

**ENVIRONMENTAL MANAGEMENT COMMISSION  
COUNTY OF HAWAI'I**

**MEETING MINUTES**

**Wednesday, May 22, 2024**

**9:04 a.m. to 11:43 a.m.**

**Hawai'i County Building, Hilo, and Zoom**

Commissioners present:

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

County staff present:

Ramzi Mansour, Director  
Craig Kawaguchi, Acting Recycling Coordinator  
Alex White, Recycling Specialist  
Chris Sparber, Acting WWD Chief  
Alan Fukamizu, WWTP Operator  
Kelly Hartman, Environmental Management Planner  
Konrad Kaipo, Sewer Maintenance Working Supervisor  
Shelise Lamb, Project Coordinator  
Jessica Lahip, Planner-Planning  
Kawelo Kalili, Planner-Planning  
Jacob Perry, Legislative Specialist-Office of the County Clerk  
Peter Sur, Secretary  
Sinclair Salas-Ferguson, Deputy Corporation Counsel

Others present:

Frank Kiesler, Jennifer Navarra, Lauren Armstrong, Victor P., others.

**I. CALL TO ORDER**

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

**II. APPROVAL OF MINUTES FOR APRIL 24, 2024<sup>1</sup>**

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

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<sup>1</sup> II – Draft minutes - <https://records.hawaiicounty.gov/weblink/docview.aspx?dbid=1&id=135117>

### III. STATEMENT FROM THE CHAIR

It's been a busy month and more to come this summer, Chair Adams said, so I just welcome you all here. I'm glad everybody is still hanging in there and contributing. We've got a relatively short agenda today, but I think there is some opportunity in our new business and some questions that we really didn't get to last time under the reports and correspondence.

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

(No statements)

### V. NEW BUSINESS

1. Presentation and discussion on Wastewater Division's working draft of a bill proposing revisions to Chapter 21 of the Hawai'i County Code relating to Wastewater Management.<sup>2</sup>

I really appreciate the time that you guys are taking to provide some feedback and discussion around our proposed revisions to County Code Chapter 21, Acting Wastewater Division Chief Chris Sparber said. So I prepared a brief PowerPoint presentation for the team.

I wanted to provide some goals for our brief discussion of the proposed code changes, Chief Sparber said. So I wanted to first identify some of the challenges with our existing Chapter 21. Additionally, I wanted to identify some of the rationale for the proposed code changes. I wanted to bring you into Wastewater Division's overall code development process. And then the proposed implementation of the subsequent programs that would be formulated and created by this proposed code change. So starting with the challenges. So currently, Article 1, we have some challenging definitions that we deal with. One of them, is "accessible to sewers." We have several useful definitions that are not included, that really should be included.

Additionally, Article 2, there are very vague statements about Fats, Oils, and Grease (FOG), the pretreatment requirements, and industrial waste provisions. Article 2 creates some challenges for enforcement. And I would propose that overall, it's fairly vague as far as what the specific requirements are.

Article 3, sewer works and connection requirements, they create legal and financial liabilities. Sewage disposal to natural outlets, in the current regulatory climate, with all the requirements and lawsuits with respect to the County of Maui decision, this creates some challenges for the county. Additionally, Article 3 doesn't really give us that much jurisdiction to charge permit or connection fees. And these fees would allow us to just recover that cost of service. Additionally, we have some challenges with lateral ownership and maintenance responsibility. For example, we have waste dischargers that love to shove things from their private property lateral into our system. And then we get the call and we respond and we fix it, even though essentially it's caused by potentially a business or some sort of residential issue, so that's something that we look to close up and create some accountability there. Also, loss of sewer fees for 10 years after a private developer installs sewer. We're facing a significant amount of enforcement. We're

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<sup>2</sup> V.1 – Bill – <https://records.hawaiicounty.gov/weblink/docview.aspx?=dibd=1&id=135130>

facing a significant amount of financial expenses over the next 10 years, and it's our position that we need to preserve as much of our sewer fee revenue as possible.

Article 4, no charges for pretreatment fees. And it's questionable whether we have the legal jurisdiction to remove water service, disconnection provisions. So our Corporation Counsel has brought up some concerns, which needs to be revised.

Additionally, Article 5, our sewer loan program never came to fruition. So that's something that needs to be revised and updated.

Commissioner Perez asked for more information about the sewer loan program.

Chief Sparber said that in the existing code there is a provision for the County to provide low-interest financing for sewer developments. And so that that program was never fully put together or implemented. And those improvements were with respect to certain specific areas that had a sewer service plan. That's all detailed in Article 5. And so essentially, we would be looking to remove that because it was, judging by the date the ordinance was enacted 10, 11 years ago and never was implemented.

On the rationale for the proposed code changes – we do not take this lightly. Code has tremendous impacts. There's a lot of implementation and interpretation and review and thought and research that goes into a code change. That's what I just want to put before you, my staff and I, we don't take this lightly. We are proposing these code changes because EPA has promulgated federal requirements down to the State, and thus the State has promulgated those down to us through an Administrative Order on Consent. So one of those requirements is to establish the legal framework or the legal jurisdiction for the federal pretreatment program. So that's one of the rationales for creating this. So the other is to truly address some operational challenges that we face each day. Lateral replacement liability - just this year, I've replaced two laterals due to it being clogged with FOG or due to damage sustained from repeated snaking and repeated cleaning caused by FOG. And so additionally, my staff spends a good amount of time on preventative maintenance because we don't want to have lines clogged by FOG. And so we have preventative maintenance that we perform where we go through our systems. We high pressure jets with water. Also, the majority of our wastewater here on Big Island is pumped. So all the wastewater in Hilo, the only way it gets to the Hilo treatment facility is through pumping. So all of this grease, all of the fats, everything like that, that solidifies, ends up going through our pumps. And so there's this cascading effect of maintenance. So that's both reactive maintenance and preventative maintenance all centered on Fats, Oils, and Grease. And so our community does a pretty good job of requesting new food establishments, new car washes, new businesses that generate these Fats, Oils, Grease, these grit, the solids, they do a good job of requesting that they install these traps. But there's no oversight for maintenance. We know, based on the condition of our lines, we have some suspicions about stores and restaurants that potentially have broken grease traps, but there's nothing that gives us the authority to just stop by and inspect, to say, "Hey, you guys need to repair your stuff so that it doesn't cause problems for those users downstream."

Because what happens is if somebody lets their grease trap break and break down, they don't repair it, Chief Sparber said. All that grease goes into a community sewer line. It doesn't impact just the person that doesn't want to maintain their equipment. It impacts all the users upstream of where that grease finally decides to turn hard. And it creates some challenges. Additionally, we want to align our code with overall state wastewater goals and make sure that our code does reflect the jurisdiction that we have. We want to increase our sewer revenue fund to cover the costs associated with our Administrative Orders on Consent, which is just our basic cost of service. So, for example, when we issue a sewer extension, that sewer extension is done administratively at no cost. The developer develops their infrastructure, and then they come in for sewer extension. Well, the reality is that sewer extension is developed by the developer. Then it comes in, it gets reviewed by Deputy Corporation Counsel, it gets reviewed by me, it gets reviewed by the Director. So there's actually a fair cost of service that we're providing, and we're not able to recover that expense.

