

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

March 15, 2002

**Committee  
Report No.**

02-46

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 February 27, 2002, makes reference to County Communication No. 02-44, from the Director of Public Works and Waste Management, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.04 OF THE MAUI COUNTY CODE, PERTAINING TO REFUSE COLLECTION AND LANDFILLS".

The purpose of the proposed bill is to delete sections of Chapter 8.04, which have been incorporated into the Department of Public Works and Waste Management's Rules for Refuse Collection (Rules).

At its meeting, your Committee met with the Director of Public Works and Waste Management, and a Deputy Corporation Counsel.

The Director of Public Works and Waste Management stated that the proposed bill repeals certain sections of Chapter 8.04, in accordance with the 1998 recommendations generated by the Subcommittee to Update the Maui County Code. He further stated that the repealed sections will be incorporated into the Rules.

In response to your Committee's inquiry, the Director noted that he is aware of several provisions in the Rules that grant the Director some discretion in making decisions. One provision allows the Director to determine a procedure for the collection of bulky items. Another provision allows the Director to designate an alternate location where properly prepared refuse containers shall be placed for collection.

In response to your Committee's inquiry, the Director indicated that as part of the automated refuse collection system, trash receptacles must be left adjacent to the road pavement. He further indicated that the automated refuse

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vehicle allows for 300 pounds per household per week, which is three times more than the current average amount of refuse per household. The cost per account will be \$72 per year and trash will be picked up two times a week. The Director informed your Committee that the County will provide accountholders with the trash receptacles. The automated refuse pickup system will begin on July 1, 2002.

The Deputy Corporation Counsel advised your Committee that, pursuant to provisions in the Hawaii Revised Statutes, a public hearing is required for adoption, amendment, or repeal of the administrative rules, such as the Rules for Refuse Collection. Therefore, the public does have an opportunity to comment on proposed amendments. She further asserted that, once adopted, administrative rules become law and penalties are imposed for violations of the rules.

Your Committee expressed the need to implement a recycling program as part of the automated refuse collection system. Your Committee also expressed the need to provide proper and adequate resources, infrastructure, and tools for an effective recycling policy.

Your Public Works and Transportation Committee **RECOMMENDS** the following:

1. That Bill No. \_\_\_\_\_ (2002), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.04 OF THE MAUI COUNTY CODE, PERTAINING TO REFUSE COLLECTION AND LANDFILLS" PASS FIRST READING and BE ORDERED TO PRINT; and
2. That County Communication No. 02-44 be FILED.

Adoption of this report is respectfully requested.

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