

Advisory Committee Memory

Mayor's Advisory Committee on Landfill Site Selection County of Kaua'i Department of Public Works

Meeting 8
March 17, 2009
1:00 pm - 3:00 pm

Attendance:

Committee Members: Gary Pacheco, David Sproat, Ted Inouye, George Costa, Mike Curtis, Mary J. Buza-Sims, Jose Bulatao, Jr., Keith Nitta, Palmer Hafdahl, Glenn Frazier, Mike Layosa, Kathleen Hurd, Edward Kawamura
Members Absent/Excused: Diana Simao, Kenny Ishii
County DPW: Donald Fujimoto, Troy Tanigawa, Emily Ishida
Consultant: Brian Takeda
Facilitator: Dee Dee Letts

The meeting began with a discussion about what needed to be included in the Committee's introduction to the final report and the table of contents for the final report. Draft outlines were presented (See Attached) and the following changes were made.

Committee's introduction:

- Under item 1 third bullet change the word "recommend" to the word "rank"
- Item number 2 make sure it includes that the committee familiarized itself with the previously applied criteria and reports
- Item 5 should be in the very beginning of the introduction
- Item 8 should read the committee's job was to develop criteria to rank sites... and the term "double blind" needs to be fully explained
- Item 9 the word "recommendations" should be replaced with "ranked sites"

The committee approved the outline for their introduction. They next discussed the table of contents for the report. A draft was passed out (See Attached). The draft was approved with the addition of a "problem statement" to the Executive Summary.

What followed was a discussion on Environmental Justice (EJ) and how it might apply to the various sites. The committee was given an overview on EJ noting that it is a requirement for federal projects and projects using federal funding. Although this project does not use federal funds the County believes that it is important to look at any EJ issues that may arise for 2 reasons: 1) The issues involved in EJ are important to assure that the siting is the best and fairest possible given all of the information that was considered; and 2) many EJ issues involve low income and/or ethnicity discrimination related to Title IV of the Civil Rights Act of 1964 that could be grounds for a law suit. The County asked the consultant to look at all 7 alternative sites to ascertain if any might be considered a

potential EJ site. The consultant reviewed the methodology used to assess the sites, preliminary results and the concerns raised (See Attached). It was noted that the Federal law defines whether an area is defined as an EJ site or not – they provide no guidance or suggestions for mitigation. Preliminary results show that of the seven sites under consideration six would be considered as EJ sites.

The Committee next discussed Host Community Benefits (HCB). Consultant Mark White from Pacific Waste Consulting Group (a sub-consultant to R. M. Towill Corp.) presented an outline of the HCB study that would be undertaken for the report (See Attached). Mark described HCB as a way of compensating a community for siting a facility such as a landfill that can benefit a larger community, but result in potential adverse impacts to the host community. There are two major methods to implement HCB. One is for the County to form an advisory group of members from the community around the chosen site and for the County to have discussions with this committee as to what would be an appropriate benefits package to compensate for the community hosting the landfill. Mark noted that this process often only results in the most vocal voices getting what they want which may or may not accurately reflect what the majority of the community wants. The other method is to undertake a survey of the community through an independent survey research firm to ascertain what the broader community views as the needs of the community. The consultant noted that this would provide the County with: (1) a set of options that has legitimacy from direct research on what the broader community wants; and (2) a set of options that the County can consider based on their available financial resources.

Q: How are you linking the benefit provided to a specific impact?

A: Some direct linkages include sound barrier walls because of noise, traffic improvements or police for truck traffic etc. – others could be more tangential such as scholarships. It depends on how the community views the benefit in light of the impact – disadvantaged neighborhoods have felt that scholarships are a way to help the next generation and are therefore an appropriate HCB.

Comment: This is a problem with federal laws and Hawai‘i – we do not have a majority ethnic group. All ethnicities on Kaua‘i are minorities and therefore EJ does not make sense here because there are so many minorities.

Q: Does EJ consider health impacts?

A: No. Potential health impacts are dealt with through environmental regulation of landfills, including the many permits that would be required such as those from the DOH and other agencies. EJ is triggered when there is the presence of low income or ethnic minorities in the project area per Title IV of the Civil Rights Act.

HCB are usually paid for by a fee on the volume of waste disposed of at the landfill. The fee can range from \$1 to \$16 or more per ton of waste disposed of.

Comment: If we used the survey method we would need to do some community education prior to the survey.

Comment: Need to look at de-coupling the HCB fee from tonnage as we try to reduce what is disposed of in the landfill – should be a flat-fee

Comment: Defining the boundaries of the community that participates will be difficult – does a community outside the one in which the landfill is located have a right to HCB because of the increased noise and traffic from trucks traveling through. The consultant noted that in some areas better mufflers and truck improvements have been part of HCB packages.

Comment: The report needs to have a solid process outline for HCB. The report on the committee process needs to clearly show that through the application of the double blind process in ranking the sites, ethnicity and economics did not play any role.

The Committee suggested that the first item under recommendations in the proposed outline be changed to provide for a discussion in the document of the pros and cons of the various methods of working with communities on HCB including but not limited to the formation of a community advisory committee and/or a community survey process..

The consultant then presented the names of the sites that the committee's criteria and weighting had ranked as well as their scores and order (Note: It was agreed by the Committee that this information would not be posted until the completion of the Committee's process).

The next meeting of the Committee was set for April 21, 2009 from 1:00PM to 3:00PM.