It just comes out of the General Fund or it comes out of our Sewer Fund, Chief Sparber said. And so essentially, we're working with our code to increase the sources that can generate revenue to just cover our costs of service. And then we need to get legal authority necessary for compliance with our AOCs. So we have our Pretreatment AOC, which has requirements that we establish our legal authority for pretreatment, but we also have our Countywide AOC as well. And what this is requiring us to do is put together sewer service areas, and then within those sewer service areas, ensure that people do connect to our sewer. And so this would also be within our current code. So compliance with our AOCs, which is critical. Additionally, remove the loan program code that was never really developed, and we would be moving the enforcement requirements into Chapter 21 from Chapter 2, article 40. So everything would all be in one place, because currently, at this time, Chapter 21 doesn't contain any real enforcement provisions. And so to understand the enforcement process, you have to go to Chapter 2, article 40, and then follow there.

What is our overall development process, Chief Sparber asked. How are we approaching this? How is this code developed? First, my team and I sat down and we said, okay, what challenges are we facing? There are regulatory challenges that we face. Then we sat down with Operations and said, Operations, what challenges do you seek? How could our code help your team? Their challenges are Fats, Oils, Grease. The other thing is also explosives- people can also, if they are so inclined, could dump gasoline down the drain. And our code doesn't have a strong requirement for folks that have that kind of business to install separators or that kind of thing that deals with flammables. And then I talked with our legal team, and I said, what can we include to help you make your life easier? Because if we get into a role where we need to do enforcement or follow that process, how can we simplify these requirements so it's easy for the legal team, on the enforcement side?

So that's the first step of identifying those goals, understanding that necessity, then I said, okay, let's understand what other jurisdictions are doing. Let's understand what other folks in Hawai'i or really even in the Pacific Islands, because we can't forget about Saipan, are doing. And so we

looked, and first of all, (Maui and) City and County of Honolulu are the only other pretreatment programs in the State currently. Kaua'i doesn't have one. So we reached out to them and kind of understood their program. Their population density is a lot higher than ours. Our community is more rural and more spread out. O'ahu is really densely packed, a lot of businesses. We said, okay, we try to understand what they're doing, and what resources are provided by EPA?

The EPA is promulgating the requirements to the State and then to us, so what are their requirements? So we put together a meeting with our Region 9 EPA pretreatment coordinator, our pretreatment inspector, and the DOH folks, and we said, hey, what would you guys like to see in our pretreatment program? What throughout the region have you seen that really makes one ordinance stand out against another ordinance or make it easier to enforce? And we got their feedback and then we said, okay, well, let's look at a few other similar sized communities, programs on the mainland. So we tried to look at a few communities that were coastal, small, and get an idea of what they were doing, how the language and their ordinances were. So we really tried to just have a good feel of the regulatory climate, what worked, what didn't. And from that data, we're working to create a unique solution that fits us. And so I've been pushing my team really hard to understand that every regulation, every requirement, it needs enforcement, it needs education, it needs a reason, a justification. It cannot just be because. That's our process.

And so, we want to be specific with the businesses, and we want to have specific reasons why we want these requirements, Chief Sparber said. And so that, that's our process. And then we decided, okay, let's take our draft and push it out to EMC and let's get this dialogue started so that we can respond to and take into account the community's input. So we create this code, this ordinance, what next? It creates a program. First step in our program, in our regulatory compliance pathway is to establish legal authority. Legal authority for what? Well, we need to meet the requirements of our pretreatment AOC, and that is the requirements that are set forth in the federal pretreatment program. We want to create a FOG education, outreach and compliance program to solve some of our operational challenges. Our operational team, our focus really needs to be on meeting the terms and conditions of our countywide AOC. My operational team has assessments. We have repairs. We really want to focus that team on those projects rather than having to continually respond to FOG related issues.

We want to focus our budget on repairing deferred maintenance, not necessarily repairing when somebody decides to dump, their entire fryer or it decides to put something down the drain, which causes downstream problems, Chief Sparber said. We also want to create revenue streams to cover Wastewater Division's cost of service. We provide wastewater treatment service, and there's a lot of other things that we do in support of that to help our program stay healthy. And our current code doesn't necessarily give us the jurisdiction to charge fees for those other functions. And then the next thing is we're going to identify the impacted nonresidential users, because the pretreatment program, the FOG program, that is focused on nonresidential discharge. We do have some residential areas that are very high in FOG, and we will do outreach. We do want to do outreach and educate those folks. But really, the bulk of the

impact and the regulatory requirements are focused on the nonresidential, industrial, commercial users.

So currently, we have three staff in the Environmental Compliance Section. This is one of their projects, the pretreatment, the FOG program, and other various elements of our AOCs. We're going to end up meeting with these users after we establish legal authority. We need to provide them with education on these new requirements. Why is it necessary? Because we are all here together, we all are a team. And everything we do in a wastewater system does have a downstream impact. And so I think that it's our EPA, DOH, outreach education. In our meetings with EPA, DOH, they repeated and emphasized how critical education and outreach is. And then with some users, our Significant Industrial User pool, we will have to develop a compliance schedule, because the pretreatment code, the framework of that pretreatment is if you discharge a certain amount of processed wastewater or your discharge falls within certain categorical criteria, you do need to sample, flow monitor, do that kind of thing. So there are requirements for those users. And as part of the pretreatment law, we will have to develop a compliance schedule for that individual to say, hey, when can you guys commit within our timeline to do these improvements? And then how will you get them done? And then this is also required as part of our pretreatment AOC. Then there's an annual report that the County will need to provide to DOH. The report's going to include a list of the Significant Industrial Users, our outreach activities, examples of our public outreach materials that potentially we've developed and identify significant noncompliance and what we've done to remediate that. And that will be part of our annual reporting and oversight in perpetuity, because we do have this pretreatment program. Now, currently, my proposal is to first roll out in Hilo and then second to roll out in Kona. In Kona, our pond facility is experiencing quite a few plant upsets due to industrial discharges. And the AOC requires us to do Hilo first. And then my plan is to also do Kona and the Kealahou facility next because our Kona area, it's only a matter of time before we potentially have an NPDES permit there as well. I hope this gives you kind of a high level of our code, the reasons that we want to change it, the process, and also the implementation of the subsequent programs that will be created as part of this code.

So do you say the bulk of the proposal is directed to pretreatment and to industrial, quote unquote, commercial? But there are some changes as well to residential sewerage, Chair Adams asked.

Yes, Chief Sparber said. So one of the changes would be like the laterals. Laterals would be required to be maintained by both residential and nonresidential users, which is, in the industry, not an uncommon thing. And the justification or the reasoning behind this is because this makes the discharger accountable for what they put down the lateral. So if you're a homeowner, you're a business owner, and you want to put whatever you want down your lateral, then if it gets stuck in the street and causes a problem, then the County can recoup its costs for repairing, or you will be just required to repair that, the individual homeowner or business owner. Because we have situations where everything just gets pushed into the lateral in the street and then County gets the call.

Commissioner Perez asked how does this coincide with the timeline of the County updating infrastructure, and would the collection systems be updated and proper FOG techniques implemented prior to it then be going over to the user and being like a strictly user correction?

What you are asking is, is the user going to get stuck with an existing damaged lateral per se, Chief Sparber restated. So if there's an existing lateral or is there existing damage? On that, it's hard to say. We don't know the condition of every lateral or if that's the infrastructure that we're talking about. We have thousands of them. And there would be no check of that prior to this code change.

And then what about those laterals going to the actual force main, Commissioner Perez asked. Is the force main itself going to be updated? Either the pump station that it's going to or the main line that it's being pumped to, will that be updated? I'm just trying to see basically where I'm getting at- is infrastructure updated along with it going to be- I'm all for the user having responsibility of helping to maintain healthy or existing infrastructure that isn't damaged and already causing impact or failing.

