

COUNCIL MEETING

NOVEMBER 17, 2021

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, November 17, 2021 at 8:47 a.m., after which the following Members answered the call of the roll:

Honorable Bernard P. Carvalho, Jr.

Honorable Mason K. Chock

Honorable Felicia Cowden

Honorable Bill DeCosta

Honorable Luke A. Evslin

Honorable Arryl Kaneshiro

Excused: Honorable KipuKai Kuali'i

Council Chair Kaneshiro: Good morning. Today's meeting will be conducted pursuant to Governor Ige's COVID-19 Delta Response Emergency Proclamation with the most recent relating to the Sunshine Law dated October 1, 2021. Please note that we do have a registered speaker for one of our Council Meeting items this morning. Staff will incorporate the testimony into the record.

APPROVAL OF AGENDA.

Councilmember Chock moved for approval of the agenda, as circulated, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 6:0:1 *(Councilmember Kuali'i was excused).*

Council Chair Kaneshiro: The motion is carried. Next item.

MINUTES of the following meetings of the Council:

November 3, 2021 Council Meeting

November 3, 2021 Public Hearing re: Bill No. 2838

Councilmember Carvalho moved to approve the Minutes, as circulated, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions or discussion on this item from the Members?

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion for approval of the minutes, as circulated, was then put, and carried by a vote of 6:0:1 *(Councilmember Kualii was excused)*.

Council Chair Kaneshiro: The motion is carried. Next item.

CONSENT CALENDAR:

C 2021-248 Communication (10/08/2021) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointments to the various Boards and Commissions for the County of Kaua'i:

a. Charter Review Commission

- Bronson I. Bautista – Term ending 12/31/2022

b. Civil Service Commission

- Jeffrey S. Iida – Term ending 12/31/2023

C 2021-249 Communication (10/21/2021) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Francis K. Kaawa *(Labor)* to the Civic Service Commission – Term ending 12/31/2023.

C 2021-250 Communication (11/08/2021) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to the Planning Commission:

- Donna A. Apisa *(Labor)* – Term ending 12/31/2024
- Helen A. Cox *(Environmental)* – Term ending 12/31/2023

Councilmember Carvalho moved to receive C 2021-248, C 2021-249, and C 2021-250 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions or is there any discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion to receive C 2021-248, C 2021-249, and C 2021-250 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

COMMUNICATIONS:

C 2021-251 Communication (11/04/2021) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2021-877, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2021 Through June 30, 2022, By Revising The Amounts Estimated In The General Fund, to cover the County's insurance premiums which have exceeded prior estimates.

Councilmember Carvalho moved to receive C 2021-251 for the record, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions or discussion from the Members? This item will be coming up later under Bills for First Reading.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to receive C 2021-251 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

C 2021-252 Communication (11/04/2021) from the Acting County Engineer, transmitting for Council consideration, a Resolution Adopting The 2021 Integrated Solid Waste Management Plan Update For The County of Kaua'i, and requesting agenda time for the County's consultant, Jacobs Engineering Group, Inc., to present the final Integrated Solid Waste Management Plan Update, to include an overview of the planning process, its content and focus, and the implementation plan, timelines, and estimated costs for program improvements.

Councilmember Carvalho moved to receive C 2021-252 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions or discussion from the Members? We will be taking the presentation on this item under Resolutions.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to receive C 2021-252 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

LEGAL DOCUMENT:

C 2021-253 Communication (11/04/2021) from the Acting County Engineer, recommending Council approval, of a Right-of-Entry and Soil Removal License and the indemnification clause in provision #18(e), between the County of Kaua'i, the State of Hawai'i Agribusiness Development Corporation, Kekaha Agriculture Association granting access to a parcel situated at Tax Map Key (TMK) No. (4) 1-2-002:001, Kekaha, Kaua'i, Hawai'i, to remove soil from the mud press mounds left by Kekaha Sugar Company in Paua Valley for use as cover soil for the Kekaha Landfill.

- Right-of-Entry and Soil Removal License

Councilmember Carvalho moved to approve C 2021-253, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions or discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I find this particularly important as we look at our Integrated Solid Waste Management Plan (ISWMP). I just want this noted in the record. Is Troy here or is Allison the right person? I wanted to know...I believe it is two (2) years' worth of cover soil. Could you tell us how much soil we are getting out of this? Is this just leftover surface soil from the sugar plantation days? Is that correct? Please tell us about this.

There being no objections, the rules were suspended.

TROY K. TANIGAWA, Acting County Engineer (*via remote technology*): Yes, Councilmember Cowden. This soil source is part of an area that the sugar plantation disposed of post-sugar cane processing waste, such as mud, dirt, and other sediment that came from that process. The anticipated volume of soil available for mining is roughly two (2) years.

Councilmember Cowden: Do we put this on top of the trash each day? Every day we put a layer of soil on top of the fresh rubbish that goes into our landfill.

Mr. Tanigawa: Yes. We have alternate daily cover. Wherever we are closing off areas from filling, those areas are covered with soil.

Councilmember Cowden: Since this is old sugar excess, is there toxicity in the soil? Did we look at that? How does that work? What is the toxicity of the

soil? You do not have to give me an exact count, but is it problematic soil or is it reasonably good soil?

Mr. Tanigawa: This is soil from the sugar cane fields. These are fields that are laying fallow now that are in farming. This soil here is not toxic. It is basically the soil that came in with the sugar cane. It has gone through the washing process before the sugar cane was crushed. The waste from that washing process, maybe I should not call it "waste," but the "byproduct" from that washing process is dewatered and what is left is the sediment and soil that the plantation takes up to these areas and deposits it into places like where we are mining from now.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions from the Members on this item?

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion on this item?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2021-253 was then put, and carried by a vote of 6:0:1 *(Councilmember Kuali'i was excused)*.

Council Chair Kaneshiro: The motion is carried. Next item.

CLAIM:

C 2021-254 Communication (11/03/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Warunee Feinberg, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Carvalho moved to refer C 2021-254 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to refer C 2021-254 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1 *(Councilmember Kuali'i was excused)*.

Council Chair Kaneshiro: The motion is carried. Next item.

COMMITTEE REPORTS:PLANNING COMMITTEE:

A report (No. CR-PL 2021-03) submitted by the Planning Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2836 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE LIHU‘E TOWN CORE URBAN DESIGN DISTRICT (*County of Kaua‘i Planning Department, Applicant*) (ZA-2021-4),”

Councilmember Carvalho moved for approval of the report, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

HOUSING & INTERGOVERNMENTAL RELATIONS COMMITTEE:

A report (No. CR-HIR 2021-04) submitted by the Housing & Intergovernmental Relations Committee, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2837 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE KAUAI COUNTY HOUSING AGENCY,”

Councilmember Carvalho moved for approval of the report, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

RESOLUTIONS:

Resolution No. 2021-42 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Bronson I. Bautista*)

Councilmember Chock moved for adoption of Resolution No. 2021-42, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions or discussion from the Members? If not, roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for adoption of Resolution No. 2021-42 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta	
	Evslin, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kualii	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Six (6) ayes, one (1) excused.

Resolution No. 2021-43 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Jeffrey S. Iida*)

Councilmember Chock moved for adoption of Resolution No. 2021-43, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions or discussion from the Members? If not, roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for adoption of Resolution No. 2021-43 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta	
	Evslin, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Resolution No. 2021-44 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Francis K. Kaawa – Labor*)

Councilmember Carvalho moved for adoption of Resolution No. 2021-44, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions or discussion from the Members? If not, roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for adoption of Resolution No. 2021-44 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta	
	Evslin, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Resolution No. 2021-45 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Donna A. Apisa – Labor*)

Councilmember Carvalho moved for adoption of Resolution No. 2021-45, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions or discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I had been advised that it was best for me to do a phone conversation rather than to ask the two (2) Planning Commissioners to come for another interview at a Council Meeting. Something that came up with both reappointments that I am very much in support of is the need to allow them or encourage the Planning Commissioners to go and have a site visit, particularly with difficult ones. Even if only a few goes, that would help to make clearer discussions and decisions. I just wanted it to be there on the record that that is something that both felt would be advantageous in the performance of their job. As a Councilmember who routinely goes, I see where that would strengthen their capacity. I want to be able to work with the Administration in whatever way possible to see that we can do that. Many of the issues that come before them are in an inch stack of information and a lot of times you can just take a look at that, and it becomes very clear. I would like to work with the Administration somehow to make sure that we can have those site visits for better discussion and decision-making. I want that on the record. I have no problem with either reappointment. I just wanted it to be clear that that conversation happened. I would have done that on the floor, but it was recommended against that.

Council Chair Kaneshiro: Is there any further discussion from the Members? Councilmember Chock.

Councilmember Chock: I think these are reappointments, so I think there was circulation of a request if anyone wanted to re-interview them or not. Thank you.

Council Chair Kaneshiro: Is there any further discussion? If not, we will take a roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for adoption of Resolution No. 2021-45 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta	
	Evslin, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Resolution No. 2021-46 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Helen A. Cox – Environmentalist*)

Councilmember Carvalho moved for adoption of Resolution No. 2021-46, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions or discussion from the Members? If not, roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for adoption of Resolution No. 2021-46 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta Evslin, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Resolution No. 2021-47 – RESOLUTION ADOPTING THE 2021 INTEGRATED SOLID WASTE MANAGEMENT PLAN UPDATE FOR THE COUNTY OF KAUAI

Pursuant to Governor David Y. Ige's COVID-19 Delta Response Emergency Proclamation dated October 1, 2021, public testimony was taken at the beginning of the day and as follows:

Council Chair Kaneshiro: We have former Councilmember and Mayor JoAnn Yukimura. You will have a total of six (6) minutes if you need it. If you can see the light in front of you, it will turn green when you start, yellow when you have thirty (30) seconds, and red when your six (6) minutes are up.

JOANN A. YUKIMURA (*via remote technology*): Good morning, Councilmembers. Thank you for this opportunity to testify on the proposed Integrated Solid Waste Management Plan. *Mahalo* to Jacobs Engineering Group, Inc., the consultant and the County's Solid Waste Division Recycling Office, and in particular Allison Fraley and Keola Aki, for the hard work and the tremendous effort that went in to develop the Plan before you today. The information and discussion of the issues in the Plan are very important. What the Plan lacks, however, is a clear goal. This is important for prioritizing actions and for measuring whether the Plan is working or not. Since the Mayor and the County Council are the primary policymakers for the County, it would be appropriate for the Council to express its goals in the adopting Resolution. At minimum, I would suggest a goal of seventy percent (70%) diversion by 2025. It is important to divert materials from the landfill for the following reasons: first, it will save taxpayers money. The projected cost of the new Kalepa Landfill is eighty million dollars to one hundred million dollars (\$80,000,000-\$100,000,000). This will be a huge

burden for taxpayers present and future. A seventy percent (70%) diversion will increase the life of the existing landfill significantly, reducing the urgency and the ultimate size of the landfill and landfill operations. Second, diversion will help Kaua'i move from the linear flow model of extract, make, use, dispose, and destroy, which is not sustainable to a circular flow of materials which is make, use, reduce, repair, reuse, compost, recycle, make, use, et cetera. This circular flow of materials will increase jobs, businesses, economic activity, and tax revenues. It will help to build a circular economy that the Council recently supported in a resolution. Waste will not be treated as waste, but as a resource. Third, diversion or the circular flow of materials will reduce greenhouse gas emissions. Consumption emissions, including emissions from the manufacture and transportation of products, including food, makes up forty percent (40%) of all greenhouse gases generated by the United States, according to the Environmental Protection Agency (EPA). Four (4) priority actions will help us reach the seventy percent (70%) diversion goal. Based on the County's most recent Waste Characterization Study of what goes into the landfill, there are three (3) main types of materials that can be diverted – recyclables, organics, and construction & demolition waste. Not everything in each category is divertible, for example, some materials will be contaminated. Conservatively and after conferring with an expert, we think that forty-four percent (44%) of materials presently going into the landfill can be diverted each year. We recommend that priority in the Plan be given to: 1) establishing curbside recycling, 2) establishing regional composting capacity that will be able to address food waste, 3) start a construction and demolition program, and 4) providing staffing and resources needed to support these programs. These four (4) strategies will get us to a sixty-eight percent (68%) diversion rate. This would be very close to our goal. These four (4) priorities will be the most cost-effective way to move Kaua'i toward a sustainable solid waste management system and to Kaua'i's General Plan goal of becoming a sustainable island. This testimony is being made on behalf of myself and Zero Waste Kaua'i since the President was not able to testify this morning. I want to refer you to her written testimony which was submitted. Thank you very much. I am available for any questions.

