

## ENVIRONMENTAL MANAGEMENT COMMISSION

Wednesday, July 29, 2009

W.M. Keck Observatory Hualālai Room, 65-1120 Māmalahoa Hwy, Kamuela, HI 96743

**COMMISSIONERS** Suzanne Mayhew **ALSO** Christine Dochin  
**PRESENT:** Stan Boren **PRESENT:** Scott Enright  
Richard Ha Jon Olson  
Diana Miller  
Paulette Pavao  
Sherm Warner

**EXCUSED:** Steve Okoji **STAFF:** Lono Tyson, Director  
Steve Pavao Molly Lugo, Corporation Counsel  
Sharron Henry, Secretary  
Terin Gloor, SWD Eng.

1. **CALL TO ORDER & ANNOUNCEMENTS:** Commission Chair Mayhew called the meeting to order at 9:10 a.m. New Commission Members Sherm Warner and Richard Ha were introduced, along with Molly Lugo, Deputy Corporation Counsel assigned to the Department and the Environmental Management Commission. A member of the audience, Scott Enright, was introduced as a Commission nominee, awaiting confirmation by Council.
2. **APPROVAL OF MINUTES OF MARCH 3, 2009 MEETING:**  
**Commissioner Stan Boren moved to approve the March 3, 2009 minutes as written. Commissioner Paulette Pavao seconded the motion. Motion passed unanimously.**
3. **APPROVAL OF ADDENDUM AND/OR SUPPLEMENTAL AGENDA:** None
4. **STATEMENTS FROM THE PUBLIC ON ITEMS LISTED ON AGENDA:**  
Jon Olson spoke in support of expanding the scope of the Environmental Management Commission authority beyond advisory matters to include power to set sewer and solid waste fees.
5. **CORRESPONDENCE/REPORTS/DISCUSSION:**  
Chair Mayhew requested that the Department refrain from using abbreviations and acronyms in their reports so they can be more easily understood by lay persons and the commission members.

### **Abandoned Vehicle (AV) Program Report** (attached to original minutes)

- The protest issue has been resolved and the towing contract awarded to Junk Yard Dogs.

### **Solid Waste Division Report** (attached to original minutes)

- **LANDFILLS:**
  - The department is negotiating with CH2MHill to prepare a Master Plan for both Hilo and West Hawai'i landfills to include upgrading the utilities and long term expansion.
  - The West Hawai'i Regional Material Recovery Facility includes a scrap metal processing area; green waste composting area; food, organics and grease collection area; and a vehicle impound area.

- **TRANSFER STATIONS:**  
Waimea – The construction contract has been awarded and this upgrade project is anticipated to be complete in late September or early October.  
Pāhoā - This CIP project is major reconstruction. The design is scheduled for completion in September and construction should begin December or January.
- **GREEN WASTE:**
  - The cancellation of Request for Proposal #2479 was rescinded and will be reinstated with an addendum going out to the three vendors who originally bid with a revised scope of work.
  - Kealakehe commercial green waste drop-off and reload operation will be moved to Pu`uanahulu Landfill.
- **CLOSED KAILUA LANDFILL:**
  - The USEPA negotiated Supplemental Environmental Project was undertaken last week. Foam suppressant was applied to waste excavated from select hot spots to suppress subsurface combustion areas.
  - The Director is currently preparing a procedural outline for removing and transporting the waste to West Hawai`i Landfill and remediating the site. When completed, this procedure will be submitted to the Mayor and Council Environmental Management Committee for concurrence.
- **STAFFING:**  
 Request for West Hawai`i Superintendent has been approved by the Mayor and recruiting will begin soon.

**Technical Services Section Report** (attached to original minutes)

- **PERSONNEL**
  - All Technical Services positions and responsibilities have been transferred to the Divisions.
  - Currently recruiting for Civil Engineer V and Project Manager Wastewater Division positions.
- **LARGE CAPACITY CESSPOOL REPLACEMENT PROJECTS:**
  - The Honoka`a and Komohana Heights projects have been designated by the County as primary Federal Stimulus Projects.
  - North Kona Sewer and Effluent Reuse Upgrade and Queen Lili`uokalani Village Large Capacity Cesspool Replacement projects have been designated by the County as Federal Stimulus back-up projects if additional funds become available due to other counties not being able to meet the stimulus funding requirement deadlines.
  - The department sent a letter to C. Brewer allowing them 30 days to show compliance with the agreement they have with the County to install residential laterals to connect to the planned county sewer lines necessary to close the Nā`ālehu-Pāhala large capacity cesspools (LCC) owned by C. Brewer.
  - The County expects to receive an enforcement letter from the USEPA on projects where LCC closure deadlines were not accomplished by the deadlines specified in the Consent Agreement and Final Order.
- **KAPOHO WASTEWATER TREATMENT FACILITY FEASIBILITY STUDY:**  
 A 90% progress meeting to update the public is scheduled to be held in August.

**Wastewater Division Report** (attached to original minutes)

No additional updates from original report.

**Director's Report** (attached to original minutes)

• **LEGISLATION:**

- The Director intends to update the Council on the status of the Department's response to the Legislative Auditor Follow-up Review of the 2006 Audit of the Recycling and Diversion grants Program. Progress to date has been minimal due to funding issues and disagreements with the Legislative Auditor's recommendations.

• **PROJECTS:**

Corporation Council is preparing a summary judgment to be filed regarding the Ocean View Transfer Station lawsuit. If it is not granted, the lawsuit will go to trial.

• **PERSONNEL:**

The Collections Clerk will start August 18<sup>th</sup>. The Director is preparing a delinquency fee collection procedure to be utilized by the department. The procedure will include (among other things):

- Maintaining an up-to-date list of all past due accounts
- Permits not being granted to past due accounts
- No admittance to the landfill for delinquent accounts.

