anybody from HR, I'll work with DEM, and the Secretary, to figure out a way how we can get participation at the meeting.

Chair Adams thanked the commissioners for their participation. Obviously we had a lot to discuss, a lot of different opinions. You've got the ability and the responsibility as a citizen of this County to talk with your representatives on anything they're up to or what you would like them to be up to. So talk with your representatives both at County and State level and say what you want to say. And you also, I have found, and I believe you can, talk to DEM. You can send your comments and your thoughts and frustrations, even, to DEM directly. And if you want something to come out of EMC, just let me know.

IX. ADJOURNMENT

Motion, second, and vote. Commissioner Garcia made a motion, to which Commissioner Otsuka seconded, to adjourn. Ayes 7 (Acasio, Beets, Garcia, McIntosh, Otsuka, Perez, Norris, Adams); Absent 1 (Norris). Meeting adjourned at 12:53 p.m.

Respectfully submitted,

⁹ VIII: Hawai'i County Calendar: <https://www.hawaiicounty.gov/our-county/county-calendar>

Peter Sur, Secretary