Council Chair Kaneshiro: Are there any clarifying questions from the Members? Councilmember DeCosta.

Councilmember DeCosta: Hi, JoAnn. The information that you provided on the greenhouse reduction by forty percent (40%), can you clarify for me how Kaua'i's control over greenhouse gas emissions affects the rest of the world with the amount of emissions that is going on worldwide?

Ms. Yukimura: It is small because our population is small. It is still a dysfunctional way of living when we create or have this materials flow that is unsustainable. We just cannot keep doing this. At some point, we are going to come to a lack of resources. For example, China has cut down all of its forests. It does not have any way to make paper. In the United States, this is according to Weyerhaeuser, we burned or buried two billion dollars (\$2,000,000,000) worth of paper in 2011, I think it was. China needed our paper when they printed the Rolling Stones paper in China. They needed huge amounts of paper and they do not have it. They had to import it. They imported it from places like the Amazon or elsewhere, and that all impacts global

warming. It is a process that we cannot keep following. As an island, we need to do our part to stop this dysfunctional way of treating materials and natural resources.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: Are there any further clarifying questions?
Councilmember Chock.

Councilmember Chock: Thank you, JoAnn, for being here. I just wanted to clarify...are you speaking...when we talk about the priorities that are being listed, are you speaking on behalf of Zero Waste Kaua'i or any other organization?

Ms. Yukimura: I am speaking on behalf of Zero Waste Kaua'i. In fact, Zero Waste Kaua'i circulated a petition that asks for these four (4) actions to be priorities in the Plan. That is what Ruta Jordans was going to speak about. I believe those petitions have been submitted or will be submitted. They have one hundred eighty (180) signatures to-date, but it is continuing to be circulated. Those four (4) priorities are specifically mentioned in the petition and were mentioned in our testimony at the administrative hearing.

Councilmember Chock: We did receive the petition. I appreciate it.
Thank you.

Ms. Yukimura: Thank you for your questions,
Councilmembers Chock and DeCosta.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have a clarifying question. When you all reviewed the ISWMP, including priority number one, which is curbside recycling, was that with the awareness that this ISWMP says, "If we did that, we are going to increase our curbside collection fee to forty dollars (\$40) a month and that it will extend the nine (9) years to nine (9) years and nine (9) months"? That is what we heard. Do you have that information? Nine (9) months for triple the cost monthly.

Ms. Yukimura: That contradicts the information we have. I suppose it would be a good thing to discuss with the consultants and the Administration. Our spreadsheet, which we discussed with the consultants and the Administration, shows ten dollars to twelve dollars (\$10-\$12) per month cost for curbside recycling and a far higher cost for curbside trash collection and disposal. It would be important to know the breakdown of those costs and also, we are still working on incorporating the current prices of recycled commodities, which have increased dramatically since China refused our recycling, because the domestic recycling industry in the United States is retooling to be able to use those materials within the United States...

Councilmember Cowden: Thank you for that.

Ms. Yukimura: The price of recycled plastic is tripled or quintupled since...

Councilmember Cowden: How about the nine (9) months? It is nine (9) months of added time to the...is that consistent with what you came up with? We were told nine (9) months. Did you come up with the same number?

Ms. Yukimura: To extend the life of the landfill?

Councilmember Cowden: Yes.

Ms. Yukimura: If you do those four (4) priorities, we estimate that you will be able to...

Councilmember Cowden: Not the four (4), the one (1).

Ms. Yukimura: Yes, I do not know what the curbside recycling alone is. I think it is ten thousand (10,000) tons per year. Even if nine (9) months is three quarters (3/4) of a year, right, and every year you go you will gain three quarters (3/4) of a year.

Councilmember Cowden: No, that is for the entire nine (9) years is what they said. It sounds like you are looking at a different piece of information. They said "nine (9) months over nine (9) years is what would be saved." It sounds like your estimate is different. That is all I needed to clarify.

Ms. Yukimura: Yes. If it is different, we would like to understand the basis of the Administration's calculation.

Councilmember Cowden: Thank you.

Ms. Yukimura: I would like to know any other strategy that reduces input into the landfill in a cost-effective and sustainable way. I do not think there is anything else that can do that.

Councilmember Cowden: Okay, thank you so much.

Ms. Yukimura: That is why you need not just curbside recycling, but the other three (3) strategies plus resources and staff.

Councilmember Cowden: Thank you.

Ms. Yukimura: Thank you.

Council Chair Kaneshiro: The information Councilmember Cowden brought up is in the ISWMP and it will be in the presentation today.

Councilmember Cowden: I know we have it. I was wondering if they were seeing it.

Council Chair Kaneshiro: Exactly. Are there any further clarifying questions? If not, thank you, JoAnn. The presentation will come up a little later in the meeting. You can watch it on the webcast.

Ms. Yukimura: Thank you. I will be submitting my oral testimony in writing as well.

Council Chair Kaneshiro: Thank you.

Councilmember Carvalho moved for adoption of Resolution No. 2021-47, seconded by Councilmember Cowden.

Council Chair Kaneshiro: We had a testifier earlier this morning and we did receive a lot of written testimony. We will let the Administration go through the presentation and then we can ask questions on it later.

There being no objections, the rules were suspended.

Mr. Tanigawa: Good morning, Council Chair Kaneshiro. Before the presentation, I would like to give a brief introduction. Councilmembers, thank you for placing this measure on the Council agenda today. The ISWMP was worked on for many months by the Solid Waste Division staff working with the County's consultant, Jacobs Engineering Group, Inc., and a community-based advisory committee. The last time Council approved an ISWMP was in 2010. The pandemic caused some delay in the completion of the updated plan. However, our dedicated taskforce members, County staff, and consultant faithfully completed the process and produced the plan that is before this body today. Lyndsey Lopez who will speaking shortly, is from Jacobs Engineering Group, Inc., consultant for this project who helped facilitate us through this process. Lyndsey is online to go through the presentation prepared for you today. Lyndsey.

LYNDSEY LOPEZ, Jacobs Engineering Group, Inc. (*via remote technology*): Aloha, Council Chair Kaneshiro, Councilmembers, and other attendees. My name is Lyndsey Lopez, and I am with Jacobs Engineering Group, Inc. I am accompanied with my colleague Dan Pitzler, Senior Lead of the project. We had the pleasure of working with the County and the Advisory Committee over the last several months. I am very excited to share the plan with you here today and hopefully take it to the next step. Thank you again for having me, and it has been a pleasure working on this project.

Today, I am here to walk through an overview of the ISWMP. I want to talk a little bit about the background of the plan and the process we went through to get through this current plan. One of the important parts of the ISWMP is information about waste and diversion tonnages and projections. That is another piece of this presentation I would like to cover. I going to spend most of the presentation talking

about the recommendations by chapter. These recommendations are really the prioritized recommendations that we have gone through and selected through this long process of figuring out the baseline conditions, areas that we need to focus on, and what our prioritized recommendations are for each chapter. One of the other important topics that we will discuss as well is the life of the landfill and our disposal strategy. Once that is completed, there will be an opportunity for questions.

Let us talk a little bit about the background and the process for this plan. When you hear me say, "ISWMP," hopefully it is clear that it means the Integrated Solid Waste Management Plan. We like to throw around a lot of jargon. I apologize. I will try not to bore you with a lot of acronyms, but the ISWMP is the Integrated Solid Waste Management Plan.

It is a comprehensive planning document that talks about all the waste prevention, recycling, and composting. You will also hear the word "bioconversion" talking about composting, and disposal that the County is currently doing and should consider. It includes an evaluation of all the local needs and conditions to determine what the most effective strategies moving forward that are going to be protective of human health and the environment. It outlines the components of an effective solid waste management strategy, and it talks about short and long-term, goals, and a framework for implementation. We are going to talk a lot about an implementation plan. This is an important part of the plan. This is Chapter 10 of the plan, and it rolls up all our prioritized recommendations. You will hear us talk about enhancement opportunities into one plan that the County can use as a resource as they are looking at setting budgets, how they allocate staff, and how all these different pieces of the overall plan fit and work together.

The ISWMP is required by State law. The County is required to prepare one every ten (10) years. There are interim status reports every five (5) years and Hawai'i Revised Statutes (HRS) Chapter 342G dictates what is actually included in the ISWMP, and the State is part of the review of the overall plan and process.

How did we get here? A little bit of history on your ISWMP. The last plan was adopted in 2010. In that plan, there were several items that were implemented. The automated refuse collection, flat fee for refuse service, pay-as-you-throw system, commercial landfill restrictions, and plastic bag law. Unfortunately, due to some funding, there was an issue with implementing all the recommendations in the 2010 plan, including the compost facility, Materials Recovery Facility (MRF), and curbside recycling programs, et cetera.

Bringing us to our plan. As you can see here, we have been at this for a while. We started in July 2019. As Troy indicated, the pandemic slowed things down a little bit, but we did have a really dedicated team of folks that were all working hard on pulling this plan together. We had several different Solid Waste Advisory

Committee (SWAC) meetings, in which we talked about the elements of the plan and the existing conditions. That SWAC was appointed by the Mayor. Their goal is to guide the plan's direction and assure that it provides holistic reflection of the priorities of the County. It is comprised of a mixture of private/public industry and nonprofit representatives. We had a total of five (5) SWAC meetings. There was a public review period. Throughout the process, we had various check-ins with the Mayor. It has been a great process with a lot of engagement and a lot of public comment. You will hear a little bit more as we talk about that later. We will talk about it now. We received ninety (90) written testimonies during the public review period of our draft ISWMP. We also received seven (7) oral testimonies and a letter package that included eighty-six (86) adult residents and one hundred seventeen (117) kids all requesting that the County add curbside recycling and a new MRF. There was also a variety of different campaigns that were on the internet. There was the Let's Get Kaua'i Recycling Instagram post that received multiple shares and likes. There is a lot of excitement about having a sustainable island and having implementation actions that are going to push the County forward to a sustainable island. We took a look at all of those comments, and we grouped them into the most common categories of comments. Right here, you are seeing the eight (8) most common comments: 1) wanting goals and prioritized actions that align with a sustainable island; 2) prioritizing curbside recycling; 3) prioritizing the MRF; 4) prioritizing curbside green waste and food waste; 5) prioritize diversion of Construction and Demolition Debris (C&D); 6) adding staff to support the increase in the recycling and diversion of the County; 7) there were a lot of comments against waste energy; and 8) supporting the funding of the proposed ISWMP, the enhancement opportunities, and the appropriate programs and staff required, and not focusing on waste to energy. We reviewed these comments. In these themes, we developed responses and made appropriate changes to the final plan in line with those responses.

As I mentioned, the ISWMP's topic areas that are included in it are dictated by HRS. These are the topic areas that are included. We have everything from source reduction and reuse, recycling, and bioconversion, all the way down to disposal, long-term disposal, and alternative technologies. The plan itself has a large emphasis in the very beginning of the plan on the existing conditions for each topic area. It also goes in-depth about waste generation and projection information, because this is really important in helping to identify which recommendation should be looked at for each topic area. The topic areas themselves do not have as much background information since that is in the upfront parts of the plan, but they really focus on the enhancement opportunities that made it to the final cut. As you heard me talk about, we had the five (5) SWAC meetings and the public hearing. We took all the feedback that we got, and looked at which of those enhancement opportunities should make it into the final recommendations.