At this time, the focus is on repairing infrastructure that does have defects, Chief Sparber said. But yes, at this point in time, we don't have a provision or a schedule in place to replace laterals that are damaged today, so to speak. Our lateral replacement efforts are based on, hey, we're spilling- and we find out the lateral is crushed, or the lateral has a huge glob of grease that we can't get out or something's wrong. So then we dig, right? We dig the lateral up, we fix it. But once the lateral is in- we're hoping to get this code updated and changed in the next few months due to our AOC requirements. And so within that period of time, yes, there's no provision for that infrastructure to be updated.

Commissioner Beets asked if there are several residents and not industrial users on a lateral, and they're not complying, what's the action that can be taken by the other residents, if they become owners?

Chief Sparber referred the question to Counsel because that would fall into enforcement. And I would think that the other residents would have the capability to come to DEM to report this. DEM would confirm, and then we could seek administrative penalties.

How would we know someone's not in compliance, Commissioner Beets asked.

What kind of noncompliance are we talking about, the Chief asked. Are we talking about an illicit discharge? Dumping something they're not supposed to down the drain? Okay, so for example, let's say that we determined that a certain lateral is always clogging from a multifamily user. So generally, if we have a FOG issue, there will be additional FOG upstream. So what the users could do is they could backtrack and see, hey, whose house connection has the most FOG? And then they could figure out who essentially is being noncompliant, and then they could give us a call and we could come out and provide some education. Because as far as the FOG issue goes ... If we know where the hot spots are, and so based on where we are

cleaning the most amount of FOG and grease and repairing the most number of things due to grease, we would prioritize and focus on those areas. And in those areas, there were going to be people who have existing businesses who don't have a grease trap or don't have infrastructure. And that's okay. It wasn't required when their facility was built. There's no problem there. There's still a lot of things they can do inside their restaurant. Let's scrape the plates. I worked in food institutions as a kid, and for me, you always just want to throw everything down the drain. There are some BMPs that you can implement inside the restaurant in lieu of equipment that would really cut down on the grease that would come out of that facility. And I think that's where, for users like that, we would focus, but then if they come in for a permit to remodel or permit to make their parking lot bigger or that kind of thing, then at that point in time we would start that conversation of hey, there's no grease trap here. What can we do? Can we put one in at the time when you're redeveloping, and you could take care of this?

The current draft is much better than the first one that I was looking at, Chair Adams said. Just be as clear as day as you can between what the requirements are for commercial industrial facilities and what requirements apply to residents. And then the mushy thing in between of the multifamily condo apartment complexes. And there's some difficulty, I think, in figuring out when you're just reading it ... if it's a commercial operation, you've got a lot more opportunity to get in and educate. And there are various ways they can put in some equipment or change their practices to fix things. When you get to the residential side, which is where they're going to scream if they got to do some replacement of a lateral in the community or even an individual's property, what are the expectations? They aren't subject to pretreatment standards per se, but they are subject to, "don't wreck the POTW." But just being clear on what the requirements are between those two communities, I think is important and confusing.

Commissioner Otsuka said it's confusing, but it sounds as if we're looking at the existing situation with the laterals and the sewer and all these chronic, or all these users that are, that you have a flag on. Have you spoken to them? I mean, have the conversation that you're there frequently clearing up their laterals and that maybe you can suggest that they start looking at ways to not, by providing them information on what they can do? Because I don't have sewer, but I'm just thinking we will be hooking up to sewer. So, if I'm going to be responsible every time there's a clog, to go look and see and go talk to my neighbors about, what are you doing down there because it's clogging. Isn't it the County's responsibility to maintain the laterals, for one thing, because I can't see myself talking to my neighbors about, hey, what are you throwing down the pipes because mine is always clogged. And so we have to go do the investigative work to find out why it's clogging when you might already have information as to where the clogs frequently happen, so that you can at least address that and have the conversation with those you suspect of creating those FOGs.

So I guess my question would be, is you're on a lateral. You would essentially be connecting to a lateral in which serves other people other than your own property, Chief Sparber asked.

Well, I don't know, Commissioner Otsuka said. I don't understand it enough, but from what I'm hearing, it's like if you're experiencing FOGs in your pipes, that you got to find out where it's

coming from. Is it what you're disposing of? Is it your neighbors, because you all share the same lateral? So it's like, to find out where it's coming from, we're having to find out who else is throwing stuff in to be clogging it. And then, in which case, then we notify you folks that something's clogging the lateral. Is that what I understood? It was confusing, kind of.

For laterals, yes, it would be the individuals that are connected to the sewer by the lateral, their responsibility to make sure that the lateral is maintained and working properly, Chief Sparber said. And so, if the County did come and unclog things, then essentially the property that that lateral serves or the property owner that the lateral serves would be responsible for that fee. And so, in general, the laterals typically serve one TMK. In very few instances do we have where 50 people are connected or 25 people are connected to the same lateral. Usually in a multifamily residential setting, that's the case. But then there would be an HOA or some sort of maintenance instrument that maintains the facilities for that group of people. But you bring up a good point. We really need to understand, in this case of multiple users connected to the same lateral, what is the approach? The other thing I wanted to clarify is that the pretreatment rules and the FOG program rules would apply to the nonresidential. So what we do for residential users, where we notice, hey, this residential area has a large buildup of FOG. The operations team, the collection system team responds, they unclog the line, they call the compliance group, and the compliance group goes out with flyers that says, hey, we've noticed these kinds of things in our sewer system. They don't belong there. Please don't put them down the pipes, please. Send them to the landfill or recycle. And so that's the residential folks there, homeowners, things like that. They're not, they're not the food establishments. The food establishments are typically required to put in the oil grease interceptors. That is not a requirement for residential developments. So I just want to make that distinction.

Commissioner Beets asked that if this became fee-based to your office for repair of laterals or whatever action needs to be taken, are you presently set up to do that?

We are, Chief Sparber said. We can work with our accounting team and get that process in place. We do have situations where we do recover costs in some cases.

Commissioner Perez said that this will give DEM the framework to put some of these actions in place. When it comes to the outreach and education, the compliance, the actual monitoring and enforcement, how is that going to be implemented? And then is there going to be additional personnel being brought into DEM to put together this enforcement and outreach?

We have staff that are currently working to develop the pretreatment program, Chief Sparber said. We are looking into bringing in a pretreatment coordinator because we hear pretreatment a lot, right, and it's an AOC, but our environmental compliance group, there are currently three of them. They will have other various tasks besides pretreatment. So we're hoping to bring in and frame together a pretreatment program coordinator or program manager to manage that. We just submitted our pretreatment package to DOH. And there are plans to bring in some additional help from a consultant until we do have the staff capacity to do some of these things on our own. But, yes, you bring up a great point, the staffing. My team, that's another thing

that we talk about with other jurisdictions because if you look at Maui's FOG program, they have a couple different other islands, too, right? They have Molokai, Lana'i. And so their FOG team, they patrol, they go do everything. And they have two people. And so it's been very stressful and very challenging for them. And it was interesting to hear about that, and then to also kind of hear about how CCH does it in their staffing. We are considering the staffing requirements, and we are working with our human resources wizards to get all that stuff done in the way that we need to do it.

Vice Chair Norris read the bill all the way through. It sounds like that the monitoring of the compliance would be up to the individual industrial user, is that correct?

So for the monitoring, the monitoring is going to break into a couple different categories, Chief Sparber said. So you have the Significant Industrial User and the Categorical User, which falls into that. So, yes, they would be doing their own required monitoring, but there's also some monitoring that's actually up to the jurisdiction of the County. And so that's how we want to, as a team, put together our compliance program to monitor that everything's being done and that we're meeting the requirements set forth by EPA and then also set forth by DOH, because ultimately the responsibility is promulgated to DOH, and then DOH is interpreting the federal laws and everything to work with us. So there's a couple different levels, but yes, for the pretreatment folks, there's a lot of self-monitoring, self-certification that will happen. County will provide oversight. The FOG program, that's a little different. We have a little bit more flexibility to build a program that fits our community and our operational needs.

