

**INFRASTRUCTURE AND ENVIRONMENTAL
MANAGEMENT COMMITTEE**
Council of the County of Maui

MINUTES

Council Chamber

July 28, 2014

CONVENE: 1:34 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Elle Cochran, Chair
Councilmember Stacy Crivello, Vice-Chair (out 4:12 p.m.)
Councilmember Robert Carroll
Councilmember Donald G. Couch, Jr.
Councilmember Don S. Guzman
Councilmember Mike White

NON-VOTING MEMBERS:

Councilmember Michael P. Victorino

EXCUSED: VOTING MEMBERS:

Councilmember G. Riki Hokama

STAFF:

Jordan Molina, Legislative Analyst
Raynette Yap, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Kyle K. Ginoza, Director, Department of Environmental Management
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS:

Marjorie Bonar
Eric Higa, District Manager, Times Supermarket
Jerry Masaki, General Manager, Pukalani Superette
Harry Nakagawa, Maui Chemical and Paper Products, Inc.
Lauren Campbell, Conservation Manager, Pacific Whale Foundation
Kelly Montenero, Education and Conservation Specialist, Pacific Whale Foundation

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Rob Parsons, Maui County Environmental Coordinator
Larisa Idlis
Rosemary Robbins
Mike Moran, President, Kihei Community Association
Tim Lara, Vice-Chair, Surfrider Foundation Maui Chapter
Courtney Bruch
Gretchen Leisenring, Board Member of Styrophobia and Account Executive
of World Centric
Pamela Tumpap, President, Maui Chamber of Commerce
John Fitzpatrick
Mike Molina
(3) Others

PRESS: *Akaku Maui Community Television, Inc.*
Melissa Tanji, The Maui News

CHAIR COCHRAN: . . . (*gavel*) . . . Aloha, will the Infrastructure and Environmental Management Committee now come to order. I'm Councilmember Elle Cochran, the Chair of the Committee. And it is Monday, June [*sic*] 28, 2014, approximately 1:34 in the afternoon. Thank you everyone for attending. And before we begin, please silence any cell phones or any noise-making devices. And introducing Committee members present, I have Committee Vice-Chair, Stacy Crivello.

VICE-CHAIR CRIVELLO: Aloha and good afternoon, Chair.

CHAIR COCHRAN: Aloha. And Vice-Chair of the Council, Bob Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR COCHRAN: Aloha, good afternoon. And also joining us is South Maui rep, Don Couch.

COUNCILMEMBER COUCH: Good afternoon, Chair.

CHAIR COCHRAN: Aloha. And Mr. Mike White.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR COCHRAN: Aloha. Don Guzman.

COUNCILMEMBER GUZMAN: Aloha.

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CHAIR COCHRAN: Aloha. And non-voting Committee member, Mr. Michael Victorino.

COUNCILMEMBER VICTORINO: Aloha and good afternoon, Madam Chair.

CHAIR COCHRAN: Aloha. And from Administration, I have Director of Environmental Management, Director Kyle Ginoza.

MR. GINOZA: Good afternoon.

CHAIR COCHRAN: Aloha. And Department of Corporation Counsel, Richelle Thomson.

MS. THOMSON: Good afternoon, Chair.

CHAIR COCHRAN: Hello. And from the Committee Staff, Legislative Analyst, Jordan Molina, and Committee Secretary, Rayna Yap. Mahalo, you folks, for being here. At this point we shall be opening up for public testimony. Please sign up at the lobby desk on the eighth floor here by the Chamber door. And anyone that will be testifying from one of our remote sites, please check in with the District Office staff at that location. And today's testimony will be limited to the items on the agenda today. And pursuant to our Council Rules, each person will have three minutes to testify with one minute to conclude. And please, Members, remember for our District Offices to speak loudly and clearly into the microphone so they can hear us. I will now check in with our District Offices. From the Hana Office, are you there, Hana?

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office.

CHAIR COCHRAN: Aloha, Dawn. Thank you being there. And from our Lanai Office.

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai.

CHAIR COCHRAN: Aloha, Denise. And from Molokai Office.

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai.

CHAIR COCHRAN: Aloha, Ella. Thank you for being there. And, Members, I will now open the floor for public testimony. And Mr. Molina, anyone signed up for testimony?

MR. MOLINA: The first person signed up to testify is Marjorie Bonar.

...BEGIN PUBLIC TESTIMONY...