As I talk about those enhancement opportunities, the original purpose statement of the SWAC was to develop an ISWMP that builds on the basic structure of the County's 2010 ISWMP, addresses the current and future needs and opportunities, provides implementable solutions, and meets the requirements of HRS 342G. This is where we started with the project. This was the purpose statement that was given to us and to our SWAC. We used that to set down the road where we came up with our enhancement opportunities. We prioritized enhancements that are economically feasible for the County based on current or slightly increased staffing levels. We focused on problematic materials and/or materials that are found in excess in the waste characterization study. I will show you a little bit more about that in the next section of this presentation. We built off of the success from the existing programs and expanded or modified upon them to gain that additional success that is really needed to take this island to the more sustainable strategies. We recommended the evaluation of the implementing major program enhancements in future years to assess the feasibility including cost effectiveness and siting. You will hear me talking more about this when we get to the enhancement opportunities of curbside recycling and the MRF.

You heard me mention a little about the waste diversion tonnages and projections, these are really important elements of any ISWMP. It is important to understand what the baseline conditions are, what your projections are over the next ten (10) years for the ten-year planning horizon and having areas that you can focus on. When we started the plan in 2019, this was based on actual data. We took that information and looked at the population growth and the diversion rate, and we were able to project that out to 2035. As this plan is taking a little longer, here we are in 2021, where we can peek at where the actuals are. Fortunately, they are a little lower than we were projecting for disposals. That is a good thing for a lot of reasons. We do not want to be filling up the landfill. Generating less and disposing less is a very positive trend that will hopefully continue. For this plan, we stuck with the information starting with the actuals from 2019 and projecting it out for the ten-year horizon.

One important thing to understand is a little bit about the County's actual waste stream. Fortunately, in 2016, the County hired another firm, Cascadia, to conduct a waste characterization study. The study involved a total of one hundred sixty-two (162) samples. As you can see here, eighty-one (81) of those were for the privately hauled commercial waste delivered to the landfill and the other eighty-one (81) were from the residential stream. There were seventy-one (71) total material categories grouped into eleven (11) material classes that they looked at during the study. Each sample weighed about two hundred thirty-two (232) pounds. This is what they found. This shows overall Kaua'i countywide disposed waste composition. This is the waste that is getting put into the landfill. What is it made up of? As you can see from this graph, we have large categories of paper at eighteen percent (18%); inerts and other C&D at twenty-four percent (24%); other organics and

food at eighteen percent (18%) and ten percent (10%) respectively, and plastics at eleven percent (11%). There are other categories here too, but we really wanted to focus on those kind of problem materials, or the ones that were in the highest portion. I am going to go to a couple more slides that show you a little bit more about what is in each of those categories, because they are wide. For instance, if you are looking at other organics and food, if you combine those together you are at twenty-eight percent (28%). This includes leaves, grass, pruning, trimmings, branches, stumps, manure, textile, carpet, sewage sludge, non-recycled organics, and various unpackaged or packaged meat or non-meat foods. If you are looking at the category of inerts and other C&D, this includes concrete, asphalt paving and roofing, clean lumber, treated lumber, other wood waste, gypsum board, rock, soil, and fines, non-recycled inerts, and others.

The categories of paper and plastic are shown here. As you can see for paper, there is a wide variety of things ranging from corrugated cardboard, craft bags—like you sometimes might see at a grocery store...newspaper, white ledger paper, mixed paper, aseptic and gable top containers, compostable paper, and non-recyclable paper. The plastic has lots of different kinds of plastic. They are all listed here. I do not need to go through all of them since you all are great readers. I just wanted to show you there were a lot of things included in each of those categories. What does that really mean? The disposed waste composition data is really indicating there are opportunities for further diversion in C&D. As you can imagine, that is a category that is heavy and takes up a lot of space. If you can find a solution to take it to the landfill, that is a wonderful place to start. There are other opportunities for organics. When I say organics, what I am talking about is yard debris, branches, stumps, leaves, food waste, et cetera. Opportunities in paper and plastic as well. Of these category material classes, plastics has the lowest diversion rate at thirteen percent (13%). C&D waste may offer the greatest potential for increasing diversion locally for the County.

That gives you a little about the background of what we did and baseline conditions. We talked about problem areas. Now what we did was look at that information, and then we went topic by topic to figure out what the prioritized recommendations are, or the enhancement opportunities that the County should be focusing on in the next planning horizon. What I am going to be doing is going through each of the topic areas, if you remember, there were several of them. We are going to talk about each...the bulleted list of enhancement opportunities that made it into the plan. Those were the prioritized actions that needed to be covered for that topic area. Then the next slide for each of those topic areas, you are going to be seeing a table, which is in our implementation plan. That has each of those same enhancement opportunities, but then there are timeframes for when we think that should be implemented and there is some rough order magnitude costs information for budget planning purposes, and sometimes there may be a piece about staffing as well. As I mentioned, this is a really important tool for the County as they are

planning on what they focus on and when they focus on it. You can kind of see the entire piece of this integrated ISWMP. It is really important that these pieces work together. You cannot really do one recommendation and ignore the others, because they are interrelated, and you need many of the pieces working together to have a successful plan.

Our first topic is the source reduction and reuse. It is the first topic in HRS because it is really important. As you have heard today, we want to reduce the amount of waste that is getting into the system, period. If you can make strides in just reducing the amount of waste that is getting into the system or that we are generating, you are already making great strides, because then you do not have to manage it as much. The County has done a lot of work in this area already. They do a lot of great programs, it is building off those existing programs and expanding those programs. We want to build off and expand policies for plastic and polystyrene reduction and compostable use. We talked about plastic being a problem. Here is one way to reduce the amount getting into the system. Another way is to advocate for Extended Producer Responsibility (EPR), you may have heard of this as "EPR," for potential candidate materials. What this is, is putting the responsibility back on the producers. If a producer is responsible for where they are packaging or other content and the things that they are providing, if they have to figure out how it is going to get managed after its use, they might be more interested in making that packaging or material better in the long run, so that it is not creating trash. Another one is to offer grant-in-aid funding to support food waste to animal feed projects. When we talk about "organics and food waste," this is an area that can be used for that. Recognize and promote the lodging industry source reduction efforts. At the time the plan started, they were doing a lot of great things. Hopefully as things start to return to normal, they can pick that back up. Support the State plastics source reduction working group findings related to the use of reusable containers at restaurants. The State has been doing a lot of work with plastics. Your County was represented by Allison on that working group. They did a lot of great research and things they could do as a State. We really support the County to see how they can utilize some of those findings.

Consider a fee increase for the pay-as-you-throw program. As you heard me mention, one of the great accomplishments of the 2010 plan was to implement the pay-as-you-throw program. This is really to incentivize not creating a lot of garbage or trash. We will talk about this later, but this is an opportunity to increase that fee and to encourage generating less trash. As I mentioned, if you look at the table here, we have all of those different enhancement opportunities listed. Each of the tables talks about the planning horizon, whether it is a short-term, medium-term, or a long-term. We assigned an implementation difficulty to it. It may be low, easy to advocate, or difficult to implement. Some are medium and some are high. As you see the blue hopefully it looks blue on your screen, it looks blue on mine—these are indicating the years that this particular enhancement opportunity should be

implemented. Some of these do not have any dollar signs assigned as you can see, but there is a footnote. The footnote says, "Assume no cost for program, but requires some staff time factor into the additional resources." For the ones that were specific, there are costs associated in the fiscal year that we are recommending. For source reduction, it is important to be thinking about the pay-as-you-throw fee increase. As seen under the existing column, the current base fee is six dollars (\$6) and is assessed regardless of whether a customer gets curbside refuse collection. Customers with curbside refuse collection also pay an additional fee based on the size of their cart. If you have a smaller cart, you pay a smaller fee. If you have the biggest cart, you pay the biggest fee. The total fee charged to the residential customer is the base fee plus the fee for the cart. For instance, a customer with a 64-gallon cart would pay six dollars (\$6), plus four dollars (\$4), for a total of ten dollars (\$10). Operating costs continue to increase for the County's Solid Waste Management System, and the County must evaluate revenue sources. The Ecoconservation institute that did this implementation plan for pay-as-you-throw is based on a study done back in 2013, but they had recommended that Kaua'i move forward on the cost of service, but do so on a phased schedule. This is an opportunity to consider if now is the time to increase those fees, and that could be coupled with expansion of a variety of service offerings as you can see from the table. You could have a two (2) to three (3) stream trash and recycling and potential future addition of green waste if you go to this fee increase here.

The next topic area is recycling and bioconversion. To be sure that we are all on the same page, what we are talking about is really converting organic material like yard waste, food waste, et cetera. It is processes like composting or anaerobic digestion, et cetera. This chapter talks about recycling and bioconversion. In this chapter, we really want to focus on one of the big comments we received from the public, which was the need for adding curbside recycling and a MRF. As you can imagine, both of those things are complementary. They need each other, you cannot have a curbside recycling program if you do not have anywhere to process it. It does not do a whole lot of good to have a MRF, if you do not have a curbside recycling program that is feeding that material to the facility. You have to look at it collectively. I know that both of those topics have been studied by the County in the past, but there has been enough time that has passed since those studies were done, that we feel that it is very important that the County update those. We are not saying start from scratch or design a new wheel, but building off those studies. What we are recommending is that you build upon those previous studies and to be sure that it is going to be feasible based on the existing economic conditions and you have the right site for this particular material recovery. Do the right budget planning that is needed to get these large size programs into the County's plans and budget. Those are the top two (2) enhancement opportunities in this category. We also talk about things like supporting the deposit beverage container deposit increase, evaluating and expanding additional commercial disposal restrictions, for instance, C&D debris and identifying recycling opportunities for businesses, and also supporting the expansion

of a tiered composting regulation to encourage smaller composting operations. This is in line with the feedback that we really do need to figure out better ways of processing our organics. One of the things you can do is looking at ways to make it easier to have smaller composting operations in the County. Other elements in this topic area include design and implement a compost demonstration project and evaluate if you can add food waste to support permit modifications for food waste composting at private facilities under Issue Request for Proposals “to see who can support those programs, offer grant-in-aid funding for recycling and organics projects; issue RFP for a pallet processing facility; and allocate appropriate resources to hire new staff for recycling programs and co-locate new recycling drop-off sites and HI-5 certified redemption centers with existing solid waste facilities when possible. As you can see here, we are looking at the low-hanging fruit, the problematic materials, and areas you need to focus on to take the County to the next level and make it a more sustainable island in general. As you have heard from public testimony and seen in our plan, it is important that the curbside recycling, materials recovery facility, and all these other programs that support other pieces of recycling and bioconversion element are very important in increasing your diversion and improving your sustainability overall. So, looking at all those enhancement opportunities, you will see them listed here just as I mentioned them on the previous slides. If you go from items 7 through 17, you will see specific cost associated with them. Since you have already done some of these studies for the curbside collection and the material recovery and siting study, you do not need to start from scratch, but you need to update it. Therefore, there is a cost of two hundred fifty thousand dollars (\$250,000). This is so that you do a good update to make sure you are on the right track and put in the proper budget, which would then go here, and into implementing that curbside recycling and MRF. You will also see there are specific costs listed here for the demonstration project, some of the permit modifications, grant-in-aid funding those years, and RFP to process the pallets. Pallets were one of those items that were found in the waste characterization study, so finding a good solution for that is really important. As you can see, this includes allocating appropriate resources to hire new staff, one (1) full-time equivalent employee for recycling programs. There are a lot of recycling programs the County already does, and if we are asking them to do more, they need more assistance to make sure those programs are successful. Since we had so much topic and interest in the curbside recycling and the new MRF, we tried to look a little into what would happen if we were able to implement this by the year 2024. This is a planning study project. We did not do an in-depth analysis, we were not scoped to do a detailed economic evaluation. Using information that we have readily available and some of the historic information that you looked at and bringing it forward to current dollars, we did find that this program, if implemented, could extend the life of the landfill by nine (9) months to a year. The popularity of the pilot program that was done in Lihue and numerous recent news articles and “Letters To the Editor” do suggest that this would be very popular with residents and it is a great way to increase your diversion and try to set the County up properly, so that you can continue to increase that diversion

and implement new ways as materials change, generation amounts change, you have better tools in your toolbox to take it you to the next level.