Vice Chair Norris asked if the influents are monitored going into the plant. And if there's a problem with the influent, do they investigate up the laterals or is it just, shut down the system or something to that effect?

So we do monitor the influents for total suspended solids and BOD. We do take some various constituents, but a lot of times if there are plant upsets, if there are issues, the guys will very quickly do in-plant process changes to deal with that, Chief Sparber said. Then they send me a notice and our compliance team a notice. And then, yes, we do tend to go upstream and start to investigate.

Chair Adams asked whether there exists technical support to roll this out to everybody that's going to be subject to pretreatment.

As far as everybody that's really subject to pre-treatment is concerned, Chief Sparber said, we unfortunately cannot fully define everything until we have a bit more legal jurisdiction to inspect the industrial user, the non-domestic discharger, and see how their operations fit into the pretreatment rules. Regarding our FOG program, equipment and things like that, our FOG program, when we first roll it out, I think will be more about outreach and education, and then my staff will be providing education and outreach as far as that goes. So I think we have a creative bunch of compliance folks that can manage for the time being. And we do have the

capability to bring in additional consultant support to help us with the pretreatment, the AOC-required capabilities, as well as our compliance staff.

I was thinking about the other end of that, that the users, the dischargers, Chair Adams said, to install new equipment and set up monitoring that they've never done before. Are they going to be able to find enough contractors to come in and help them?

I hate to say it, but I don't, Chief Sparber said. I think they'll be able to because City and County of Honolulu has an extensive pretreatment program and our industrial users are fairly few. Our large, regulated, the Significant Industrial Users, we're going to be looking at probably fewer than 20. And so I think we're going to be okay. And we will be a resource for these guys. And that's another reason why my team is building their relationships with other jurisdictions, CCH, Maui, that way we have some resources that we can call on and, work through as we don't have these programs currently. So there's a learning curve for us as well.

It also seems like an opportunity for some on-island training education of techs, learn how to work because there's going to be a fair mess at the middle level people, Chair Adams said. Just to encourage you to also think about how you can work with community college and other training so they can get easy access to non-O'ahu based big buck contractors.

This was a lot to follow and that it's going to take time, Chair Adams said. It's very complicated. One of the things, unfortunately, I think Lee McIntosh was the only (other remaining) member of the EMC at the time when we did have an adventure with a hearing, and the EMC will be the body that reviews appeals of decisions made by the DEM Director that says *"You've got to pay for fixing this lateral," "No, I don't want to. It's not mine"* or any other numerous violations that people may be given citations that they're given, they have the right of appeal. And we are the body that does a hearing for that appeal. So you're going to need to pay attention potentially to this as it rolls out. Specifically, in my knowledge, the EMC has handled one appeal hearing which was related to charges for sewerage at a residence. And it involved the issue of occupied and unoccupied buildings that were connected to a sewer, and connected how, and it was very complicated and very controversial. And I just want to make sure that you're working with Corporation Counsel on the things that needed clarification, shall we say, within the code so that we can reduce the number of appeals we need to look at. And I don't know, Commissioner McIntosh, if you want to comment on that. But it's a bit of a confusing thing for the kinds of properties we have here, how people use their 'ohana dwellings and other buildings, what's sewerage, what's not sewerage, where the water came from. Do you get a water bill which isn't DEM's bill, it comes from the Department of Water Supply. And just to carefully work through that, I don't think this is the time or place to go through all the details. This is an opportunity to clarify the rules and to make sure that any ordinary person from the residential side can read and understand what are they going to do.

And this code change in pretreatment and FOG is all part of a larger compliance project, Chief Sparber said. We have a core group method, and so as part of our core group is our Deputy Corporation Counsel. And she and I have exchanged numerous emails about what you're talking

about, Chapter 91, and how does that work and what needs to be done. So I think that you bring up a great point, we want to make this code easy to enforce and read. And so that's one of our key goals. And, that's why we're working with Corporation Counsel on that issue. I also think that bringing the enforcement code into Chapter 21 does simplify this a bit, because when I first started working on this, that was my first question: What's the enforcement process? What is going on? Where is that code? Oh, you have to go to this other place. What? So understanding the process, and Chapter 91 as part of that, that ruling is a little different than I was familiar with, but necessary. I do feel that it's important that we do allow the public to challenge the decisions and determinations for extenuating circumstances. And this Commission is the body that will review those claims.

So in that spirit, I just would encourage all the Commissioners to be more or less comfortable with this code, Chair Adams said. And whether or not you will understand. You'll get plenty of advice if we get to a hearing, but look at it from the standpoint of, if I had to decide whether or not somebody's in or out or didn't or did, do I understand this code in the way it's written? And again, one of my concerns has been being clear on how individual residents may be impacted and what they've got to do versus commercial entities, which are kind of a different thing. And the slew of requirements that are in their code change are directed more toward the commercial side. But there is some stuff on the residential as well.

Commissioner Beets told the Chief but previously you were providing, from your view what the large changes are to this draft. And I know you've talked about the laterals and also pretreatment in the FOG program. What other items do you see as the large changes that you were previously referring to?

One of the things that we needed to change was section 21-11, disposal of sewage into natural outlets, Chief Sparber said. That's pretty controversial in today's regulatory environment with everything that's happening for Lahaina. I think that we need to just take that out and leave those kinds of things to the State as typically discharges to surface waters or something like that would be of the jurisdiction of the State. So the County is not really involved in that aspect. Another thing that we wanted to approach is setting some minimum guidance for the size of sewer mains to facilitate further development, because I feel like every time we put in a sewer line somewhere, there's a call from developers in the area that want to connect to it. This would give us some flexibility. Also, recovering costs for ancillary support services that we provide for wastewater. So recovering costs for connection permits, sewer extensions, different things like that. Pretreatment, recovering some pretreatment costs as well that are going to be associated, and then essentially removing the program to provide 10 years of sewer fees.

Once a developer has installed sewer within their subdivision, they can basically keep (half) the sewer fees in their subdivision for 10 years, and that deprives Wastewater Division of needed revenue because now we have more sewer pipe, due to that subdivision. So our maintenance costs are- we have connection permits now in that area. Now we're responsible. If there's illicit discharges or anything in that sewer pipe, we're on the hook. And so we need to be able to keep that revenue and support our utility. Additionally, there's confusion on dwelling units. So

we wanted to fix [that] as well. And then include additional definitions and various clarifications on requirements that create some operational challenges.

I don't know that this is the meeting to clarify, but at some point, I need to talk to you about understanding some of the language that's in here, Chair Adams said, about the County taking over a subdivision's sewer system. If they put in sewer works as part of their development, they can then "dedicate" it to the County.

There's are a couple different flavors of that, Chief Sparber said. So let's say Flavor A is the standard dedication process. So a subdivider comes in, they subdivide, then we require them to bond for improvements. That way, if they go bankrupt during the construction, the County can come in, construct the improvements so that people don't end up without sidewalks and sewer pipes. And then after that construction, the County also provides some supervision of that construction. We have inspectors that will intermittently stop in. The County sends staff out to supervise the pressure testing as well as to camera the lines after construction to make sure that there's no big boulders or any rocks, tools. We found hammers before inside the pipes. So we just make sure that the system is in good condition. Then I get a call from Public Works. They say, okay, we're ready for the dedication. Can I have a letter that says the sewer system was installed per standards and Wastewater approves? And I say, sure, we've done all of our testing, and then I send them a letter. And then the whole roadway and all the utilities within that roadway is dedicated to the County. And then it all goes into our GIS system. And then all the current video of that is attached to those horizontal GIS assets in our database. And we set the inspection interval out in five or 10 years, we'll come through and take a look at the sewer and check it as part of our assessment program. So let's say that's Flavor A, right? You just have a standard subdivision, standard wide roads. Everything is perfect. That's the ideal case.