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MS. BONAR: Aloha, Council members. I'm Marjorie Bonar. There aren't many familiar faces here left over from the bag ban. But those that were here then remember I was here a lot. And I'm really offering to do just the same thing, to be the hands, eyes, and phone contacts that sometimes your staff doesn't have because this is a bill that was kind of a companion back then. But it was sort of too much to hit the public with all at once because I believe that getting rid of disposables on this island is of incredible importance to our reef structure, to our landscape, and, of course, our landfill. Although Styrofoam hardly weighs anything and I think that they look at tonnage in the landfill. So you can use an awful lot of space with a pound of Styrofoam. So what I'm concerned about with this and why I'm testifying, I am totally in favor of doing this ban. I wanna see it done right. I want to not have legal challenges. There has to be a very level playing field because right now we're seeing as a problem...the problem...it's not a problem. But the issue of GMO where there's so much misinformation. People don't understand what...who's talking about what. The difference between biodegradable and compostable presents some of those same issues. I do not know where the County's contract with Anaergia is but unless there is a commercial composting facility, most of everything that's out there that says, yes, I'm compostable, only can be composted in a really high-temperature, commercial composting facility whereas biodegradable, you can take home and put in your compost pile and be done with it. So I'm just looking to be support, to clarify issues and do whatever I can to get trash off of our beautiful island. Being I still have time. I'd been at the Marine Debris Conference that NOAA did on Oahu right after the bag ban had been implemented. It was about three months later. And I had a representative from DuPont Chemical tell me what a beautiful island we had. She had been here vacationing and what a good job we did of picking up trash. She didn't see very many plastic bags. To explain that that wasn't because people picked up their trash. It's because we were eliminating it. So I'd really love to see us eliminating even more. Thank you.

CHAIR COCHRAN: Thank you, Ms. Bonar. Members, any need for clarification of our testifier? Yes, Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. And thank you, Ms. Bonar, for being here and thank you for your passion for this subject. I have a question. You know, the bill talks about other Styrofoam products and some of which are as prevalent, if not more prevalent, than the containers. Would you also comment on that...those items?

MS. BONAR: Well, you mean not Styrofoam. You mean other plastics?

COUNCILMEMBER COUCH: No, Styrofoam. I'm talking, you know, the coolers and --

MS. BONAR: The coolers--

COUNCILMEMBER COUCH: --boogie boards.

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MS. BONAR: --reusable stuff...this is beyond something that's not single-use, that our trash generation is single-use. There are things that would be very difficult especially insulated products to replace. And yes, expenses get up there. Every one of those hard beer coolers people are dragging around has got Styrofoam between those layers of hard plastic. So it's making...trying to educate people but hoping that we don't have a lot of busted up Styrofoam plastic coolers floating around. But the thing that I really see as being our major problem are the clam shells. There's going to be some difficulty with sourcing products that can hold soups. And as far as I can tell, that's why I say level playing field. There will be people who are going to say, "I can't do that." It's strictly a financial issue. Well, that's a pass-through cost. And so going from that 5-cent to a 20-cent product definitely is going to impact people. But we've never assessed what that product costs to be cleaned up if it doesn't get where it's supposed to go. I'd like to see no plastic straws. We still have paper straws all over the world. You know, these little things, the same thing by utensils. You may have known the events I run use wooden utensils for dispo utensils if must be. My preference is stainless steel every place. If I had my druthers and the Health Department were not involved at this point, people would bring their own takeout containers. They wouldn't be bringing dispo anything whether it's single use or five uses. And sometimes I have to fight. I carry containers for leftovers when I go out to eat. And sometimes it's a hassle and I just kind of give up. I'd love to see paper liners inside something. I'm sure we can find answers. But the first thing is recognizing that if we go on generating trash, we wind up with an island of it and nothing else.

COUNCILMEMBER COUCH: Okay, thank you.

CHAIR COCHRAN: Thank you, Ms. Bonar.

MS. BONAR: That answer?

COUNCILMEMBER COUCH: Thank you.

CHAIR COCHRAN: Thank you, Mr. Couch. Members, any need for clarification? Seeing none, next testifier?

MR. MOLINA: The next testifier is Eric Higa.

MR. HIGA: Good afternoon, Council members. My name is Eric Higa. I'm the District Manager for Times Supermarket on Maui and the seven stores on the town side of Oahu. I'm testifying in opposition to this bill. We are also members of the Hawaii Food Industry Association which I believe submitted written testimony. Products labeled as biodegradable are far more expensive than polystyrene. This means that if this measure is enacted it will increase cost for me and my customers. We support the intent of the measure to protect the environment. However, there is no commercial composting facility on Maui or anywhere in the State. This means biodegradable containers will ultimately end up in the landfills where they are no more biodegradable than

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polystyrene. So we do not see any benefit to the environment from enacting this measure. Businesses and consumers have already had to endure price increases caused by the recent plastic bag ban. Even without the added burdens, food is expensive here on Maui, Molokai and Lanai. Taking action that will unnecessarily raise prices even more is something that all of us want to avoid. Consumer safety is also a concern. We use polystyrene because it is FDA approved and we can safely and securely hold a variety of foods including very hot food. I don't know if biodegradable alternatives will be as secure and I've heard of people being burned when these types of containers failed. I wonder who will be held accountable and liable if any one of my customers got burned because we're forced to switch to a cost effective...from a cost-effective product we trust to a more expensive, less reliable alternative. The people of our County care about the environment and make choices every day to protect the aina. Please let the businesses and customers of our County continue to choose what products are right for them. Forcing people to use a product that increases cost is not going to offer benefit to the environment and it's not the right choice for Maui County at this time. Please vote no on this measure. Just something I wanted to share too. My daughter, you know, just on a personal level, she goes to college and they use those compostable, biodegradable products. And she said it's horrible and it doesn't hold the food well. It's very flimsy. If you let it set for any amount of time, like if you get your food and you don't eat it right away, it picks up the taste of the cardboard, the product. It's nasty. If you ever had to refrigerate it --

MR. MOLINA: Three minutes.