In 2016, CalRecovery, Inc. developed a conceptual design for a signal stream materials recovery facility at the existing Kaua'i Resource Center, and subsequently a final environmental assessment (EA) of materials recycling facility for the site. A reevaluation is recommended due to changes in the economic conditions and other local conditions. The MRF would primarily be supported by a new County ran curbside collection program and the sale of materials from the MRF would help offset some of the cost. We also talked about increasing the pay-as-you-throw fee.

That brings us to our next topic area, Chapter 5, Special Waste. There is a long list of special waste items. One of the more surprising ones I think you might find and is one of the reasons I think we may have gotten so many comments on C&D, is that C&D debris is included in that special waste list. It is discussed in a couple areas in the plan, but in Chapter 5, we talk more about it. The enhancement opportunities that we have included in the special waste section are increasing public education regarding proper disposal of acetylene tanks. This is a problem that the County has seen and one of the focus areas we felt was necessary—expand disposal bins to include select construction and demolition debris materials, prepare County videos to address public education needs for special waste, evaluate opportunities for sewage sludge diversion, and act on opportunities if cost-effective and overall beneficial, and implement the collection of used cooking oil at the Kaua'i Resource Center. Again, here we are with our table, items 18 through 22. Some of these items the County had a good start on. You might see some items happening in 2023. We have various programs listed along with the cost. I put this as public education, because it is in Chapter 7. Even though these videos are mentioned here, it is also mentioned in Chapter 7 because they go hand-in-hand. Being C&D is left in the disposal stream and there are a lot of interests and comments that we heard, we took more steps in identifying the steps of what you would actually do if you had a disposal bin for it: 1) Identify the C&D materials to target like concrete and asphalt, untreated wood pallets, drywall, and wood waste, 2) Engage with C&D stakeholders. This is key to garnering the needed support. In the past, some other efforts for bans or required recovery failed, because you did not have the right stakeholders onboard. This would be an attempt to try and learn from those times and make it more successful overall. 3) Secure the diversion options—this is like doing market development and issuance of RFPs for reuse and alternate processing of the C&D materials, 4) Draft and pass legislation, 5) Perform public outreach and education, and 6) Implement new commercial disposal restrictions.

That brings us to Item 6, household hazardous wastes and electronic waste section. The enhancement opportunities on this include evaluate a drop-and-swap program at the Kaua'i Resource Center, network with automotive stores and repair shops regarding automotive fluids and materials, advocate for extended producer

responsibility for select materials, assess feasibility of accepting e-waste or electronic waste at refuse transfer stations after completion of the refuse transfer station upgrades, and evaluate residential disposal bans on electronic waste if it is feasible to accept them at the transfer stations. Here we are again with all those implementation actions. These are the difficulties shown and the timeline for each of those items are proposed.

That brings us to Chapter 7 or public education. Public education is a really important one, because as we have talked about all of these other implementation actions, it is super important to get public understanding of what you are doing so that your program is working properly and that you do not want to have to work quite as hard to make those programs work. Some of the topics that we recommended focusing on are promoting the true cost of the solid waste programs, enhancing the school reduce, reuse, and recycle program, evaluating a food waste comprehensive program, and use compost and food waste survey to help guide needs. That is another one of those actions that are specific to addressing that organic waste stream that is still left in the disposal stream. Updating the County website with increased number of image-based posters and videos. Those can really be targeted on the different materials that you might be finding that are not being handled properly or that might need a little bit more information for folks to make sure they are making the proper choices. Promote the State Green Recognition Program, develop and support a recycling block leader program, allocate appropriate resources to hire new staff for public outreach and education, and use the business survey to advertise education needs and focus areas, and then target businesses that may require specific technical assistance. Then again, we see each of these items listed in the implementation plan and the additional staff listed here starting in Fiscal Year (FY) 2023 going through the end of the planning horizon and beyond.

That brings us to Chapter 8. The materials marketing and procurement section. The enhancement opportunities that are included in this chapter are explore potential plastic processing innovation. Again, we are keying into one of those categories that was left in the disposal stream and that waste characterization study plastic. Advance County recycled product purchasing policy. Evaluate on island recycling opportunities and issue RFPs for select materials. This way you are not so reliant on sending those recycling materials off-island, and as you get to a more circular economy, you can do that with things on-island. Promote the State compost standards. Improve County use of recycled glass, organics, and other recycled products. Again, that is another one of those things that is promoting circular economy, promoting self-reliance, and sustainability. Promote enhance State and Federal market development efforts and funding. Each of those implementation items are listed here, Items 36 through 41, and timeline and costs shown in the table.

Chapter 9, Refuse Transfer Stations and Landfills. The implementation items that were included in the plan are to: assess the closing of landfill and refuse transfer

stations on Sundays to improve efficiency; continue and enhance refuse transfer station staff training program to improve compliance with drop-off restrictions—for example, commercial use, pressurized tanks, and used oil collection, propose an increase to the commercial refuse transfer station tipping coupon fees, improve emergency operating procedures at the Kekaha Landfill; and allocate appropriate resources to hire new staff for landfill operations and proceed with permitting and design for vertical expansion of Kekaha Landfill. Each of these items are shown here. Items 42 through 47. Proceed with permitting and design for the vertical expansion here. Each of the resources shown here and the other items above.

Item 10, evaluation of the long-term disposal strategies. The enhancement opportunities in this chapter. You want to look at conducting a siting study for a new landfill. A waste-to-energy/alternative technologies feasibility study and continue assessing disposal capacity. This is sort of a multi-pronged approach. Kekaha Landfill has very limited life left. Looking at your various options, it is important to hit that multi-pronged approach, which is why there are elements of looking for the new site for a landfill, looking at alternatives to landfilling, and looking at assessing disposal options and capacity at the existing landfill. I want to talk a little bit more about the landfill life and disposal strategy for the County. The existing landfill is expected to reach capacity within the ten-year planning window. If you are looking at the longer-term, thirty (30) years, it is important to have kind of that 30-year look, because it takes a long time to build landfills and to shift or change in what you are doing. We looked at both short-term and long-term. The proposed disposal strategy is to continue using the existing landfill, anticipated to reach capacity in January 2027. Vertical expansion to extend the existing landfill life by three (3) years and five (5) months. Identify, select, and initiate disposal options to replace the existing landfill. I really recommend starting now because this takes a lot of time. Start evaluating other future options that you might look at long-term. Those can include everything from obtaining approval to develop the Mā'alo Road site, develop other locations for a new landfill on Kaua'i, do landfill mining, possibly waste-to-energy off-island disposal to Honolulu Program of Waste Energy Recovery (H-Power), or initiate a statewide discussion. As I mentioned, this is a multi-pronged approach starting with what you currently have, expanding as much as you can, and identifying long-term future options for things that cannot be diverted. That brings me to the end of my presentation. I will turn it back over to you.

(Councilmember Carvalho was noted as not present.)

Council Chair Kaneshiro: Thank you for that presentation. While the rules are still suspended, are there any questions from the Members on the presentation? Councilmember Cowden.

Councilmember Cowden: I was hoping that someone else was going first because I have so many. I will ask just a few. First of all, I want to thank our Solid

Waste team and acknowledge the person who has been in leadership for a while, Allison Fraley, who is passionate about recycling. That is great. I know that we had a lot of people messaging wanting this item to be deferred because they do not feel they had enough time to look at this. What is the timeline for when this has to be approved?

Ms. Lopez: The timeline for the Plan itself, is that what you are asking?

Councilmember Cowden: Yes.

Ms. Lopez: Your last plan was adopted in 2010. You should already have a new plan. As soon as possible is the answer.

Councilmember Cowden: Okay. When we are looking at this EPR, I think that it is a really important piece, and we are talking about partnering. Do we have a plan or have we started to work with any of the big box stores? When I think about the Styrofoam, retail, electronics, and packaging for shipping...you go to a big box store, you walk out with half your cart being rubbish. Sometimes, I feel like cutting my stuff apart and leaving it in the cart, just to make a point. Do we have EPR plans where we are looking with partnering with these companies that do the sales of highly packaged products?

(Councilmember Carvalho was noted as present.)

ALLISON FRALEY, Solid Waste Program Development Coordinator *(via remote technology)*: Last year at the State Legislature, there was a bill about EPR for packaging. All the County recycling coordinators were involved in listening and meeting with the legislator or who wanted to pass that. It did not go anywhere, but we are looking at partnering to see what we can do about that. That would be at the State level. You would not go straight to a box store, that would not be the approach, although we could look into that. Being that it is the manufacturers of the products that the box stores carry, that is where you would want to hit and have State or Federal Legislation to stop that packaging.

(Councilmember DeCosta was noted as not present.)

Councilmember Cowden: Okay. I want to acknowledge the Zero Waste Kaua'i testifier who is the former Mayor. If my memory serves me correctly, she got Kekaha Landfill together. It filled up immediately from a six-hour storm and when there was Hurricane 'Iniki. Can you speak to where there is a discrepancy between what Zero Waste Kaua'i seems to think would be the diversion rate on curbside recycling. This says one (1) month per year, nine (9) months out of nine (9) years. They are putting curbside recycling as their first priority. To me, one-twelfth (1/12)

does not seem we would be getting our bang for our buck. Can you speak to where you folks are seeing something different.

Ms. Fraley: As I mentioned earlier, there has been studies that the County has done over the past several years that do talk about looking at how much recycling you could get out of a program like curbside recycling and a MRF. Those studies are a bit dated. Being that this plan was not scoped to have a detailed evaluation of that, and it does require a little more careful consideration to look into those sorts of topics, that is why we recommended the implementation action of looking at those studies again and updating them, so you could have an informed analysis of whether it is still economically feasible and you know where you are going to be doing that. We took a look at the old study that was done, we updated it to current dollars now, we looked at the areas that you were currently diverting material and made estimates looking at other places throughout the country that implemented certain programs, and came up with an estimate. You need to look at it a little bit further, and that is why we recommended that enhancement opportunity.

(Councilmember DeCosta was noted as present.)

Councilmember Cowden: Okay. I am going to ask one more question because maybe other people will ask questions that are on my list. We have a lot who are opposing waste-to-energy. I have not seen a lot of discussion where our County is serious about waste-to-energy. I am calling this "poop to power." This question might be for Allison. For about a year-and-a-half, we have a provider that would like to work on sewage wastewater treatment. You would take it straight from the cesspool or straight from the sewer pipe and turn it into hydrogen power. It is in the experimental phase, but I have been involved in that. Maybe Allison can speak to that. If that could get our sewage sludge out of the landfill...I know information was recently sent to you, did you look at it?

Ms. Fraley: Yes, thank you. We got it the other day and I forwarded it to Troy. We are going to be looking at it. Sewage sludge is five percent (5%) of our waste stream. If we could get that out, or is economically feasible, that would be a great thing. We are definitely going to look at it.

Councilmember Cowden: When I look at our Plan, it could easily be folded in there. Just because it is not written down in this Plan, it would be under the exploratory elements to reduce.

Ms. Fraley: There is a recommendation where we will look at sewage sludge, and there is funding in there, too. It is in the slides that Lyndsey showed.

Councilmember Cowden: We did not source that yet, so it could possibly go in this direction.

Ms. Fraley: Yes. There is recommendation that we look at diverting sewage sludge.

Council Chair Kaneshiro: I have a follow-up to that. In the past, people would compost the sewage sludge so it would not end up in the landfill. I believe the Department of Health or other regulatory agency made it more difficult to do that. Is that still a viable option or is that not an option any more going into the future?

Ms. Fraley: I know that they are permitted to compost sewage sludge in other counties. A composter could amend their permit to be able to accept sewage sludge.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Thank you. I stepped out for a little bit, so I am not sure if the question was already asked. I do not want to be redundant. One thing that is on my mind is that we did not discuss all the work our past Administration did at another site with the birds and the airport. I want to know if that is still on the table and in the Solid Waste Plan or are we not having any more discussions about that possible site?