Second case, Case B, Chief Sparber continued. So let's say that we have a subdivision that comes in. They don't want to build standard width roads. They want variances. They want to maximize their houses. And so now we get this subdivision that becomes something that deviates from the standard right-of-way width. So there can be some discussion with Mayor, discussion with all the various stakeholders, DPW, DEM, Water Supply, everybody. And then it comes down to me. And so it's a nonstandard width roadway, and I'm directed, okay, we're going to take over the ownership of the sewer lines. We're going to maintain the sewer lines. But since the road is substandard, DPW doesn't want it. So the HOA inside the development is going to take over the road, the sidewalks. But Department of Water Supply, they're going to take over the water pipes. HELCO is going to take over electrical, and DEM, you're going to take over sewer. Okay, fine. So then what I do is we go through the standard sewer extension process before the project starts, ideally, and then we do some type of a dedicable easement within that subdivision that dedicates the utility infrastructure to me. And that's a little separate process. And then we go through the same thing. I monitor the construction. We pressure test everything to ensure water tightness. I get the collection system group out. We do a final CCTV. We get the CAD files from the developer, we put it into our GIS system, and then all the videos are attached to our horizontal assets, and then it's all documented and good, and then we proceed on to the next project. So those are the two situations that we have.

Sometimes there's private sewer that gets installed. So private sewer that gets installed is under the DPW Building Division's purview. They make sure that it's up to the Universal Plumbing Code, and then Wastewater is involved at the point of connection to our system. But we don't provide any maintenance. And if we do provide maintenance, we would bill the HOA for that maintenance because it's private.

So in any of those scenarios, does the County own the laterals, Chair Adams asked.

In those scenarios, currently the County owns the laterals within the right of way, Chief Sparber said. So up to the private property line, we'll put a clean-out at the property line and then everything from the clean-out at the property line - the back of sidewalk to the sewer main in the street- is the County's. We as a division are proposing that we change that paradigm. We say, homeowner or whoever's connected, your kuleana is the lateral from your house to the sewer pipe in the street, including the cleanout.

You mentioned that you're going to establish this pretreatment program in Hilo first and then go to Kona, Vice Chair Norris said. As a representative of District 8, we are looking forward to having some kind of water recycle program be useful in our area. And the pretreatment program is probably more required, so that we get good influents into our POTWs that can be recycled or continue to be recycled. So I'd like to see Kona sort of get bumped up in the pretreatment process.

I'll make that a note, and that's something that we can take into consideration as far as implementation goes, Chief Sparber said.

You had mentioned just a moment ago about the laterals, how that you want them to be responsible from the house to the main pipe, which the lateral would include parts of what would be considered, public property or owned by the County, Commissioner McIntosh said. How would the homeowner or resident go about repairing or making any changes to the public property because, it's not theirs. Technically they're working in the middle of the road, so how would that be addressed? Do they have to contact the County to take care of that and they bill them, or would there be special contractors? How would that work?

So typically, you could do it two ways, Chief Sparber said. If you wanted to wait for County or if the County had capacity, potentially we could do that. And then there could be a process in place to provide that, charge whomever the user was for that lateral. The other process would be to hire a Class A contractor who meets the requirements to work in the County right-of-way. When I bought my first home, off- island, that was the way it was. The lateral from my house to the street was my responsibility. And so my lateral at the time was a transite lateral, and it had deteriorated. I replaced everything from the property line back to the house because I wasn't able to do my own work. There's no owner-builder in the County right-of-way. And so generally you would need to hire a contractor that can meet the terms and requirements of the right-of-way occupancy permit application. And so generally what that would entail is you would go get

a plumber that can work in the right of way, and they would get the necessary permits and do the work.

Commissioner Otsuka said that along with what Commissioner McIntosh had mentioned, the county water, they're responsible for everything outside of the meter. So you're saying with the sewer, we're going to be responsible from our meter or the hookup to the main pipe. But for some places, the main pipe is across the street. So you're saying that we'd have to take care from the borderline all the way across the street where the main line is. And we don't own the road. So it doesn't seem fair that the homeowners would be charged for that maintenance or the cost. It just doesn't seem to be fair.

What is the workforce availability on island for those unique contractors that have the access to work in the right of ways and kind of in those situations, Commissioner Perez asked.

I would say the workforce- I don't have that number off the top of my head, but I would say it's probably upwards of 15 to 20 various contractors either side, Chief Sparber said, because some plumbers will carry their own licenses. Some plumbers will just work as a sub for someone who has the correct license.

Do we know the average cost of what that type of maintenance looks like, Commissioner Perez asked. I'm sure it's a range of a cost, but I'm just trying to understand the cost to the homeowner.

In a situation where you're required to replace your lateral in the roadway, Chief Sparber said, there's not a tremendous number of situations, unless you're in an older collection system area, that could be a risk. But it's not common for a homeowner to be replacing their lateral. Oftentimes if you do improvements that increases the amount of bathrooms or the amount of plumbing fixtures or various things in your home significantly and you have a small, tiny, substandard lateral, oftentimes DEM will flag the project and say, "Hey, you're adding five more bathrooms and bedrooms, can you increase the size of your lateral to a standard 6-inch," which is what we require nowadays. So your concern is that it seems like the homeowner or the business owner, whoever is connected to that lateral, if the existing condition of the lateral is poor, essentially that user is stuck with the bill, for something that they didn't necessarily do, for preexisting damage.

Yes, Commissioner Perez said. And making sure that if it does go into place, the workforce will be able to help homeowners keep up with this. Compliance is a huge part of this update as well. And so if there isn't the number of contractors or available workers to update the infrastructure, it becomes a compliance kind of situation because there's just not the workforce available.

Chair Adams said the bill also grants the authority to establish an enterprise fund to manage wastewater.

That is one of the goals is to create the authority to establish that, Chief Sparber said. That's on my list of questions for Corporation Counsel and making sure that that's set up.

It's a little bit more complicated, Chair Adams said, but just for the Commissioners, we recommended to the Council that an enterprise fund be established to manage the Wastewater Division. It's in there. A lot of details to be worked out and whether they all need to be in the code remains to be seen. I thank you, I think it's a good idea. To the Commissioners, Chair Adams said, one comment on the wastewater code proposal: You are welcome to provide specific comments or questions directly to DEM. There's a lot of great detail in here, and so feel free to send to DEM your questions and suggestions if you want to bring it back for next month's meeting, fine, just let me know. And this isn't done. It'll be going through Council, opportunity for comment continues and then there'll be implementation rules, admin rules coming from DEM, I assume, on some of this stuff as well, so it's not the end of the line.

The admin rules will need to come later because the, the ordinance is really our critical path item in terms of being able to establish for the commissioners, Chief Sparber said.

There's plenty of opportunity to come to provide input on this, but I encourage you to pay attention to it because we might be finding ourselves as a Commission getting involved in hearings on appeals challenging the Director's decisions, Chair Adams said.

## **VI. REPORTS/CORRESPONDENCE**

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

Things are moving along, Commissioner Perez said, on behalf of herself, Commissioners Beets, Acasio, and Otsuka. We are all part of the Permitted Interaction Group. We've been meeting on Fridays for the past four weeks. This will be the fourth week that we meet. We've had one guest presenter, Steve Holmes, who has come in and sat with us a little bit more to speak about different inventive financing ways to implement wastewater projects like an enterprise fund or energy saving performance contract. We also reviewed and discussed the *Konno* decision and challenges around that decision for wastewater and what that ruling has kind of turned into in regard to the wastewater implementation and moving forward. A few of us were able to tour and visit some wastewater treatment plants to see the updates and infrastructure around there. We are refining some hopeful recommendations and updates for the broader EMC that we will come with next month and provide a larger report back.