MR. HIGA: --it pretty much gets...it just gets soft and you can't use it. So the product itself is not really good right now so just something I think I wanted to share to you guys. Thank you.

CHAIR COCHRAN: Thank you, Mr. Higa. Members, any need for clarification of the testifier? Seeing none, thank you, Mr. Higa.

MR. HIGA: Thank you.

CHAIR COCHRAN: Next testifier, please?

MR. MOLINA: The next person signed up to testify is Jerry Masaki.

MR. MASAKI: Good afternoon, Council members. My name is Jerry Masaki. I'm the General Manager of Pukalani Superette. I do support the intent of this measure to protect the environment. The use of polystyrene is used in many products, not only in foam trays but also a lot of the trays that we use and we put in our food warmer. And a lot of our business is generated through the sales of our hot food. *The Maui News* also stated that there'll be an exception for people that import to the County with packaged products. And personally I don't feel that that is fair if the County is not gonna allow that, then we shouldn't allow anybody to import items that are made with polystyrene. You know, we too are very eco-minded. We are gonna put a PV

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system on our store. And as far as the bag ban that went into effect, just to let you know some statistics. Our packaging product did go up at least 40 percent. So with this ban of polystyrene, it's an expense that unfortunately we would have to pass on to our customers. Thank you.

CHAIR COCHRAN: Thank you, Mr. Masaki. Members, any need for clarification from the testifier?

COUNCILMEMBER VICTORINO: Chair?

CHAIR COCHRAN: Yes, Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you. And thank you, Jerry, for being here, appreciate it. When you say 40 percent increase, what is that in real dollars? You know...

MR. MASAKI: About 10,000.

COUNCILMEMBER VICTORINO: Ten thousand dollars...

MR. MASAKI: More.

COUNCILMEMBER VICTORINO: More, a year?

MR. MASAKI: Yes.

COUNCILMEMBER VICTORINO: Divided by how many clients walk in for various...

MR. MASAKI: Correct. And what seems to be the problem too is there's no incentive for customers to bring their bags. And there's been situation where the bags are very unsanitary.

COUNCILMEMBER VICTORINO: Yeah, well, I think we covered that, what, was last week, Madam Chair, right? When we had that review and the Department gave us a overview on how much they had become more dependent on paper bags instead of the plastic bags.

MR. MASAKI: Correct.

COUNCILMEMBER VICTORINO: Yeah, and that, you know, maybe another push on reusable bags but you bring a good point up because I have seen some people bringing reusable bags that ... *(whistles)* ... I wouldn't touch myself.

MR. MASAKI: If somehow, you know, being that we're a smaller store it's very hard for us to be the first one to charge.

COUNCILMEMBER VICTORINO: Right.

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MR. MASAKI: And if everybody would, you know, like how the airlines have the baggage fee?

COUNCILMEMBER VICTORINO: Right.

MR. MASAKI: You know, we would have a baggage fee or we would also give them an incentive. If you do bring a reusable bag, we will give you, you know, a five or ten cents rebate.

COUNCILMEMBER VICTORINO: Yeah.

MR. MASAKI: But even with this polystyrene being that the price would go up, our cost would go up, if there's a way that there's some incentives for businesses to operate in the County.

COUNCILMEMBER VICTORINO: Yeah, and Jerry, let me close with this. But, you know, when you were saying about the hot food in your...the prepared foods that you wrap and put in the warmers and all that, that is also excluded. We're not putting those in there. Prepared...pre-prepared food that is already put out there just like in cold items like fish and meat and all that, that wasn't part of this. This was the really...just like the plastic bags, point of purchase when people buy _____ and takeout. You know, so that's kind of like what we're trying to get to. But we'll have more discussion.

MR. MASAKI: Okay.

COUNCILMEMBER VICTORINO: Just hang in there, Jerry.

MR. MASAKI: Yeah, the term polystyrene is the one that is affecting a wide-range of products.

COUNCILMEMBER VICTORINO: Okay, thank you. Thank you, Madam Chair.

CHAIR COCHRAN: Okay, thank you, Mr. Victorino. Members, any need for further clarification from testifier? Seeing none, thank you for being here.

MR. MASAKI: Thank you.

CHAIR COCHRAN: Next testifier? And then we'll go to our District Offices.

MR. MOLINA: The next testifier is Harry Nakagawa.

