

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
TRANSPORTATION COMMITTEE**

November 2, 2001

Committee

Report No. 01-217

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Public Works and Transportation Committee, having met on July 2, 2001 and October 17, 2001, makes reference to County Communication No. 01-137, from Councilmember Alan M. Arakawa, transmitting copies of photographs and the following communications relating to trash along Waiko Road in Waikapu.

1. Correspondence dated February 6, 2001, from Councilmember Alan M. Arakawa to the Director of Public Works and Waste Management.
2. Correspondence dated March 22, 2001, from the Director of Public Works and Waste Management to Councilmember Alan Arakawa.

At its meeting of July 2, 2001, your Committee met with the Director of Public Works and Waste Management, the Planning Director, and the First Deputy Corporation Counsel.

Your Committee received testimony from Shaun Stenshel, General Manager and Vice President of Maui Recycling Service. He expressed concerns that the focus of this matter has been on Maui Scrap Metal when the County of Maui experiences problems with controlling the smell and litter from the Central Maui landfill. He noted that Maui Scrap Metal provides a very valuable service by recycling paper, cardboard, aluminum, and tin. Mr. Stenshel encouraged the County to continue to subsidize paper and plastic recycling. He recommended that public meetings be conducted to further discuss the issue.

The Director of Public Works and Waste Management outlined differences between Sections 20.20 and 9.32 of the Maui County Code. Section 20.20 relates to litter control and pertains to litter on public property; whereas, Section 9.32 relates to community beautification and pertains to litter on private property.

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The Director indicated that pursuant to Section 20.20, it is the responsibility of the owners or persons in control of any private property to maintain the property free of litter. The Director further indicated that, subsequent to the referral of this matter to your Committee, the litter situation on Waiko Road has significantly improved.

Responding to an inquiry from your Committee, the Director stated that the aforementioned ordinances primarily serve as a deterrent because its provisions are difficult to enforce. Basically, witnesses to litter offenses are required to identify the violator. Due to limitations on resources, the County is unable to police the entire jurisdiction. Therefore, the Director recommended that public education relating to litter be enhanced.

Responding to another inquiry, the Planning Director indicated that he is not aware of a Special Use Permit on file for the stockpiling of recyclable materials along Waiko Road.

The First Deputy Corporation Counsel reiterated the Director of Public Works and Waste Management's statement by advising your Committee that the litter laws are appropriate. He asserted that in considering the enforcement issue, the Department must juggle resources and determine how much resources to devote to a particular problem.

The First Deputy Corporation Counsel noted that cities on the mainland have a greater success with maintaining public areas because of the non-existence of extreme wind conditions that we experience here. In addition, roads in mainland cities are improved with curbs and gutters. The road improvements thereby allow the use of street-cleaning equipment to maintain the streets. In contrast, a large portion of Maui County is rural, and its road lack improvements.

Your Committee voiced concerns relating to the problem with litter throughout Maui County and stated that Waiko Road serves as an example. Your Committee noted that the matter being considered is relating to trash along Waiko Road and that it is not your Committee's intention to unfairly hold a specific business entity responsible for the trash. However, there is a need for a mechanism to enhance enforcement efforts for the litter laws.

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Your Committee considered the possibility of increasing the Highway Beautification Fee from \$2 to \$5 in order to fund an effort to have the Community Work Day Program assist with litter pick up on Waiko Road.

Your Committee deferred the matter for further discussion with Roger Apana of Maui Scrap Metal and a representative from A&B Properties, Inc.

By correspondence dated July 12, 2001, Councilmember Alan M. Arakawa transmitted an electronic mail message from Lee Guthrie expressing concerns relating to discussions that occurred at your Committee's July 2, 2001 meeting.

At its meeting of October 17, 2001, your Committee met with the Director of Public Works and Waste Management; the Deputy Planning Director; the First Deputy Corporation Counsel; and Roger Apana of Maui Scrap Metal.

The Director of Public Works and Waste Management indicated that during the last fiscal year, a Request for Proposals was issued for the handling of recyclable materials. Maui Disposal won the bid and has been collecting recyclable materials from recycling drop boxes since July 1, 2001.

The Director further indicated that because Maui Scrap Metal is no longer receiving recyclable materials, the problem with trash on Waiko Road has been mitigated. The dumping of appliances, however, remains a problem, but is not the responsibility of Maui Scrap Metal. Private property owners have been notified and reminded of their responsibility to maintain their property.

In response to your Committee's inquiry, the Director noted that additional resources will need to be identified whether the objective is to seek higher compliance levels for the maintenance of trash or to enforce the litter laws. In addition, he noted that his Department is considering a request for the next budget session for an increase in the Highway Beautification Fee. The increase in revenues will allow for a grant to provide additional funds to the Community Work Day Program.

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Your Committee acknowledged that there has been a marked improvement on Waiko Road as a result of volunteers' and Maui Scrap Metal employees' effort.

Your Committee recommended that the general matter of litter throughout Maui County be transmitted to the Council for referral to the appropriate committee. Your Committee also recommended that the subject matter relating to trash on Waiko Road be filed.

Your Public Works and Transportation Committee **RECOMMENDS** that County Communication No. 01-137 be FILED.

Adoption of this report is respectfully requested.

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MICHAEL J. MOLINA

Chair

G. RIKI HOKAMA

Member

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