If you have your final report to make next month, you present that and then we get to talk about it the following month, Chair Adams said.

We'll do more of a formal report, Commissioner Perez said. We do have quite a bit of documents and things that we've reviewed, so I'll make sure to attach either those links that I've been sharing with the Secretary, all of our meeting notes as well as our documentation that we've been reviewing. So I'll make sure to attach that to our update so the rest of the

Commissioners can look that over and hopefully be up to speed for a more in depth conversation where then we can hand on our EMC recommendations to DEM.

- Report of the Sustainability Summit held May 2024 (Adams)

Chair Adams said this Summit was held May 3 sponsored by the Mayor and more broadly for the world. It's basically a group of people getting together, talking about the UN goals and natural resources protection and homelessness and a whole broad spectrum of things, one of which was source solid waste reduction. There were workshops held as part of that earlier in April and I was working with Jennifer Navarra at Zero Waste Hawai'i Island and Nick Riznyk, who wears a couple different hats. We are continuing the workshop activities and are having our meetings. Our first all-workshop follow up meeting is on Friday this week and we will select priorities and get some names on a piece of paper saying yeah, I promise I will work on this with you. We've done a survey, expect to see that the priority areas where we'll create some sub-work groups will be around organics and a distributed composting area, a resource recovery part concept which a couple of us (Jennifer Navarra and Nick Riznyk) are looking at a potential grant opportunity with EPA on locating a resource recovery park. We're also working with Alex White from DEM and it looks interesting. We'll see if we can pull it off.

The policy area is also another area that got a lot of votes and that includes the plastic single use ban as well as our recommendation for banning the landfilling of recyclables, Chair Adams said. So we'll see who's interested in that. We met with Council Chair Heather Kimball last week. She's interested in what we come up with and gave us some suggestions on how we can move the activity so while I'm not necessarily representing the EMC in this activity, I will bring information back to the group, and if there's something that it looks like we need to have EMC action on, I will let you know. And last time we gave the report of the workshop that I held. If you're interested in more information on the Sustainability Summit, let me know. But we're waiting to see what kind of follow-up support we can get through the Mayor.

- Director's Informational Report

Director Mansour thanked Acting Chief Sparber for his presentation pertaining to the pretreatment and the code. He has really done a good job working with staff, working late hours, trying to catch up with the AOC and deadlines that we have. This code is very important. As I remember when we first started under this administration, there were some changes where it was presented at that time. I asked Tim Richards, Council Member at that time, to give us the opportunity to take the time and bring the code up to standard. And since then we got hit with the AOC and it kind of took a different route. But having staff shortages, and all the other requirements, it's just the current staff I have did a great job. Kudos to them. I attended a Department of Health workshop yesterday on O'ahu, the kickoff for the permitting process, NPDES, for what came out of the Maui lawsuit. It seemed like we're going to take a totally different direction, as we were told yesterday by EPA and even the EarthJustice attorney was at the meeting. Goal No. 1 is the Clean Water Act. They are considering that septic tanks, cesspools, anything with surface percolation, may require NPDES. So that's kind of a scary thought. The State presented their case. They have like 19,000 systems or so that probably need to figure out how they're going to get permits for. In addition, if every septic tank and

cesspool also will be required because it's leaching potentially into the groundwater and the groundwater is reaching the shoreline- it's kind of eye-opening to see the direction EPA now is taking. They just wanted to make sure all counties are taking stewardship of the Clean Water Act and are being responsible for planning and moving forward with making sure we're protecting our groundwater and shorelines. So this is the first meeting out of probably many meetings, but they were given a short time by, I think, before end of this year. They're going to have parameters and they're going to figure out how the NPDES is going to come to fruition. That brings the discussion of the code. Hawai'i County has the largest number of cesspools and septic tanks. If that comes to fruition, we need to start rethinking from a planning point of view. I would imagine this code is going to be a living document that's going to be updated every so often because regulations are changing and it's going to bring a lot of challenges, for planning purposes and development, because currently, even for DOH codes, if you have fewer than 49 homes, you could put septic tank, but they don't have a mention of dry sewer or anything else. So if EPA and Department of Health take the route that NPDES is required- they don't have the staff to chase almost every little project with NPDES and how you're going to enforce it. We'll see how it goes. It just brought a lot of fear, and questions and, how you're going to go about achieving that. So just to give you an update and that's going to continue, hopefully in the next meeting and after, I'll be giving more updates on that aspect of NPDES requirement for these types of on-site wastewater systems.

Thanks so much for the update, Commissioner Perez said. Did they mention that that would be something that was just for shorelines, like SMA areas, or waterway areas? Are they just saying NPDES would be required across the board for septic and individual wastewater systems?

That question was the trigger of these meetings, the Director said. This is the initial meeting. We talked about what constitutes the NPDES? It's going to be similar to the cesspool conversion group. And I recommend it to them to go back and use that report as a tool so they could use it of understanding how we approached the cesspool priority areas and what have you. So from EPA and EarthJustice, their concern is the Clean Water Act, anything that gets discharged to the waters of the United States needs NPDES, period. And does it require a functional equivalency exercise or do you just assume that they need NPDES? So we take in what the lawsuit was based on and trying to set parameters for the State on how they can apply that moving forward. So it's a great meeting, a lot of good information, and we're going to continue that meeting. It just the idea of how that program is going to come back to fruition, it's great input from consulting and, and the team that was involved, which I understand our main goal is environmental protection to our shoreline, and we need to do whatever we need to do to achieve that.

Just to pick up on a few points that I heard, Director Mansour said. Chief Sparber has done a great job answering the questions that you have asked. What I would like to add, just keep in mind the reason we share in that, to get comments and ideas from you and also engage the public as we go forward. We are still doing the rate study to establish the future rate fees. And I heard Commissioner Otsuka and others asking about the responsibility of the lateral from the house to the main or from the house to the right of way, et cetera. We are open to ideas. If that

maintenance of the lateral becomes part of the sewer rate fees, the department and the County would take it on and maybe cheaper because it could be prorated across the entire customer service, all the customers. And our current rate doesn't even cover our O&M cost. So we need to be able to establish a system that could cover the O&M based on what the public wants us to maintain and operate. So if the majority sees that we ought to take the system from the right of way to the main, we'll be more than happy to take it, but it needs to be part of the system from a rate fee perspective.

So these laterals are not cheap to replace, the Director said. The Chief had mentioned two, and I think each one of them was in the \$50,000 range or more. So I can see that becoming a cost burden on the owner. But also you need to understand the probability of ever having these changed. We could take it on, but we need to set up the system to be able to cover the cost. So, it's risk management. As far as one of the questions that came about, pretreatment is commercial, industrial, residential, through an educational program. We need to continue educating the public about what they need to throw into the sewer system, such as the FOG, leftover foods via the garbage disposal, et cetera. And that's through education. We're not going to be able to monitor every sewer lateral that exists or is connected to every house, but we're going to do it based on the education process, with the hope that our constituents and our residents become the custodians for the laterals and understand what they could flush and not flush or throw in the sink and not what to throw. Just keep that in mind. There's a lot of stuff. The current code also allows one lateral for each parcel. But as we have all seen, a 10-acre parcel could be subdivided to 30 different homes. And now you only have one lateral serving 30 homes. And that's going to change because we cannot have- then that becomes a sewer service. It's not a lateral, it becomes a sewer service to that particular subdivision. So things like that, we need to be cognizant as we review the code. And Chair Adams correctly said, when we had that one appeal (*Kai Ala Partners LLC v. County of Hawai'i*), it was about the water bill and it was about the dwelling definition. Is an additional garage being converted considered a dwelling, even though it was connected. And should 12 people living in a house be charged different from a house with one person living in it? So the thought was also talked about, maybe relate the water bill as a portion to come up with the rates. So you have a standard fixed rate and anything above the usage of water, then that would be chargeable, similar to what we are doing with commercial, because a lot of homes are turning to become rentals, Airbnb, et cetera. So we need to be able to charge the adequate rate fees to cover our O&M, as Chief Sparber has stated.