MR. NAKAGAWA: Good afternoon. I'm...I represent Maui Chemical and Paper Products. We're distributors for disposable products. In actuality the intent of this bill is very, you know, very good. Protect our environment, protect our, you know, the nature benefits for people who come to visit us. However, I do have some issues regarding the items within the bill in the sense that it

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states that it's gonna address our overfilled landfill. Regardless of what the product is made out of whether it be Styrofoam, PET, which is another plastic, bagasse, which is another alternative, it'll all go into your landfill. There's no place on Maui that'll accept food service grade for composting to be reused. And as such, one of the benefits that's stated in the bill is incorrect and would not be to the benefit of the County residents because they will be forced to bear a higher cost with no benefit other than what is trying to be accomplished by reducing usage. The other aspect that we feel is unfair with this bill is what Jerry mentioned. Products...exemption A on your proposed ordinance states that products that are packaged entirely outside of the County of Maui will be exempt. That means that somebody who produces chicken long rice or Korean chicken the way Jerry does can have it flown in, sold in a retail outlet, use polystyrene which is a cheaper packaging material and Jerry has to compete with them. How can you consider that fair to somebody who is actually employing people in Maui, creating jobs, keeping our economy stable? That's not fair. It shouldn't be the case where the residents wind up paying more or are excluded from the market and the outsiders are allowed to sell into it. Thank you.

CHAIR COCHRAN: Thank you. Members, any need for clarification of the testifier? Seeing none, thank you for being here. And we'll go to our outlying districts. Hana Office, anyone there to testify?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR COCHRAN: Thank you, Dawn. Lanai Office, anyone waiting to testify?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR COCHRAN: Thank you. And in our Molokai Office?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR COCHRAN: Thank you, ladies. We'll check back with you. Please let us know if you do get testifiers. Jordan, next testifier in the Chamber, please.

MR. MOLINA: The next person to testify is Lauren Campbell.

MS. CAMPBELL: Good afternoon, Council members. My name is Lauren Campbell and I'm the Conservation Manager at Pacific Whale Foundation. And I'm here today testifying in support of a ban on polystyrene foam containers. And I think a couple of interesting points have already been brought up. And I think one of the things obviously I'm usually representing the environmental side but something that I have heard not mentioned yet is the public health issue of this. Polystyrene is the least recycled and also the most toxic form of public and consumer-based plastic in existence right now. So in addition to the fact that it is never actually going to go away in the environment, it's composed of styrene and benzene, two known

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carcinogens. And so when we talk about putting these hot foods in these packages, those chemicals are leaching out into the foods and they're getting into our bodies. The U.S. Environmental Protection Agency has estimated that 100 percent of Americans have styrene in their fat tissues. So it's obvious that we are exposed to these chemicals in these containers. So not only is it bad for the environment, it's also really bad, again, for the public health. I think that when we're talking about this issue and considering this issue, it's been brought up as far as, okay, there's not a compostable landfill or a compostable...industrial compostable facility on Maui. That's true but the process to make compostable materials is much more environmentally friendly. So you're not just thinking about what it's taking up in the landfills, you also have to think where that is coming from in the first place. So it is still more environmentally friendly and I do think that it is a good first step for us to begin on. Just because we don't have an industrial compostable facility, doesn't mean we should just sit on our hands and wait until we have one. We can obviously do a lot of good by going ahead and promoting these types of sustainable initiatives, again, on Maui County. Pacific Whale Foundation has been using compostable products since 2006 and also with the Porto Pizza Restaurant which is an affiliate of PWF, we've only used compostable products. It's about ten cents more than a regular Styrofoam container. We've been very pleased. We use hot foods in those containers. We use cold foods. People are packaging it and taking it off of our eco-tours. And, I mean they stand up to the ocean elements. They're standing up to the pizza restaurant. So I think that in general it's a really good first step. I really hope that the County will support this. Places such as San Francisco that have over 4,500 restaurants are now in 99 percent compliance with this bill. And furthermore, there's a one-year exemption to allow people to come into compliance. So we can address these issues. But I would really --

MR. MOLINA: Three minutes.

MS. CAMPBELL: --support us moving forward on this. So thank you very much.

CHAIR COCHRAN: Thank you, Ms. Campbell. Members, any need...yes, Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. And thank you, Ms. Campbell, for being here. You mentioned you have containers that you use now. Would you happen...I know you don't have 'em now but can you...

MS. CAMPBELL: I have one in my car.

COUNCILMEMBER COUCH: I would like to see a sample of that only because I brought one of another type but it's not...I don't think it's compostable. So I'd like to see that 'cause my concern...

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MS. CAMPBELL: I think that one is compostable. I'm pretty sure that... 'cause there's two types. We have the cardboard-ish type one that's compostable and those are also considered compostable in the industrial facilities.

COUNCILMEMBER COUCH: It's a Type 5 plastic?