Mr. Tanigawa: Good morning, Councilmember DeCosta.

Councilmember DeCosta: Good morning, Troy.

Mr. Tanigawa: At this point in time, we are still studying that. We do not have any more details to provide on that site now.

Councilmember DeCosta: Okay. I just know that a new site would take us almost ten (10) years. If this site was still viable or a possible opportunity, we would be much more ahead of the game.

Council Chair Kaneshiro: I have a follow-up to that question if you are going to move onto a different topic. Councilmember Cowden.

Councilmember Cowden: My follow-up is on Mā'alo. Thank you for bringing that up because this was one of my big questions. When we spoke about putting soil on the landfill every other day, when you put the soil on, it must reduce the number of birds, right? We do not have as many birds flying. We do not have that many birds on what they call *pu'u 'ōpala*, the landfill out in Kekaha. I go and I

look for birds. Putting the soil on that helps reduce the birds. That is the problem for Mā'alo.

Mr. Tanigawa: Correct. Covering the waste covers the odor. Apparently, the odor is what attracts the birds. We place soil and alternate daily cover on the waste every day.

Councilmember Cowden: Is that looked at when we are seeing what would prohibit us. My understanding is the biggest prohibition on the Mā'alo place is regarding the birds getting caught in the engines at the airport. At least that was a concern. If we are covering it with soil, does that give us a little bit of distance for what we can have?

Mr. Tanigawa: I think the problem is that for the majority of the day the waste is not covered. We are receiving waste; waste is being placed and compacted. It is covered only at the end of the day. There is a substantial amount of time that the waste is open and considered an attraction to invasive species.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any further questions for the potential landfill at Mā'alo? Councilmember DeCosta.

Councilmember DeCosta: I have a direct follow-up, and this could be off base. Are the birds that we are talking about the white egret? Troy, I think that is the birds that we are talking about or are there multiple birds that visit the landfill site?

Mr. Tanigawa: Our observations at the landfill site is the egret is one of the main species that are attracted. There are also myna birds, too.

Councilmember DeCosta: The bird that is detrimental to the airport is the egret, correct?

Mr. Tanigawa: They talk about the larger birds. The geese being a real danger; but the egret is large enough where it is causing concern. The myna birds fly in flocks.

Councilmember DeCosta: The only reason I am bringing this up is because the egret is an invasive bird. It is not a native bird to the island.

Councilmember Cowden: We are not worried about the bird; we are worried about the engine and passengers on the plane.

Councilmember DeCosta: I know that. It is an invasive species, and we have an invasive species department in Hawai'i that removes guava and the different types of invasive animals. Would it be a possibility that we can work in partnership with them at the landfill, with the invasive egrets, and find a way to get rid of them? I think we do that at the airport. I think they actually shoot a shotgun at the airport. Am I correct?

Councilmember Cowden: I think they moved the *nēnē*. The *nēnē* are the biggest problem and they moved them.

Councilmember DeCosta: I think they also do a control shot program with the birds. A controlled invasive bird removal could be implemented at the landfill. I am just throwing it out there. We need to settle this problem and somehow work together. I am finding solutions. That is all.

Council Chair Kaneshiro: Do you have any other questions?

Councilmember DeCosta: Not on this.

Council Chair Kaneshiro: You can go to your next question.

Councilmember DeCosta: We talked about recycling, which is great, but do we have a buyer for the recycling? What do we do with all the bottles, cardboard, and aluminum cans that are recycled? We need to find a spot to keep all the material. Do we have a potential buyer whether it is in the State, another country, or in the United States?

Ms. Fraley: I will answer that. Our recycler, Garden Isle Disposal, does have markets for all the recyclables that we are currently collecting. A MRF would only improve that because there would be more covered space that would enable us to recycle more plastics. Plastics are a problem because they get degraded or "sunburned," is what our recycler calls it, when they are sitting in the sun and waiting to get into a shipping container. A whole shipping container of certain types of plastics to be able to market them. The MRF would provide more covered space for that. Yes, we have markets for all the material we are collecting.

Councilmember DeCosta: The last question I wanted to ask is about the plastics since you brought it up. I noticed we were mostly targeting our local people as far as recycling and curbside recycling. However, it seems like the big box stores who are selling a lot of the products that come out of Costco, a lot of products are purchased by the vacation rental and hotel industries. How are we holding them liable? Someone like myself, Councilmember Cowden, or Council Chair Kaneshiro, we are very conscientious of our island. We do not want to put plastic in our landfill. This is our *āina*, but maybe tourists are not as conscientious about throwing away

the large apple tray from Costco, plastics, et cetera. How do we target that market and figure out what is that piece of the pie of plastics going into the landfill by non-locals versus locals?

Ms. Fraley: Thank you for asking that. We need to assist the visitor industry in establishing recycling programs and informing their clientele or guests on how they can participate in recycling. A lot of people that come from the mainland are used to recycling and they want to recycle while they are here, but they might not have the information. Our office has developed regional flyers that can be modified. We are in the process of getting them out to the visitor industry. Hotels do a great job already, but this is for vacation rentals where they can easily put a flier that had all the information in their room to assist the customer. Also, the next best step would be to have recycling bins in the room, and to educate the customers. You yourself mentioned "apple trays." Right now, those are not recyclable. Those are clamshell containers; we are only accepting #1 and #2 bottles and jars. Really educating customers is where we need to go. We need staff resources for that. However, our HI-5 specialist can work on the HI-5 aspect and getting HI-5 recycling programs in our vacation rentals.

Councilmember DeCosta: Thank you, Allison. I am done.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you for the presentation and all your folks work on this. I have a couple questions. The plan mentions sixty percent (60%) of our funding from Solid Waste comes from the General Fund and forty percent (40%) from the fees, is my understanding. There is the chart which shows the potential increase fees from curbside recycling. It goes from ten dollars (\$10) for a sixty-four (64) gallon cart, to twenty-nine dollars (\$29) if you are doing curbside recycling. It does not show what the general fund subsidy is. Is that assuming the same sixty/forty breakdown, General Fund to fees, or is that twenty-nine dollar (\$29) curbside recycling option fully funded from fees? Do you have those numbers?

Ms. Lopez: I believe it is still the same breakdown. Dan, do you recall?

DAN PITZLER, Jacobs Engineering Group, Inc. (*via remote technology*): Not specifically, but I do know that our estimate was seven dollars and fifty cents (\$7.50) a household for the residential portion of curbside recycling numbers. The pay-as-you-throw options were somewhat separate from that curbside recycling discussion. There are two (2) issues. Are we going to implement a new program? The second issue is what is the right mix of General Fund versus pay-as-you-throw? In part and in response to the comment at the very start of the day today, those are

separate issues and it was about seven dollars and fifty cents (\$7.50) per household, per month, for curbside recycling.

Councilmember Evslin: If it is seven dollars and fifty cents (\$7.50) per month, then the chart is a little confusing because it is showing it as current fees is ten dollars (\$10), proposal with curbside recycling goes to twenty-nine dollars (\$29). It is increasing it by nineteen dollars (\$19) per month. That must be under an assumption that it is less General Fund subsidy, or it would be seven dollars and fifty cents (\$7.50)?

Ms. Fraley: Yes. I just want to reiterate what Dan said, they are separate. The chart is showing the pay-as-you-throw increase and is not just addressing curbside recycling. That is a way we could pay for curbside recycling, but that chart is from our original study with the conservation institute that recommended we do pay-as-you-throw. It said that after you have pay-as-you-throw in place for a certain amount of time, go ahead and increase the fees. Yes, there would be less reliance on the General Fund, and we could have more revenue from fees.

Councilmember Evslin: Thank you. The chart is a little deceptive because I think when people look at the chart, they get sticker shock thinking if they want curbside recycling it is three-times the price, whereas, that three-times the price figure is showing significantly more revenue being raised.

Ms. Fraley: It is showing pay-as-you-throw. The last time we implemented pay-as-you-throw originally, we were the only County that had it. We had higher fees going in, so the legislative process may change this. This is just a guide of how we can increase fees. When we come to Council and make the arguments, at the end of the day, those fees might be different.

Councilmember Evslin: Okay, thank you. With the vertical expansion of the landfill, it looks like we have until June 2030. The plan references with Mā'alo or even a new landfill site, that we are looking at ten (10) years when we are accounting for acquisition, permitting, design, and construction. Even if we start the process of Mā'alo or looking at new landfill site, it looks like there is going to be a gap period without widescale diversion or waste energy. Is that an accurate assumption? The gap period, meaning that we are going to overtop the landfill before we have a new one.

Ms. Lopez: It really depends on which of the implementation actions that you go forward and carry out. If you can aggressively go after all the ones that have been listed here, then it might not have such a big gap. As the disposal strategy that we discussed, work on what you currently have now, so hopefully we can reduce what is going into the current landfill by implementing the ban of C&D and things like that. All the estimates that say the life of the landfill are

not based on those being implemented, it is based on going as you currently are with your forty-three percent (43%) diversion rate. If you can implement things like the C&D ban and some of the other organics programs...and eventually potentially the curbside recycling and MRF, then that life will be extended out, too. Does that answer your question?

Councilmember Evslin: Yes, it does. Given that, maybe it is outside of the scope of this plan, and more for doing a follow-up study on the MRF. For me, it would be nice to see financial projections of looking at what the airspace savings of diversion are and what that could save us down the road. If we can avoid having to spend two (2) to four (4) times the price to ship this off-island. I think we get sticker shock looking at two million dollars (\$2,000,000) a year for curbside recycling, but we do not have a lot of other great options either. It would be good to compare the financial impacts there. Follow-up to that question on the slide that shows the annual cost of curbside recycling and a MRF at around two million dollars (\$2,000,000). In the projected cost, does it consider savings, airspace, or extended landfill capacity; or is that mainly the direct cost of the recycling plus the MRF minus what we would be selling it for?

Mr. Pitzler: That it is the direct cost, that is correct. It is a broader analysis to figure out how much airspace is saved and what is the cost of that? You have to look at the next options and so forth. It is the pure cost of recycling and MRF.

Councilmember Evslin: Ultimately, where would we get that analysis from? If you are saying it requires further analysis in comparing these other options, apparently that was outside of the scope of this. That analysis seems that it is important for us to decide on how to go forward. Where do we get it from?

Ms. Lopez: I would say the top recommendation is to update those studies that you have already done on your curbside and MRF. Part of that would be the full picture of understanding it. You can prepare the scope that is required of that study and for it to be a good study it should look at all of the costs and cost-benefit of doing a curbside recycling program versus a landfill option. Hopefully you can build that into your scope. In our list of recommendations, it says to update those studies and really evaluate the current financial and other feasibilities of that project.

Councilmember Evslin: Thank you. One final question. Section 1.4.2 mentions that refuse collection for commercial operators, from what I understand, is the true cost of collection at sixty-four dollars (\$64) per sixty-four (64) gallon cart as opposed to subsidized rate for residents which is ten dollars (\$10) for sixty-four (64) gallon cart, which seems appropriate. It says that vacation rental operations are charged at the commercial rate. Then it says there are two hundred sixty-nine (269)

commercial and Transient Vacation Rental (TVR) collection customers who have opted in for service. Yet, on Kaua'i, I think there is closer to two thousand (2,000) TVRs. I wonder where that discrepancy comes from. Is it possible that there are vacation rentals that are at the residential rate getting the subsidized rate, and they should not be? Do you audit the information on which TVRs are paying the commercial rate?

Ms. Fraley: I can answer that. As far as I know, there are not any TVRs that are paying residential rate. They have to opt into the service, so they are not opting in. We can do further study on that.

Councilmember Evslin: Yes. I do not know if there is ever reconciliation looking at addresses that are paying TVR tax rate compared to those paying commercial and residential pickup rates. If they are opting out, that means they are paying someone else for some type of commercial hauling service, or someone is dumping it at the landfill illegally, because they should be dumping it and paying commercial rates. Thank you.

Council Chair Kaneshiro: Councilmember DeCosta, followed by Councilmember Cowden.