Commissioner McIntosh asked if County sewers can handle food products processed through the garbage disposal.

No, it's allowed, Director Mansour said. It's a matter of just making sure the FOG, anything pertaining to Fats, Oils, and Grease, doesn't end up making into our sewer system. Because even most of the food has oil and fat and what have you. So through the education process, we just want to make sure that homeowners are aware of the issues that these types of FOG could cause to our system.

## 1. Legislative update

The Secretary has been updating the Secretary with the bills that had passed and the bills that had failed. It seemed like out of all of these legislative bills, it seemed like HB 2743 was the only one that made it to the Governor's office. And it seemed like every other one either didn't make it. Let's state it that way. So, HB 2743 allows the University of Hawai'i Water Resources Research Center and the Sea Grant program to set priorities for cesspool conversions and cesspools within the State. I think that that was the only one that made it to the Governor's office. But if somebody else has different information, please, you could share it with us as well.

## 2. Solid Waste Division Projects and Updates

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

Chair Adams asked the Division to talk about the coconut rhinoceros beetle.

As of today, we haven't heard anything from the last detection on April 22, which is good, Craig Kawaguchi said. And then the Department of Agriculture and the Governor's Office will be passing over \$200,000 to each county. So what we're going to do with that is do a heavy outreach education to get the information out there about what to look for, go to events. We're going to work with Big Island Invasive Species Committee. And they'll also do outreach for us. And then with the money, we're going to be purchasing more traps to get it out there. And we will have a detector dog contracted so that we'll know immediately whether it's an infested pile or not. The other monies will be used for hauling of mulch out of WHOF.

Mr. Kawaguchi also shared that on May 7 the Department of Agriculture, the CRB response team from Oahu, DOH, DEM, all met at WHOF to discuss the green waste and the mulch. And the Department of Agriculture did assessments at the detection spots. They sprayed certain areas and they looked for high detection spots also. And they did outreach education to commercial and residents within those two days.

The CRB was detected in one of the traps out at Waikoloa. So after that detection, they put out five more traps to surround the property line.

I think attention has certainly been raised on that issue and glad to hear that DEM and HER are working on and agree we've got to get education out to everybody who's contributing their green waste, Chair Adams said.

It's not just the coconut trees, the palm trees, Mr. Kawaguchi said. They also go after the papaya, bananas, taro, and I think the DOA people said there's maybe up to 300 other plant species that they can go after. It's not like the coqui frog, where it's just noise. It's something that can just, I mean, devastate our economy, the cultural aspect side of it.

So I was just thinking too, Commissioner Otsuka said, because there was excess of green waste and mulch out at the West Hawai'i Organics Facility, they were not accepting green waste from commercial and residents for a little while. So my understanding is that green waste was taken

to the landfill. Larvae take months to hatch, so would that be something you'd be looking at to control the landfill as well, where the green waste was taken?

Yes, Mr. Kawaguchi said. Then we started moving mulch out also.

It sounds like you are already doing it, but with the partnership that you're working with BIISC, they've got such a great program and education, Commissioner Perez said. Are you collaborating on maybe educating the folks that are coming and picking up the green waste and mulch and working with them to share the BIISC outreach material?

Yes, Mr. Kawaguchi said. So we're looking at handouts, newspapers, radio, social media, banners, just to get that information out there.

They have a good program for free traps. They're trying to deploy all their free traps, Commissioner Perez said. So if you have identified a beetle on your property, you can let them know, and they'll provide free traps and maintenance for the traps and everything. So it's a cool program that they've started. It's great that you are working with them. BIISC has put in a lot of effort. I know that they're really homing in on the CRB and training the dogs to sniff them out.

## 2. Solid Waste Operational Study update

Shelise Lamb said that with the solid waste operational study moving forward the consultant is moving forward with finalizing Phase 2, which is the documentation of the current facilities and interviews by the end of June. They are at 17% with Phase 3 of their data analysis and recommendations, and 6% complete with Phase 4, which is the preparation of the draft and final report for the Solid Waste Operational Analysis. At the end of August the consultant will be submitting their draft to DEM. DEM will review, and then after we review and deem that it's a necessary draft that can be shared with the public, we will do that.

## 3. Wastewater Division Projects and Updates

### 1. Pāhala and Nā'ālehu Large Capacity Cesspool Closure AOC<sup>3</sup>

I want to give kudos to staff, Director Mansour said. The collection sewer project is going to go out to bid. We got the 100% design construction document by the consultant. There is a \$10 million grant that we received to get the projects and secure the award before the end of this year. So that's going to move forward. Staff are working with the consultant on the design of the package units for both facilities.

You mentioned the package plant for Pāhala, Commissioner McIntosh said later in the meeting. Did you also decide on a package plant for Nā'ālehu?

I think the likelihood is, it's going through the Environmental Information Document process and probably will receive the same concept. If Pāhala ends up getting it, the Director said, I would imagine Nā'ālehu is more so just from what's going on. You cannot go with IWS,

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<sup>3</sup> VII.3.1 – Ka'ū - <https://www.dem.hawaiicounty.gov/projects/pahala-na-alehu-large-capacity-cesspool-closures>

especially with what I stated earlier. If I now require NPDES, is it going to make things more complicated? Yes, I believe so. We have not finalized the decision, but like I said, based on the preliminary engineering, and it is also going to be based on public engagement as well. So we'll see where that takes us.

Were you aware, Commissioner McIntosh said, that the NPDES permit in Hawaii costs \$1,000 every five years to renew and submit it? That would be quite a burden on homeowners if we have to do something like that. That would be a nightmare.

I totally agree, Director Mansour said. And I think it does not make sense to me to allow leach fields for individuals to, to get an NPDES, but we're going to ride that wave and see where it takes us with EPA and Department of Health. The communication is going to continue. That's going to be very overwhelming to us as a County and to the State to implement and enforce. I mean, think about it. If we got 65,000 cesspools, I mean, how many personnel do you need just to do inspection and enforcement? Part of that \$1,000 is to allow for inspection and compliance. Hopefully we never get there, but we're going to continue making sure that we fight for what makes sense from an environmental point of view and from a logistical and from our also our constituents' needs and capabilities as well.

Yeah, I can imagine you're still in a state of shock over that discussion and we'll be able to come back on that, Chair Adams said.

## 2. Countywide Wastewater AOC

There was some discussion about the sewer collection infrastructure, the Director said, and Commissioner Perez had mentioned when the County is going to do the update on the infrastructure and collections or the laterals and what have you. Part of the countywide AOC was for us to come up with a program or a plan. But the actual capital projects of doing the work was not part of the AOC. But part of the AOC is we have to plan and we have to identify which sewer collection lines need to be replaced. And it's kind of more strengthening the O&M programs that we have. And also that's the whole reason we are doing an integrated waste management plan, with the idea of how we're going to convert the cesspool within the sewer service area. Are the sewer collections within the sewer service area capable of taking the additional capacity from the cesspool conversions? And we have to go through the videos, be able to assess the current condition of the current sewer collection, and set priority and classify these type of systems and when they're going to be replaced and how we're going to replace them. So that is part of what Carollo Engineers are working on as far as the Integrated Waste Management Plan, the Cesspool Conversion Plan and the Operation Manual updates. So that is moving forward. Looks like everything is on track.