MS. CAMPBELL: Right, but it's also considered on...like on the Styrophobia ones. Even though it's made from the components that again in an industrial composting facility can be broken down. I'm pretty sure. But I can bring you other one as well.

COUNCILMEMBER COUCH: Okay. Yeah, that would be nice to see what the hot... 'cause that's the big...one of the bigger concerns is the hot food.

MS. CAMPBELL: But I also think that when you're thinking about hot foods as well, a lot of places such as McDonald's as well as Starbucks. Starbucks has never used Styrofoam and they're a really well-known coffeemaker. And they use paper so it doesn't...again, that is a much...paper is a natural product that breaks down that is a much better option than Styrofoam. So I think that even with hot foods there are some very much tried and true examples.

COUNCILMEMBER COUCH: Okay, the other question is kinda the same question I asked before is, you know, if the issue is with polystyrene being a problem, you know, even though the ice chests that you can buy at any store fairly cheaply, a lot of the those aren't reused. They're used once, maybe twice and then they're thrown away 'cause they break or whatever. So there's a lot of that going into the landfill as well and also some of these boogie boards. I mean we have, you know, our lifeguards are showing pictures of tons of...not tons but a lot of boogie boards that are broken up and they're made of polystyrene. And my concern is that if we're gonna do this, why are we limiting it to just this one little bit because there's also the food that comes in the grocery store in the meat section. That meat and fish, those are all Styrofoam as well. So it seems like we're just...if we're going after something, we should go after it all and not just carve out one small...it's not small I grant you that. But it is a niche that I think would need to be expanded. Your thoughts on that?

MS. CAMPBELL: Right, well, I think that I, you know, defer back to what Marge said earlier is the fact that even if an ice chest is used once, the intent is that it is reusable. And same with the boogie board. I mean I hope you don't go boogie boarding one time on your boogie board. And so I think that the intent is that it's reusable. So this is getting at something that is very much single-use. Just like single-use plastic water bottles that were just banned in San Francisco because the idea and the mentality is that it's single use. I'm gonna use this, I'm gonna eat it, I'm gonna throw it away. And so it is accounting for I think a much larger percentage of what's actually being wasted and what's actually being thrown away versus boogie boards. And I think that targeting specifically the food service industry, I think it's a really easy switch. I think a lot...there are a lot of places already on Maui County. I know a Surfrider representative is gonna

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talk about it in just a second, some of the initiatives. Over 90 restaurants already in Kauai, a lot of these places, very small locally-owned stores have made the switch and I don't think it's that difficult. It think it gets into a much bigger issue if you're trying to control what the meat packaging industry in Illinois is doing. And I think that that's kinda more of that pie in the sky. I think this is the low-hanging fruit. I think we know the issues. I think we know the benefits of switching to compostables and I think it's just kind of a no-brainer. I mean it's been done and I think that it's...it would be an easy switch, and a lot of education, again, would have to go into it.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR COCHRAN: Thank you, Mr. Couch. And thank you, Ms. Campbell.

COUNCILMEMBER VICTORINO: Chair?

CHAIR COCHRAN: And just real briefly before I recognize Mr. Victorino. That's why this item is here today, is to discuss it. It's been around since 2009 and so yes, times are changing and there's new, you know, things on the forefront that have been accomplished. So we're gonna discuss all this. But thank you, Mr. Couch, for your queries and thank you, Ms. Campbell, for your testimony. Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you and thank you, Madam Chair. And thank you again for being here and pointing out these important facts. And again the whole emphasis was based upon the fact, just like plastic bags, we start somewhere. And the key is starting somewhere. And that's the point of purchase, not reused. You know Mr. Couch was saying, well, plastic cooler, I mean the foam coolers or what. I used to work at the hotel and we used to get 10, 12 a week. And we'd give 'em to the maids. We give 'em to other ones. Mr. White can attest to that. There's lots leftover. They buy 'em, they don't throw 'em away. They just leave 'em in the room and then we just give 'em away. And...or the staff, you know, we give it to them. So they are reused in that respect. Yeah, they're not gonna last forever. I agree. But plastic containers, when you eat 'em and throw 'em into...or you see 'em flying all over the place and/or onto the ocean and...this is the whole intent. I mean just like the plastic bags. You can nickel and your dime yourself to death and I don't blame the association because, you know, you're talking about 25 to as much as 35 cents difference. And we'll get into that in more detail. I understand the dynamics. But if we don't do it today, when do we do it? 2009, you pointed we started. Just like the plastic bags, it started years before we actually finally got it done. So it's up to this Council. We spend more time on other issues and we don't seem to worry about time. And here's something very important. Up to everybody. But, you know, thank you very much, Ms. Lauren, and again, thank you bringing up those points that are very, very important.

CHAIR COCHRAN: Thank you, Mr. Victorino. Members, any need for further clarification of the testifier? Seeing none, thank you, Ms. Campbell. Next testifier?

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MR. MOLINA: The next testifier is Kelly Montenero.