Councilmember DeCosta: Councilmember Evslin, that is a great suggestion that we need to look into. The TVRs are illegally going to the landfill. Councilmember Evslin, thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: My follow-up on that is I know a number of people who clean vacation rentals. Being that rubbish only gets picked up one (1) day a week, they always leave the garbage can empty for the people. When they go in and do the big cleans, they typically have a Garden Isle Disposal container that those bags go into. They are paying a commercial rate because they are putting the bags into the containers, and they cannot leave garbage in the trash or expect the TVR renter to know when to take the garbage out. That is part of the answer for that.

Council Chair Kaneshiro: I have a question. Did we do a test on composting food waste?

Ms. Fraley: Yes. Heart and Soul has a pilot. They still have a permit with the State Department of Health to accept composting. It is very small-scale. I am sorry, food waste and food waste containers. For a while, Zero Waste, when they would do waste diversion at special events, they would take the materials to Heart and Soul in Moloa'a, and compost it there. The Taste of Kaua'i had that where they diverted materials to that location. It is very small scale. That

is what we are looking at when we talk about tiered composting and working with regulators to be able to do different types of composting that would involve food waste.

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden: This is a fresh question. This is about employees and our staffing. We would need to be staffing the MRF as well as the new positions like one-and-a-half full-time positions in the office. Is there any kind of reference here on filling these employee needs and our employment safety and retention? That is something very important to me and we just got done with an audit on unhappy employees. I was looking through here and I might have missed it. Is there something in this big plan update that talks about how we are going to be finding people? We are finding people are moving away and it is hard to fill these jobs. Is that considered in here?

Ms. Lopez:

Thank you for your question, Councilmember Cowden. The plan itself does not talk about that in detail. There is discussion about how many of these programs and enhancement opportunities are going to need additional staff. As we have mentioned a couple of times, updating that study for the curbside recycling program and the MRF, and looking at the current feasibility, it is not just economic feasibility; it is issues like this. You have the opportunity now to be thinking about what needs to be in that scope and I do think since it is an issue, it should be something that is part of the overall feasibility of doing something like this. It is an opportunity to put that into the next study update.

Councilmember Cowden:

Okay, I appreciate that. Something else I really wanted to appreciate in your presentation, somewhere in there you called it 2021 dollars, and I was like "right on." The inflation we are undergoing right now is pretty evident. Whether it is acknowledged or not, it is very clear. Whatever amount of money it might cost today, is not at all necessarily what it might cost in two (2) years from now. I think what we saw in our employment audit, is that when we have unhappy people or they are working two (2) jobs, maybe we are not paying people enough, and good paying jobs cannot get filled now. Sorting trash may not be that easy-to-get people to do that. When we are looking at our MRF, I think we need to be analyzing how much we are paying people and how we are going to attract them. Good paying jobs are not filling because they cannot afford the housing and everything else. Thank you for that.

Ms. Lopez:

Thank you.

Council Chair Kaneshiro:

Councilmember DeCosta.

Councilmember DeCosta: I wanted to touch base on what you just said and to clarify. The employee survey was done back in 2018. I remember two (2)

meetings ago we had clarification that the morale at the landfill was much higher now and they are much happier. Just to clarify, "I did not want to beat a dead cat." We talked about that earlier. The next thing I wanted to ask. The C&D material, it seems like it is a big problem and most of the time it comes from construction companies. Do we have a program in place that mandates that they must have it grinded up into much smaller pieces, almost like regrinding concrete to reuse it again, or are we letting the construction companies throw the large material tonnage in the landfill like that?

Ms. Fraley: At the landfill itself, there are no restrictions on size. There are restrictions on disposal of certain items. Green waste, metals, and cardboard cannot be deposited at the landfill by commercial entities at a rate of more than ten percent (10%) of the load. Beyond that, we do not have any restrictions at the landfill. At the transfer stations, we require that commercial or any customer bring material in at three (3) feet lengths. The only exception is the Līhu'e Transfer Station where we accept some bulky items like mattresses, couches, et cetera. That is a restriction at the transfer stations, three (3) feet in any dimension.

Councilmember DeCosta: I think that might be an avenue we can go after at our current landfill. The C&D would have to be mandated to have it crushed up to a smaller size. We could reuse some of that material to build stuff or in other aspects.

Mr. Tanigawa: Councilmember DeCosta, that is a very good question because in the past, we have been able to work with the Planning Department to impose conditions on developers who go in for permits, to require the developer to produce a C&D debris management plan. That steers them to look for alternatives to the landfill for C&D that can be diverted.

Councilmember DeCosta: Troy, thank you for bringing that up. I have been to many construction sites. It is a shame. These are multi-million-dollar homes that want to change a wall or want to change a scope of work on their garage. A lot of material is torn down and they put fresh material, and that material goes to the landfill which could be recycled, reused, crushed up into smaller pieces, and not take up so much space in our landfill. Thank you for bringing up that, Troy.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: I have a question on the MRF. I know that there is a lot of discussion on the location, and I see the questions on that. I want to clarify that I think the MRF is very important. I was trying to get more information and Councilmember Cowden and I talked a little bit about the employee part. The overall MRF itself, the cost to manage that, to operate it, and the location that is required for that kind of facility. I know we talked about Mā'alo and the current

location. I wanted more information and details on the MRF and where we are at with that.

Ms. Fraley: I want to make sure I am understanding your questions. As far as the location, we looked at the Kaua'i Resource Center. Things have changed since then. That is one thing we want to put into the study, is to make sure that it is the right site. We have a lot of use of that space now with the reuse program and other programs that would be difficult to relocate. We want to look at siting. For the MRF, we would want to build upon the studies that we did previously where we had looked at all the costs and the cost of change. Construction costs have really skyrocketed lately. At the time that we studied the MRF back in 2016, it was looking like a ten million dollar (\$10,000,000) construction project. We were seeing construction costs come in at triple the estimates now. That is why we want to study this more and to be able to come to Council with some really good cost information, as well as some of the things we were just talking about. How can we staff it? For me, how is it integrated with the roll-out of curbside recycling program. Let us study that more because we only had bits and pieces of studies on curbside. This was going back to when we implemented automated refuse collection and looked at curbside recycling. We did the pilot which was really popular and successful. Integrating both the construction of the MRF and the curbside together is going to be really important for being able to bring a really good plan forward to Council for approval.

Council Chair Kaneshiro: Are there any other questions from the Members? If not, I will call the meeting back to order.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: I did have a few questions. I have been tracking some of what our community members have been asking for. I also met with Allison shortly yesterday. I would like to move towards a deferral on this item. I recognize the need for us to move it forward as well as quickly as we can. My recommendation would be for a straight deferral to the next Council Meeting, which would allow some time for me to not only form these questions a bit further, but go through the Plan. My biggest...not concern, because I think you have done a wonderful job with this Plan here, particularly with the implementation actions that you have identified...but I think from a policy and leadership standpoint, understanding our role here as a Council as the body to fund and move this Plan forward is so important for us to know what we want to prioritize first. All these items that you have listed here need to happen. There is a sense of urgency that I think is coming from the community and from you all. To get clear for what that

looks like for me translates to an amendment to the Resolution itself about what that is that we need to and want to focus on. I am hoping that we might have a little bit of time to form that amendment moving forward. That is just where I am. If not, I can submit my questions in writing, as I do have some. If we were going to move in the direction of a deferral, I would do that now.

Council Chair Kaneshiro: It is not going to change the Plan, just the Resolution?

Councilmember Chock: After talking to the Administration, my understanding is that it would be problematic to amend the Plan itself. I understand that. We have our consultant and to keep them on would cost us more. I do think that moving forward, it would probably be advisable that we do retain our consultants a little longer. Again, we do have to fund this, and I think that we have not been able to do that in the last ten (10) years. This Plan comes every ten (10) years. I think it requires us to take our time to figure out what this body can within the next budget already support. Also, recognizing that Councilmember Kuali'i is not here, I did think that it might be prudent for us to give it one more reading.

Council Chair Kaneshiro: Are there any questions on the deferral? If not, I will let everyone do a final discussion if they want. Councilmember Cowden.

Councilmember Cowden: I will support a deferral. I want to thank Councilmember Evslin for speaking about sticker shock and asking that question. I did have sticker shock at the curbside recycling aspect. What you brought out in the question was very meaningful to me. I thought that three-and-a-half (3.5) times the cost for one (1) month or one-twelfth (1/12) reduction, that was uncomfortable for me, especially if I do not know if we will be able to staff it. I do really think something that I believe is accurate within this Plan that can work...when we talk about a circular materials stream, I am on page with not sending our sunburnt plastics to Vietnam to have kids sort, again, that are living in the landfill. Someone told us that at one of these Zero Waste Kaua'i meetings. That was really hard for me to hear. We need to be making bricks or finding ways to make things that we can use here. I guess it could be a question to them, but I believe they answered it. This Plan as it exists, does include figuring out how to use these products right here. It might be paper can go to China, but I appreciate the work that was done here. We have a lot of intelligent people who have been commenting to us and who have been involved in this for a very long time. If this waited another two (2) weeks, that allows them a little more time to look at it and adapt to it. Thank you all for the work. It is important. Inflation is huge. We need a couple more weeks.

Council Chair Kaneshiro: Is there any other discussion from the Members before we possibly take a motion to defer? Councilmember Evslin.

Councilmember Evslin: I will be brief. I just want to thank the consultants here today, and Allison for her heroic efforts on this over the last two (2) years working on this. There is a lot of good information in here. I think the discussion today pulled out some relevant information like the seven dollars and fifty cents (\$7.50) for curbside recycling per household. To me, that is an important figure. I fully support a deferral. I know the previous Council reviewed the previous Resolution over two (2) meetings and amended the Resolution for the last ISWMP. I do not intend to try to change the direction in any capacity. I think it is just trying to highlight some of the things that are already in there and possibly prioritize it through the Resolution, while also recognizing what Councilmember Chock said in not wanting to drag it out any further than a single deferral. I support the deferral today.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Thank you for bringing up the seven dollars and fifty cents (\$7.50) or closer to eight dollar (\$8) figure. The Zero Waste Kaua'i group and JoAnn Yukimura, a very intelligent lady, brought up that one hundred seventy (170) people testified in support of the MRF. I think on Kaua'i, we have almost seventy thousand (70,000) local residents that live here. If you do the math, that is just a small fraction of those who testified. Eight dollars (\$8) to me, Council Chair Kaneshiro, or Councilmember Carvalho, that might be nothing. But to a family that is trying to buy food every month, it could mean a lot. I believe what Council Vice Chair is saying is that this is the next Plan, and no one has the answer. It might look good presented in a book like this, but we really have to sit down and come up with where we are going to satisfy this waste that goes to our landfill. I do not think we talked enough about Mā'alo. I think we have to discuss that a little more. If we are going to throw that idea out, then we have to solidify and move forward. If it is still an idea and the birds are the problem...and the birds can be removed because they are invasive, we should talk to the Kaua'i Invasive Species Committee (KISC) our invasive group here on Kaua'i, and let us address it. Right now, this is the most important thing that Kaua'i will have to do in the next ten (10) years and we will be putting our signatures on that. I am willing to discuss it a little more.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: As far as the deferral, I support the deferral. For me overall, the location of this new landfill, wherever it ends up, we need to make a decision soon. Mā'alo was not out-of-the-blue. It came from a study. Knowing from before, we went down the list and Mā'alo was one of the locations that the community embraced at that time. It was centrally located. Yes, it is close to the airport. We filtered through a lot of the information, and we tried to work with the endangered species part, but at the end of the day where is the best location for this landfill to be? The Kekaha community, they were concerned about hosting another thirty (30) or

forty (40) more years. How does that work? I think it is important like Councilmember Chock mentioned, we need to move. We need to make a collective decision as far as the Council's and Administration's role. At the same time, the community overall needs to be involved. The location is to me, will involve the Disneyland of waste, which is the resource recovery center, which will include the educational center for youth. I like the educational part of what the presentation highlighted in working with the schools and helping our young people understand how important waste and all of that is. That was just my closing remarks overall. The location and where it ends up being is very important. We need to act sooner rather than later. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I do have a clarifying question. JoAnn had said that she wanted to see a goal like seventy percent (70%) diversion by 2025. Do we have a diversion percentage goal in this document? She had suggested that that was a good thing to have. I do not know if it has to be the same number she wanted, but do we have that percentage goal for diversion?