6. **UNFINISHED BUSINESS**

• **ORDINANCE TO EXPAND SCOPE OF ENVIRONMENTAL MANAGEMENT COMMISSION AUTHORITY BEYOND ADVISORY MATTERS TO INCLUDE POWER TO SET SEWER AND SOLID WASTE FEES:**

**Commissioner Miller had a motion not to move forward to expand the commission authority beyond advisory matters. Boren seconded the motion. The motion failed as 3 votes were cast in favor of the motion and 3 votes were cast in opposition.**

**Pavao made a motion to postpone the motion. Warner seconded. After discussion, Pavao recalled her motion and Warner recalled his second. Miller made a motion to defer this item to next meeting to get input from the commission members who were absent today. Pavao seconded and the motion passed unanimously.**

• **ORDINANCE TO INCREASE SEWER FEES, TO INCLUDE CONSIDERATION OF PENALTIES, PAYMENTS PLANS, LIENS AND OTHER FEE COLLECTION METHODS:**

**Miller made a motion to remove this item from the agenda until the sewer study has been completed and submitted to the commission. Pavao seconded and the motion carried unanimously.**

7. **NEW BUSINESS**

• **POSSIBLE PROPOSAL TO CHARTER COMMISSION FOR CHARTER AMENDMENT AUTHORIZING EMC TO CREATE, FIX, OR AMEND SOLID WASTE AND WASTEWATER FEES AND CHARGES.**

**Miller made a motion to move forward and discuss a possible proposal to Charter Commission for Charter Amendment Authorizing EMC to create, fix, or amend solid waste and wastewater fees and charges. Warner seconded and then withdrew his second. Miller made an amendment to the motion not to pursue a proposal to Charter Commission for Charter Amendment. Boren seconded and the motion passed**

**unanimously.**

- DIRECTOR'S MEMO DATED MAY 15, 2009 RELATING TO COUNTY CHARTER AMENDMENTS PERTAINING TO THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (attached to original minutes.)

**See next 3 items below.**

- COUNTY CHARTER COMMISSION REFERRAL: ENVIRONMENTAL MANAGEMENT COMMISSION RECOMMENDATIONS ON POSSIBLE AMENDMENT TO COUNTY CHARTER SECTION 6-5.3: WHETHER QUALIFICATIONS FOR DIRECTOR SHOULD HAVE A CIVIL ENGINEERING DEGREE OR PROFESSIONAL ENGINEER REGISTRATION OR SIMILAR PROFESSIONAL QUALIFICATIONS. (CURRENT WORDING REQUIRES A "MINIMUM OF FIVE YEARS' ADMINISTRATIVE EXPERIENCE IN A RELATED FIELD.")

**Warner moved to support the Director's recommendation as stated in Director's Memo dated May 15, 2009. Ha seconded and the motion passed unanimously.**

- COUNTY CHARTER COMMISSION REFERRAL: ENVIRONMENTAL MANAGEMENT COMMISSION RECOMMENDATIONS ON POSSIBLE AMENDMENT TO COUNTY CHARTER SECTION 6-5.4: WHETHER THERE SHOULD BE A MORE SPECIFIC AND DETAILED DESCRIPTION OF THE POWERS, DUTIES AND FUNCTIONS OF THE DEPARTMENT. (CURRENT WORDING IS "THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT SHALL MANAGE THE SOLID WASTE, WASTEWATER AND RECYCLING PROGRAMS OF THE COUNTY, AND EXERCISE OTHER FUNCTIONS PRESCRIBED BY ORDINANCE.")

**Warner moved to support the Director's recommendation as stated in Director's Memo dated May 15, 2009. Boren seconded and the motion passed unanimously.**

- COUNTY CHARTER COMMISSION REFERRAL: ENVIRONMENTAL MANAGEMENT COMMISSION RECOMMENDATIONS ON POSSIBLE AMENDMENT TO COUNTY CHARTER TO REQUIRE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT MATTERS TO BE REFERRED TO THE COUNTY COUNCIL FOOD AND ENERGY SUSTAINABILITY COMMITTEE.

**Warner moved to support the Director's recommendation as stated in Director's Memo dated May 15, 2009. Pavao seconded and the motion passed unanimously.**

- DISCUSSION: PHARMACEUTICALS IN THE WASTE STREAM  
A packet of related information was distributed (attached to original minutes). The commission urged the department to initiate an educational campaign for pharmaceutical disposal, to include posting information on the County website.
- D8 LANDFILL BULLDOZER INFORMATIONAL BRIEFING – Deferred.

#### 8. **FUTURE AGENDA ITEMS:**

- Distribution of commission materials, including agenda, minutes, department reports and documents related to agenda items.
- Identifying the role of the commission.
- How to achieve department financial autonomy.

#### 9. **MEETING ANNOUNCEMENTS**

- September 23, 2009: Kona Council Office, March, 25, 2009: Kona Council Office, 75-5706 Hanama Place, Suite 109, Kailua-Kona, HI 96740
- November 25, 2009, Liquor Control Conference Room, Second Floor, 101 Aupuni Street, Suite 230, Hilo, HI 96720

10. **ADJOURNMENT**

**Pavao moved to adjourn. Warner seconded and it passed unanimously. The meeting adjourned at 12:21 p.m.**

Minutes Respectfully Submitted by:

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SHARRON HENRY  
Environmental Management Secretary

FORMAT NOTE: ACTION ITEMS ARE IN **BOLD** PRINT (MOTIONS AND ITEMS REQUIRING ACTION TO BE TAKEN FOR FUTURE MEETINGS).