MS. MONTENERO: Hello and thank you for having me today. My name is Kelly Montenero. And thank you so much for the opportunity to submit comments in support of this bill. And I'm from Pacific Whale Foundation's Education and Conservation departments. And we're a nonprofit organization with a mission to protect the ocean via science and advocacy. Polystyrene products have long been known...are long been known to be detrimental to both human and environmental health. Maui County doesn't recycle polystyrene meaning that all of it is always thrown away. And unfortunately, it often enters the marine environment via urban runoff and litter. It's originally intended to be single-use mainly for food containers and these plastic-based products break down into small, non-biodegradable parts that are accidentally ingested by marine life. That fills their stomach with a sense of being full and also leaches dangerous chemicals into their bodies. Polystyrene also poses a public health threat, just like Lauren was talking about. The U.S. Department of Health and Human Services lists styrene, which is a chemical in polystyrene, as a substance reasonably anticipated to be a carcinogen. This toxin can leach into foods from containers holding hot food or beverage. And again like Lauren said, according to the U.S. Environmental Protection Agency 100 percent of Americans tested have traces of styrene in their bodies. With the proposed ban, Maui County would join more than a 100 other cities and municipalities that have already taken steps to insure this harmful substance stays out of our waters and out of our bodies. It's recently been passed in areas as remote as Miami Beach, Florida, far from Maui County, with a similar tourism base. And that was passed on the 24th and from reports from *Maui New Times*, they've said that most restaurant operators have not complained about the rise in costs from getting different products. So it shows that it is possible in different areas of the world. And if it's possible in different areas, then I'm sure it's possible here on Maui County. Thank you so much.

CHAIR COCHRAN: Thank you for your testimony. Members, any need for clarification of the testifier? Seeing none, thank you for being here. Next testifier?

MR. MOLINA: Next testifier is Rob Parsons.

MR. PARSONS: Good afternoon, Chair Cochran, Members. I'm greatly encouraged that this measure is for discussion here today and as Member Victorino noted, it has been awhile in coming. One of the things...oh, I'm sorry. Rob Parsons, Maui County Environmental Coordinator. One of the things I brought today for you folks is an article that I wrote some six years ago called, "Drastic Plastic". And I'll distribute copies of this. I hope you have time to read it, not during the meeting but after the meeting, hopefully. And part of this is an interview with a gentleman from Oahu who's one of the founders of a company called, Styrophobia. And they have done very well over the past six, seven years in providing alternative products rather than single-use products...compostable, rather than something that's single-use and will not breakdown in the environment and can be harmful to humans and has known carcinogens as a previous testifier noted. So in the purpose of the bill it is noted that this is a substance that's harmful to marine life

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and there's plenty of evidence out there regarding that. We don't need to hit you over the head with it. In fact, in the article the gentleman from Styrophobia says, a certain amount of gloom and doom is necessary to help motivate people to change but it sells the least amounts of compostable plates. So I think for myself I see business opportunity here. And you've heard from industry members who are concerned about costs. There may be minimal added cost but I see that as a pass-through cost. And beyond that, there's an opportunity just as there was with plastic bags for people to offer logo cloth or multi-purpose bags. We have gone through this a few times with the HI-5 bottles and cans saying, you know, a six-pack will now cost 30 cents more. People are gonna stop buying these products. Well, they haven't and we have a better opportunity to deal with them at the end of their life so they're not winding up in landfills. They are being recycled, and again with plastic bags, same kind of thing. We've heard it's gonna be an added cost. It'll be an inconvenience. We...I'm happy that you have a phase-in time for people that have an inventory here. And I think the bill is well-thought out. Oahu is already been faced with some of these discussions and...so we're hearing the same kinds of things and I think that common sense will prevail. I don't have a lot of time left but I wanna say that I think it's great that the zero waste resolution is also on today's agenda because this is about looking at our resources rather than looking at something as waste. And I also brought a copy of testimony from John Harder who was a former Maui County Solid Waste Division Chief and is now on Kauai and has founded Zero Waste Kauai. So there's...he told me he sent in material after the deadline on Friday. So I wanted to be sure that you had that as well if it's not already in your packet. John Harder took me under his wing in 2003 and 2004 and taught me really a lot about how the waste streams are handled and ideally how they could be handled better. So thank you for the opportunity to speak on this.

CHAIR COCHRAN: Thank you, Mr. Parsons. Members, clarification? Yes, Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. And thank you, Mr. Parsons, for being here. Are you speaking on behalf of the Administration on this...on these matters?

MR. PARSONS: I brought a copy of the resolution to Mayor Arakawa on Friday and I asked if I had his support in testifying in favor so the answer is yes.

COUNCILMEMBER COUCH: Okay, thank you.

CHAIR COCHRAN: Thank you, Mr. Couch. Members...yes, Mr. White?

COUNCILMEMBER WHITE: Thank you, Madam Chair. Mr. Parsons, you heard comments from earlier testifiers regarding the section that allows imported foods to be in Styrofoam containers but not ones that are prepared here. What is your feeling on how that...whether that should be adjusted in the bill, or not?