There being no objections, the rules were suspended.

Ms. Lopez: Thank you for your question. Is it okay if I answer it? We did take that into consideration as we were changing the way things were written about it in the Plan. The ISWMP already has prioritized strategies for each topic area. They do promote the overall sustainability and the reduction of the waste footprint of the island. In the Plan, it does talk quite a bit about now there is new text talking about the 2018 General Plan and the goal to become a sustainable island. We have talked in a couple of different places about the existing State Aloha Plus Challenge solid waste reduction goal of seventy percent (70%) by 2030. We continue to stick with those existing plans and goals that are already part of your planning system. You have your General Plan and the seventy percent (70%) by 2030 goal that is already in there. Setting the County's own goal is not something that was done in this Plan.

Councilmember Cowden: Okay, thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I just wanted to clarify one thing that Councilmember DeCosta made me remember. I do not think that it was really mentioned today that the Plan shows that recycling per ton costs the County

eighty-two dollars (\$82) and landfilling is costing the County between one hundred four dollars (\$104) and one hundred sixty dollars (\$160). Recycling saves the County money. The more we can divert, the more money we are saving. When people are taking the time to separate their trash and bringing it to a recycling center, they are ultimately saving all taxpayers money because the General Fund is subsidizing our landfill. When we are talking about possibly the addition of seven dollars (\$7) per month, that is why I mentioned the importance of comparing it to alternatives, because we have already in some sense run out the clock with ten (10) years for Mā'alo or ten (10) years for a new landfill. We have ten (10) years left at our current landfill. Without diversion we are going to overtop the landfill and be spending between two hundred dollars (\$200) and four hundred dollars (\$400) to ship this waste off of Kaua'i. That is in the Plan. Diversion is not some feel good proposal, diversion is an absolute necessity before we look at quadrupling the price of our refuse. It would be great to have those numbers so we can have some sort of concrete idea of the decisions we are making and maybe that is why further analysis is necessary. I just want to mention that it goes much further than this feel-good item and is a financial necessity.

(Councilmember Chock was noted as not present.)

Council Chair Kaneshiro: Does anyone else have any final discussion? This is a Plan. There are a wide variety of options that we need to explore. There are some low-hanging fruits, but of course, it has to be financially feasible. Wood products are a huge item that goes into the landfill. Is there a way to solve that problem? Paper products is a huge amount of product that goes into the landfill. Is there a way to solve that? There may be ways, but it has to be feasible. I know we received a lot of comments about curbside recycling and MRF. Again, it is an option. We need to see more details. Once this Plan is passed, we are going to need to see more details to ensure that it is a feasible option and that the numbers are correct. I think the numbers are probably low right now as far as what we received for doing curbside recycling and MRF. Those are considerations. Just because it is in the Plan does not mean we have to do it. We are going to do what makes sense for the island. Ultimately, there is no way we are going to divert ourselves out of needing another landfill or another site. I think that point was made clear by the Councilmembers. I think we want to make it clear again that we do need to keep moving forward in finding another site because no amount of diversion is going to make us not need to find another site. No matter how much we divert we are still going to fill up the current landfill and we are still going to need another site. That is probably one of the biggest issues we are going to be facing in the future. That is something that we need to take very seriously now, especially with the long timeline of getting a new landfill or new technology to get rid of our trash. Those are just my comments. This is just a Plan. It is not an ordinance that forces us to do any of these items. I think it sets a good framework as far as options to look at. We should take them into

consideration and ultimately, we need to make sure that they are feasible and makes sense for the County to do. I have no opposition to deferring this item.

(Written testimony was received and one (1) registered speaker testified regarding this agenda item.)

Councilmember Cowden moved to defer Resolution No. 2021-47, seconded by Councilmember DeCosta, and carried by the following vote:

FOR DEFERRAL:	Carvalho, Chock, Cowden, DeCosta Evslin, Kaneshiro	TOTAL – 6*,
AGAINST DEFERRAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Chock was noted as silent (not present), but shall be recorded as an affirmative for the motion.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Council Chair Kaneshiro: With that, we are going to take our ten-minute caption break.

There being no objections, the meeting recessed at 10:41 a.m.

The meeting reconvened at 10:53 a.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back. We are on page 4 of our Council Meeting agenda.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2841) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Liability Insurance Premiums - \$315,000.00*)

Councilmember Carvalho moved for passage of Proposed Draft Bill (No. 2841) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for December 15, 2021, and that it be referred to the Committee of the Whole, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions or discussion from the Members? Councilmember Cowden.

Councilmember Cowden: Thank you for all the work that you do, Reiko. I just have a basic question and need an explanation. Has our liability insurance premium gone up three hundred fifteen thousand dollars (\$315,000) because of inflation or did we have some kind of big payout? What changed the amount from what we expected?

There being no objections, the rules were suspended.

REIKO MATSUYAMA, Director of Finance (*via remote technology*): It has been going up for a while. We have always kind of budgeted for the increase. This time it was just more than what it was. The primary reason for the increase this time is because of our excess liability coverage. We had advance notice that our excess liability carrier was not going to be able to offer us renewal terms. It is not because of us. They are just no longer covering any public entities. Atlas Insurance, who is our broker, they did their best to shop the marketplace. They approached a bunch of carriers, a lot of whom are not underwriting public entities. The options were pretty scarce. This is our biggest increase. Just for the excess liability coverage, we are looking at a five hundred thirty-seven thousand dollar (\$537,000) increase. That is our overall increase. The overall increase is five hundred thirty-seven thousand dollars (\$537,000) or twenty-eight percent (28%) over the prior year's renewal. If we just look at the excess portion, we are going up five hundred sixty-three thousand dollars (\$563,000). We are also reducing our coverage. We went from a twenty million dollar-coverage to a ten million dollar (\$10,000,000) coverage. To get the same twenty million dollar (\$20,000,000) coverage this period, it would have cost us one million four hundred thousand dollars (\$1,400,000). Since we never had a claim for anywhere near the ten million dollars (\$10,000,000), we opted to cut the coverage amount to that level. Our premium is nine hundred thirty-one thousand dollars (\$931,000) for the ten million dollar (\$10,000,000) excess liability coverage. This is five hundred twenty-three thousand dollars (\$523,000) for the first five million dollar (\$5,000,000) layer and four hundred eight thousand dollars (\$408,000) for the second five million dollar (\$5,000,000) layer. To answer your question, the primary reason for the increase was the excess coverage. They are not going to underwrite any public entities anymore.

Councilmember Cowden: Who is our carrier now? If it is not Atlas, then who is it?

Ms. Matsuyama: Our broker remains Atlas Insurance. Peleus was the underwriter, and they are the ones that are no longer going to renew our insurance.

Councilmember Cowden: We have a new carrier, correct? We have a new company that is covering us, right?

Ms. Matsuyama: It is two (2) separate companies. There is one for first layer and one for the second layer. The first one is covering us for the first five million dollars (\$5,000,000) is called Safety Specialty. The second one is Gemini.

Councilmember Cowden: Are they both American carriers? I know sometimes you have to go offshore to get coverage. Are there American companies?

Ms. Matsuyama: Yes.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions from the Members?

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the Members? Councilmember DeCosta.

Councilmember DeCosta: I wanted to say thank you for looking out for the County in saving us money on the lower premium. You saw that we did not need the twenty million dollar (\$20,000,000) coverage and brought it down to ten million dollar (\$10,000,000) coverage. You always impress us. Thank you very much.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Of course, we appreciate Reiko. We are lucky to have you. I like how you handle bonds, and you are very good at what you do. I appreciate that. I just want to acknowledge to the public how the County just like every family is coping with increasing costs with less capacity. What I am hearing is that we have not had anything reach the ten million dollar (\$10,000,000) threshold, so that is good. We do not need twenty million dollar (\$20,000,000) coverage. What I am getting is that everything is going up. Who knows where it will be in the future and what level of liability claims against us? Thank you. I am acknowledging, as we are looking at all our costs, that this is a good example of where it is going up, without even having a big claim against us.

Council Chair Kaneshiro: Does anyone else have any final discussion? I know we do get a lot of claims and that is probably a reason why it is getting harder to find insurance. I do not know what to say. We have had to settle claims and ultimately, I would love to say that we will never get claims that we have to settle, but that is very unrealistic. As time moves on, things are going to get more litigious, it is going to be even harder to find insurance, and it will get more expensive to get insurance. I think that is just the cost of doing business these days.

Councilmember Cowden: This is a question for you. A lot of our policies seem like we are self-insured, so we have to pay a lot of the fees that we get sued for.

Council Chair Kaneshiro: We pay up to a portion or up to a deductible. I know our deductible has been increased each year. It has increased a lot since I have been here. That is because we have been dealing with litigation and lawsuits.

Councilmember Cowden: She is saying that we have not hit the twenty million dollar (\$20,000,000) threshold. We have not even hit the ten million dollar (\$10,000,000) threshold. We have a constant stream of pieces that we are dealing with. I thought I heard her say it was not because we did something wrong, it was just because they stopped insuring us.

Council Chair Kaneshiro: Is that a question?

Councilmember Cowden: I do not know. I am just processing it because it seems like everything is going up.

Council Chair Kaneshiro: Is there any further discussion from the Members? If not, roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for passage of Proposed Draft Bill (No. 2841) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for December 15, 2021, and that it be referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

BILLS FOR SECOND READING:

Bill No. 2836 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE LIHU'E TOWN CORE URBAN DESIGN DISTRICT *(County of Kauai Planning Department, Applicant) (ZA-2021-4)*

Councilmember Cowden moved to approve Bill No. 2836 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Do we have any questions from the Members?
If not, is there any final discussion? Councilmember Cowden.

Councilmember Cowden: I think that it is a good use of this area. This is the town area between Kukui Grove and Kawamura Farms, down to Rice Street. We are going to be able to put more people in there and it is consistent with our General Plan for urban infill. It is not hard to support this choice.

Council Chair Kaneshiro: Does anyone else have any final discussion?
If not, roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve Bill No. 2836, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kaneshiro	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Bill No. 2837, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND
CHAPTER 2, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED,
RELATING TO THE KAUAI COUNTY HOUSING AGENCY

Councilmember Chock moved to approve Bill No. 2837, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members?
For this item, I know that we may have a possible Floor Amendment that someone was going to introduce. We can entertain the amendment if there is an amendment.

Councilmember DeCosta moved to amend Bill No. 2837, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Chock.

Councilmember DeCosta: This is to add a seventh priority. This says that “properties with existing cesspools that are failing” and I want to clarify what it means to have a failing cesspool and why this is so important. A failing cesspool is a cesspool that requires pumping at least once or more per month or is filled more than once in a year. What is happening with the cesspools...and I know this because one of my

relatives owns Vidinha Cesspool and Septic Company...we have homes that have been built fifty (50), eighty (80), or one hundred (100) years ago that are struggling with their cesspools right now. A lot of them are *kūpuna* and a lot of them are family members that have shared cesspools with many homes depositing into one (1) cesspool. The reason that we do not hear about them is because if they go to the State and tell them that their cesspool is failing, it is going to be condemned and they no longer can live in that home. We know how much of a problem it is to have our local families in homes. With that being said, I wanted to circulate this amendment to ensure that our local families who are struggling with the cesspools that are possibly going to be non-compliant would have a priority in regard to the funding.

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden: I have a question for Councilmember DeCosta. I will support this, but I was anticipating this to be our first priority, not our seventh. I thought this was going to be first and to push the rest down. To me, it seems like it should be the first priority because we want to keep people in their homes. A lot of times, you were speaking about *kūpuna* homes, but *kūpuna* homes end up being *mo'opuna* homes, right? A lot of times, these homes from one generation go down to the next to the one beyond that. Many people live in the house that they inherited from their grandmother. I thought we were saying that when we talked last time, that this would be the most important. Our first priority is creating a new home, but we do not want to lose people who are already in their homes. Why did I miss that? Why is this number 7?