## 3. Hilo WWTP upgrades

The Hilo WWTP project is being bid out as we speak. May 29 is the pre-bid walk. Hopefully we get contractors from all over the state coming in and trying to bid this project. So that's good. We anticipate probably starting construction in Hilo sometime this summer. It depends on how

many RFIs we'll get and we will see when the bid opening date is, if it's going to stay the same date or it's going to be extended given the RFIs we're going to receive.

#### 4. Wastewater Plans

##### 1. Integrated Wastewater Management Plan and Public Engagements<sup>4</sup>

We pushed back the schedule of the integrated plan three months, Kelly Hartman said. We wanted to complete the Puakō master plan first so we can incorporate that into the results of the IWMP. So same core team for that project. Chris Sparber is project manager and planner. We have a project website that is available. We did a Round 1 of public education that is complete. We held four public meetings. We are working on the planning for the Round 2 public meetings. And that will come at after the draft has been posted so folks can access that and the comment period will begin. We expect the draft to be completed soon, in the spring. I'll have to check on the date for that since we extended it three months. But the final plan is to be completed in December 2024, and we are on schedule to complete that.

##### 2. Puakō and South Kohala Regional Wastewater Master Plan<sup>5</sup>

For the two planning projects that we have on the agenda, they are the Puakō and South Kohala Regional Wastewater Master Plan, Kelly Hartman said. For the core team, Chris Sparber is assigned as project manager. I'm the planner. We did our public outreach for the meeting. We created a public website. That's complete. That's up for your review with the draft. We held two public meetings, one Zoom meeting and one in person at Waimea Elementary School. The public comment period for the draft was complete in April and the County review period ends this week. So we're wrapping up the draft for the master plan in the next couple weeks. The due date for the final plan is July 2024. It's on schedule.

#### 4. Status of existing staff vacancies

As far as existing staff vacancies, we're not looking any better than what we did last Commission meeting, the Director said. Actually, it got worse. Our HR person resigned and our Department does not have HR personnel currently to even recruit for other positions. So we had asked in the budget for another HR person to assist. We were given an HR assistant level person. I intended to sit down with the Mayor and the Managing Director to talk about the challenge we have. If we don't get help from DHR. It seems like it's getting worse and worse because technically my Department doesn't have Human Resources staff to even go after recruitment. We were lucky we got Heather. But like I said, she's no longer with the Department. She resigned.

#### 5. Questions from Commissioners

##### 1. Could mulch be a revenue source for DEM? (Adams)

Chair Adams said she was looking for our revenue sources, and part of that is the concept of the resource recovery park and other operations we might help get into place on recycling. Is that a source of money? Can it be self-sustainable from a business sense? And my vague recollection

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<sup>4</sup> VII.4.1 – IWWMP - <https://www.dem.hawaiicounty.gov/projects/integrated-wastewater-management-plan>

<sup>5</sup> VII.4.2 – Puako/S. Kohala - <https://www.dem.hawaiicounty.gov/projects/puako-and-south-kohala-regional-wastewater-master-plan>

of the HER contracts is that they are the ones allowed to sell and keep the money for mulch, but they're not selling it for that. Can the County sell it?

These are the things that should come from the Commission to advise the County and the Department, and maybe that's something you could table and discuss. And if you feel that as an advisory committee, you see it as opportunity, I recommend further discussion with the commissioners.

Chair Adams said she would consider putting it on the agenda for next time and ask the Deputy Corporation Counsel to check for contractual issues that may exist.

## 2. Discussion about the costs of operating solid waste transfer stations (Adams)

Chair Adams said the Director had shown some intriguing numbers at our last meeting on the costs of waste transfer stations. I heard you mumble at the Sustainability Summit that you've updated and done some more number crunching around that. Is there anything you could share with us or is that going to be rolled into the operational analysis?

What I shared with you before, I think we probably, that Bill 140 probably is going to be before County Council on June 4, if I recall, Director Mansour said. So we may present the same spreadsheet that kind of shows the cost, but eventually, you're correct, it should be part of the operational analysis that our staff is leading.

Chair Adams said the Secretary could package up whatever the Director is going to present to Council.

## 3. Has DEM explored technical assistance from EPA regarding wastewater? (Adams)

Chair Adams asked whether the Director had specifically asked EPA for technically qualified personnel to help as a loan or however they describe helping people with manpower.

We have, and through grants, the Director said. I made the request yesterday because EPA were there and trying to figure out if we get some grant through their consultant to do some of the work that they did for asset management and for prioritization of capital projects and what have you. So Ms. Hartman will continue chasing that possibility. She worked with EPA consultants, so maybe we could ask for that type of service. And they kind of gave me the green light of, yeah, go ahead and ask and we see where we go with it.

Certainly, beg, borrow, steal, wherever you can, Chair Adams said. EPA seems to be acting very generous in throwing money at people and possibly people at people.

Director Mansour closed by saying we have a lot of challenges, a lot of projects, a lot of issues from Solid Waste and Wastewater as you all know. We're going to keep our fingers crossed with being able to secure the staffing level that we need. We are short-handed engineers, operators, all kinds of personnel to deliver. When I mentioned that Chris Sparber worked all

night, I was in Oahu and I ended up driving by the office and he was there till probably 7:30, 8:00 at night yesterday. Probably getting ready to present your presentation. It's the dedication. I just want to tell you how the small number of my staff who I'm very proud of, my entire organization, my entire Department, every one of them knows we are short-handed, but they go the extra mile to deliver. That speaks volumes.

To me, it is incredible how much you're able to cover with the small amount of staff, Chair Adams said. And I wish I knew the answer. Council, I think, is willing and has given you money to hire, but it's about how do you bring people to the island and a challenge for all of us.

## VII. FUTURE AGENDA ITEMS

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

Moving on to future agenda items, there are some follow ups here, Chair Adams said. We'll be hearing from the Permitted Interaction Group as well as come back on ideas for revenue sources. Obviously, we'll be continuing on wastewater issues and I'll update what's going on with the workshops around source reduction. And as always, if you have ideas for what you'd like covered or questions that you'd like DEM to address at the next meeting, let me and the Secretary know and we'll get it on the agenda.

## VIII. ANNOUNCEMENTS

The next meeting is scheduled for Wednesday, June 26, at the Community Meeting Hale (Building G) of the West Hawai'i Civic Center, 74-5044 Ane Keohokālole Highway, in Kailua-Kona, 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.<sup>6</sup>

Chair Adams announced the next meeting. I also wanted to highlight for you in the reference documents is a report that has been released by the City and County of Honolulu on source reduction. They set up a workgroup, ran it like a PIG, and they've got a report in there and a nice big section on construction and demolition waste management, PV waste, and organics. So take a look. They even cite the wonderfulness of Hawai'i Island activity and dealing with waste management reduction planning by companies doing C&D work. So take a look at that.

## IX. ADJOURNMENT

**Motion, second, and vote:** Commissioner Perez made a motion to adjourn, to which Commissioner Beets seconded. Ayes 7 (Acasio, Beets, McIntosh, Otsuka, Perez, Norris, Adams); Absent 1 (Garcia). Motion carried and meeting adjourned at 11:43 a.m.

Respectfully submitted,

Peter Sur, Board Secretary

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<sup>6</sup> VIII: Hawai'i County Calendar: <https://www.hawaiicounty.gov/our-county/county-calendar>