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MR. PARSONS: I'm gonna have to mull over that. That's a difficult point and the testifier brought up a good point that it seems to favor importing things from off-island rather than local production. So I would hope that we can come up with a win-win solution there.

COUNCILMEMBER WHITE: Okay. So...well...okay. Thank you, Madam Chair. Thank you.

CHAIR COCHRAN: Thank you, Mr. White. Members, any further need of clarification from the testifier? Seeing none, thank you, Mr. Parsons, for your time.

MR. PARSONS: Thank you.

CHAIR COCHRAN: You're welcome. Next testifier, Jordan?

MR. MOLINA: The next testifier is Larisa Idlis.

MS. IDLIS: Good afternoon, and thank you for having me today.

COUNCILMEMBER VICTORINO: Could you speak into the mic?

COUNCILMEMBER COUCH: Speak into the mic.

MS. IDLIS: Yeah.

CHAIR COCHRAN: You can pull the mic down if you need.

MS. IDLIS: Thank you for hearing me today. My name is Larisa Idlis and I'm relatively a new resident on the beautiful island of Maui. I moved here last year and the first time I came to Maui I was amazed by all the beauty this isle has present to the people who live here and to the tourists who travel from all around the world. I consider myself one of the luckiest people who can stay and live here and who can say that my home is on Maui. Every day we can enjoy its beauty. However, I noticed that there are problems that have to be considered and need immediate attention and action. A couple of weeks ago I was snorkeling at Olowalu Beach where one of the beautiful coral reefs of the island is located. As I snorkeled out to see the amazing corals, I had to pass some brown, spoiled coral a little closer to the shore. I saw a lot of trash and waste there as well as such as disposal food containers floating at the bottom of the ocean. It was very disturbing. A mental picture of it just stuck in my mind. I was thinking, how many years have to pass that this waste will be disintegrated? We are responsible for this. It's important for us to take concrete action towards help and to depollute our water especially through the awareness of where our trash goes. This is one of the main issues in the world today. I feel that it is a time for me personally to take an action and that's why I want to testify and request a ban to be placed on using and selling polystyrene disposable food service containers here on our beautiful Maui. Thank you.

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CHAIR COCHRAN: Thank you for testifying. Members, any need for clarification? Seeing none, thank you for your time. Any more testifiers, Jordan?

MR. MOLINA: The next person to testify is Rosemary Robbins.

MS. ROBBINS: Good afternoon, everybody. I heard some words that are so hopeful to me. One of them was on education. In August of 1962 I began teaching full-time 53 third-graders in Windward Oahu, Kaneohe. For lunch there was...there was no seated cafeteria so the kids would leave the classroom, go across the playground, pick up their food in the tray and bring it back. And I can remember that there was no...what I heard about stainless steel earlier here. You got one stick and you broke it in two and you whittled away the splinters...whittled away the splinters and those were your chopsticks, every day. And I can remember the first day we had Jell-O for dessert and I didn't know that until after I had warned the children, now make sure you don't eat your dessert until you eat all the rest of your food. And I ended up sitting facing 53 children with a tray of melted Jell-O, praying for a miracle. So when you see how things have evolved, take heart. I'm seeing...I'm still teaching. I'm over at Kamehameha Maui doing some stuff for them right now. And it's just so exciting to be able to see evolution in education, being able to make life better. So take heed on that. I have a question on IEM-5. I took the lunchtime to go over both the materials for 5 and 37. And I'm wondering about Meals on Wheels because it says on Page 2 of the information on IEM-5 that anything that is prepared by any organization here can't be using some of the systems that this is against. And I know a lot of our seniors are getting Meals on Wheels. Does anybody know that? That when you go through your deliberations, that's a particular point that you might wanna explore on that one. Okay, I'm looking forward to this afternoon's movies, presentation here. And when we say that this has taken a long time to be able to evolve this from '09 and '013, I thank the people who have addressed this earlier than I having addressed it now, keep it going. Thank you.

CHAIR COCHRAN: Thank you, Ms. Robbins. Members, any need for testimony from Ms. Robbins? Seeing none, thank you very much for your time.

MS. ROBBINS: You're welcome.

CHAIR COCHRAN: Jordan, has any of the remote testimony sites called in?

MR. MOLINA: They have not notified us yet.

CHAIR COCHRAN: Okay, all right. So further testimony from Chambers?

MR. MOLINA: Yeah, the next person signed up is Mike Moran.