Councilmember DeCosta: Those six (6) priorities were put into play prior to me adding this seventh priority. We did not include that in this portion. The reason is because once you go to the Department of Health and let them know that your cesspool is failing, they have the right to condemn it. If they condemn it, then that family or those families will no longer be able to live in that home or they may have to pump it excessively to be able to qualify to be able to stay in that home. That is why it was never a priority, because once people make that apparent, the Department of Health could shut them down.

Councilmember Cowden: I have a question for Councilmember Evslin. I believe you helped to set-up these priorities, is that correct? Whether it is the seventh priority or first priority my understanding was if we have four million dollars (\$4,000,000), I am just going to be a bit more generous than what we might have to think about...as people are asking for help, someone wanting to put an additional home would get first in line and seventh in line is that person with the collapsing cesspool. Whether they are first or seventh, they are going to have to ask for the condemnation. How do you feel about having these people first? We do not want to kick our people out, right?

Councilmember Evslin: I would have to think about it. I want to clarify though that even if they have...if it stays as the number 7 priority, it does not mean that they would seventh in line after all these other priorities. Likely, someone with a failing cesspool falls in under a whole lot of other priorities as well. If they fall under all of these other...the priorities get stacked. If you live in your house, if you live in one

of the priority upgrade areas, you are adding on to your house, and you have failing cesspool, then you are going to be number 1 on the list. Or, say you could hit priorities 2, 3, 4, 5, 6, and 7, and not hit number 1, and possibly still be at the top of the list. I just want to be careful to say that this does not mean that they would after everyone else, because they all get stacked and ranked against each other.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: I would just add to the conversation that it does not...I think the priorities do not preclude anyone from applying for the program as well. In addition, I do have some concern about it being number 1 moving forward. There are a lot of people who can afford a new system who might have failing cesspools as well.

Councilmember Cowden: They can afford to fix it, is that what you said?

Councilmember Chock: They are some that would automatically...if I came to you and was a billionaire and my cesspool is failing put me on the list now, I would then be number 1. That is problematic. My point is that I think the income threshold is much more important than this.

Councilmember Cowden: Okay. For clarification, when people put in that they need a new cesspool, they do not necessarily go in under only one category or the other. They would be looked at comprehensively. If they are poor, in an environmentally sensitive area...do we have that in there? Yes. We do list environmentally sensitive. I noticed that Dennis Esaki, who is pretty sharp at all this stuff, he was concerned about the environmental sensitivity. Did we address his concern?

Councilmember Evslin: Let me answer that. I think you had two (2) questions in there. The Bill does say that "Qualified applicants meeting several categories of priority shall be given first preference in descending order from the most to the least number of categories." It allows for the stacking of priorities. I see the cesspool requirement as something that would push somebody over the top, all things being equal, if they have a failing cesspool. I fully agree with the intent. Regarding Mr. Esaki's testimony and there were several aspects to it, I can respond to all of it if you want.

Councilmember Cowden: Okay, please do.

Councilmember Evslin: From memory, he mentioned...

Council Chair Kaneshiro: Maybe you can ask Councilmember Evslin specific questions. I do not want him to have to try to go off memory.

Councilmember Cowden: Okay, I am looking at it and it is on our desks here. If you look at the testimony from the Contractors Association of Kaua'i and flip it over to the backside, the one that is important to me is the reference to environmentally sensitive areas. He mentioned something about Kekaha. Cesspools, having lived in

Hanalei or in 'Anini, these cesspools that are right along the water's edge, they flush right into the ocean right there. If you are close to a stream or anywhere a cesspool is mingling with the fresh water or flushing out to the ocean, where in our priority list is that addressed?

Councilmember Evslin: That is addressed in the second priority, which is the Department of Health's (DOH) priority conversion areas. The DOH...I cannot speak directly to their methodology, but my understanding is that it considers the density in the area, the number of cesspools in the area, the groundwater in the area, the number of streams, proximity to the ocean, et cetera, to identify where the areas of highest priority are. We did discuss, as we were developing the priorities, it is known that places like Kekaha or Anahola, which are lower income communities close to the water and have sandy soil...there is a real need to help these communities to give them a "leg up." We did not feel comfortable amending DOHs priority areas. All we want to do is reference it. These are the areas that DOH says is a priority as of 2018. My understanding is that potentially they are in the process of updating that and they do update it regularly. When they update it to show Kekaha, then we would amend this to reference the latest update. We did not feel comfortable inputting our own opinions into the DOH report, if that makes sense.

Councilmember Cowden: Okay.

Councilmember Evslin: Where it says, "Kekaha is not included..." and I heard other people mention that Kekaha residents could not get it...that is part of the reason why we wanted to put the Additional Dwelling Units (ADU), Additional Rental Units (ARU) construction as number 1. The number 1 priority could go to anyone on the island wherever they are at if they are committing to building some housing on their property. Kekaha residents very much could get it under the number 1 priority. They would just not be prioritized under number 2.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions from the Members on this amendment? Councilmember Evslin.

Councilmember Evslin: As I am looking at this testimony, I would just like to clarify two (2) more things from what he said. I think they are common misconceptions. The first is that it will only help forty (40) homes. As we have talked about and we all know, the intent is for this funding to be available annually. As Ms. Pruder said, hopefully this funding is available through 2050. That is a whole lot more than forty (40). That is forty (40) every year. As we had talked about, if the Housing Agency has the capacity to do more than thirty (30) or forty (40), then we could stretch those funds out by having the homeowner come in in some capacity. It would pay for an aerobic unit, if required by law, or even if the homeowner opts in for one with knowledge of everything that an aerobic unit requires. It does not exclude anybody who needs an aerobic unit. I just wanted to mention those two (2) other aspects.

Council Chair Kaneshiro: Councilmember DeCosta. Final discussion on the amendment.

Councilmember DeCosta: I just wanted to thank Councilmembers Chock and Evslin for this. That seventh priority is fine where it is. It will evaluate itself. I am glad that we have that ADU unit on. It will allow the Kekaha people to participate. Remember forty (40) homes, that is forty (40) more people that we as a body have helped. That is our goal, right? To help people on Kaua'i. Whether we can help them move into a home, help them with their cesspool, et cetera, we are making strides in helping our community be in a better place for them to live in. Thank you for that.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I want to acknowledge that while it could be thirty (30) or forty (40) homes, the main piece of this is setting up a mechanism for the County to be able to be funneling granted moneys or whatever kind of other funding source...this is really being utilized to develop a mechanism...we could go after United States Department of Agriculture (USDA) moneys, Department of Health moneys, et cetera. Whatever it might be, we can find other moneys later. The primary focus is not about helping the thirty (30) or forty (40) homes, but it is creating the functionality to be solving this very needed problem for those who particularly cannot afford it.

Council Chair Kaneshiro: Does anyone else have any discussion on the amendment?

The motion to amend Bill No. 2837, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: The motion is carried. We are back to the main motion, as amended. Are there any questions from the Members? Councilmember Evslin.

Councilmember Evslin: Adam, I know that we have talked about it in general terms, but I was wondering if you could lay out an outline or timeframe...

There being no objections, the rules were suspended.

ADAM P. ROVERSI, Housing Director (*via remote technology*): I am sorry, you switched to mute, I am not hearing your question.

Councilmember Evslin: Sorry. Could you give us an outline to the best of your abilities of when you expect the program to be running and accepting applications? That is probably the most common question that we are all getting. People are anxious to make sure that they do not miss the boat in some capacity.

Mr. Roversi: Good question. The Council has provided some preliminary funding to get this program off the ground. Internally, we are reviewing what staff capacity we have to start implementing this right away. We are having discussions internally about whether we are going to seek an outside nonprofit

partner to handle the administration of this program as opposed to bringing on additional staff to try to run it internally. We may be coming to Council for an ask for funding for administrative costs to ramp this up. The funding question aside, if we answer that question as to whether it is us or an outside entity, I am imagining that we could probably begin taking preliminary application sometimes shortly after the New Year. We would set up an application process, online portable document format (PDF) to apply. Separately and in parallel to that application process, we are going to have to...my understanding in discussions with DOH, is that we are going to have to go through a Request for Proposal (RFP) process to seek an outside contractor, engineering firm, or a team of engineering firms and contractors to do the work once applicants are selected. That will take several months to publish the RFP, wait for responses, vet the RFP, select a contractor, et cetera. I would imagine we would start taking preliminary applications sometime in late January. We would not have a contractor selected and awarded probably until February or March. Then, we have to submit the selected applicants and all of that to DOH for their approval, which is going to take some time. The funds do not become available until the next fiscal year, so there will not be any work happening on any of these cesspool conversions until the next fiscal year. Our challenge will be to put our package together for DOH in time for them to have their internal processing times to be able to award us or not award us funds on or about July 1st. That was a rambling answer to your question. I will keep my fingers crossed that we could begin taking preliminary applications from people early in the new year, possibly in late January.

Councilmember Evslin: My follow-up question was going to be your preliminary thoughts on how you were going to administer it, so you answered both questions already. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you, Director Roversi. I have a question. As a matter of practice, does the County of Kaua'i always use licensed contractors?

Mr. Roversi: Yes, that is a requirement.

Councilmember Cowden: I am just asking because the Contractors Association of Kaua'i was asking for delineated language within the Bill for that. For everything the County does, we have to go through licensed contractors, so we do not need to specifically delineate that.

Mr. Roversi: That would be correct. We also have a long list of general terms and conditions that we require any contracting entity to comply with that goes far over and above typical licensing requirements. For better or worse that often narrows the pool of willing bidders for County projects, because we have

an extensive list of requirements that somebody in the private sector would not need to comply with.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any other further questions from the Members?

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion? Councilmember Chock.

Councilmember Chock: I would just like to thank Adam Roversi, our Housing Director. He is obviously taking on the brunt of this program and willing to do so. It is really a stretch for our County. Unfunded mandates are not something that I think we all aspire to integrate into our system here. I think this does fill a huge gap that we have been looking at ways to try to respond to in the last few years. This is not the panacea for solving our wastewater issues and it is certainly in my mind should not take away from what our main goals are in expansion of our wastewater sewer systems. That is still in my mind priority number 1. What this does do is that it offers us a means to address those outliers that we know we will not get to ever. We need an answer for that as well. I am excited about that opportunity. So much of what we have tried to do here with this Bill is to move it forward as quickly as possible with some priorities and structure so that we can be first to the lineup to take advantage of this program. I anticipate, like any program, that it will need some adjusting and we will learn a lot within this next year about what works and what does not. We have already talked about wanting to incur some administrative fees within the fund so that we can keep it sustainable. We already talked about how we can disseminate the funds and get more houses or cesspools transitioned with the annual allotted amount. Those are all things that I think that as the Sewer Expansion Study is completed and DOH's priorities are identified, I think we are going to have to come back as a group to revise. I am looking forward to that. Thank you to my colleagues for having the same passion for this.

Council Chair Kaneshiro: Is there any further discussion from the Members? If not, we will take a roll call vote.

(Written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve Bill No. 2837, Draft 1 as amended to Bill No. 2837, Draft 2, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kaneshiro	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Council Chair Kaneshiro: This concludes our agenda items. Not seeing or hearing any objections, this Council Meeting is now adjourned and we will be going into our Committee Meetings.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 11:24 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:ks

(November 17, 2021)

FLOOR AMENDMENT

Bill No. 2837, Draft 1, Relating to Residential Cesspool Conversion Program

Introduced by: BILL DECOSTA, Councilmember

Amend Bill No. 2837, Draft 1, by amending proposed Subsection 2-1.16(e)(7)(A) to insert a Seventh Priority as follows:

“(vii) Seventh Priority—properties with an existing cesspool that is failing. A failing cesspool is a cesspool that requires pumping at least once per month or has spilled more than once in a year.”

(Material to be added is underscored.)

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