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MR. MORAN: Aloha, Chair Cochran and Committee members. I'm Mike Moran testifying for the Kihei Community Association on both 5 and 37, starting with 5. KCA supports IEM-5. After an unsuccessful prior attempt which KCA supported, we're encouraged at this renewed action to ban these extremely injurious substances from our island home. Please do not be swayed by pleas of the inconvenience this ban can place on businesses but stay strong to ensure the health and wellbeing of our people, our land, our water sources and our near-shore ocean waters and the creatures who live there. Please do not be dissuade by paid spokespersons for the chemical industry who testify to exert their influence but stand firmly for what is pono for Maui County. Most all agree the main culprit in this group is Styrofoam. As one who makes an earnest effort to recycle all items which I can to not avoid acquiring via packaging, et cetera, I find this one the most arduous. The packing peanuts can generally be delivered to shipping businesses for reuse. When I call the County recycling hotline to inquire how to recycle other Styrofoam products, I was asked to call back with a solution if I could find one. I have not. Thus the seeming conclusion is if a product cannot be recycled, stop importing it and rid any use of it. We urge strong considerations on 20.26.050 Exemptions especially C. as these can severely limit positive action. Too many are ready to say, this is good but not for me. Last, we are unsure about Section 2 which states, takes effect on July 1, 2011. That concludes IEM-5. Should I move on to the other, or wait?

CHAIR COCHRAN: Yes, please, Mr. Moran.

MR. MORAN: Thank you. Okay, this is much briefer. KCA supports resolution IEM-37. While KCA is not a big fan of non-binding resolutions, we can agree this makes the correct statement and perhaps can ultimately lead to binding legislation. Mahalo to Councilmember Victorino for introducing both of these items. I'm Mike Moran for KCA. Mahalo.

CHAIR COCHRAN: Thank you, Mr. Moran. Members, any need for clarification of the testifier? Seeing none, thank you for your time. Next testifier, Jordan?

MR. MOLINA: The next testifier is Tim Lara.

MR. LARA: Aloha, my name is Tim Lara. I'm currently serving as the Vice-Chair of Surfrider Foundation's Maui Chapter. And thanks for hearing this today. I'm here testifying in favor of this bill. Surfrider Foundation's mission is to protect our oceans, beaches and waves. We do that through conservation activism, research and education. And it's no surprise that we find a lot of EPS foam on the beaches when we do our beach cleanups. It tends to breakdown in the environment into smaller and smaller pieces. I was at Hana...out in Hana recently at Koki Beach. You know, we usually see like the high tide line with sticks and, you know, natural debris. Now it's a high tide line of plastic pieces, you know. And to see that at some of the more remote beaches...when I have these micro plastics, you know, making that high tide line it's pretty alarming, you know. I was stoked to hear that most people that testified against this bill, you know, were in favor of the principle which is, you know, we need to kind of move away

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from these unsustainable products. And so that was good to hear that 'cause I know over on Oahu it went a completely different way of don't take away our plate lunch. And you know, I don't think that...I'm glad to hear that that's not the cry here, you know, because that's not what this is about. This is about trying to move forward in a more sustainable manner, in a manner where Maui can kinda lead the way for the rest of the nation and for the other islands as well. There are alternatives, you know. That's why we're here talking about it today. I think there's a lot that's already come up that we can go back and look at, you know, the great idea brought up about bringing in things from other islands, you know, and how that will affect things that are produced here. So I think that this is really good discussion. I'm glad we're having the discussion. And, again, from Surfrider stance, we definitely would love to move to more sustainable products for, you know, everybody's sake really so.

CHAIR COCHRAN: Thank you, Mr. Lara. Members, any need for clarification of the testifier? Seeing none...

MR. LARA: And actually one more thing, I'm currently working on a project where, like Kauai, we'll be listing all throughout the entire island, restaurants that are currently using no EPS foam. So that will be coming soon so that'd help you guys out a little with that.

CHAIR COCHRAN: Thank you, Mr. Lara. Jordan, next testifier?

MR. MOLINA: The next testifier is Courtney Bruch.

MS. BRUCH: Aloha, my name is Courtney Bruch. Aloha, Chair and Members. I am here in support of IEM-5. I've been really wanting to see this for quite some time. I don't...I try not to use Styrofoam containers or go to places that, you know, serve food in them because I don't want to eat food from them because I know that they have the plastic inside them and that it leaches into the food and that's problematic for the reproductive system and it's not good for our health. And then also I know that they don't break down. And especially living on an island I think it's so important that we're progressive and we use eco containers for our food. And it's just...I realize there may be some cost and I just think a lot of research needs to be done so we can figure this out. And it seems like to me that the more people that use these types of containers that the price will go down. I've...I contacted the CEO of Down to Earth, Mark Ferguson, to see if he was willing to share his resources and the price bracketing. So I definitely know there's a lot of people in our community that are very interested in this and would be willing to help come to some legislation that works for everyone. But again it's gonna take a shift and I think it helps people realize, you know, you can't just use something and just throw it away especially if it's not gonna biodegrade. And I purchased this from Down to Earth and this is just something that I really love. It's made of bamboo and it just feels so good. It's cutlery and I just keep it in my purse. And just to know that every time that I'm eating out that I have this and I'm not throwing away plastic spoons and forks. I mean if you think about how much of that you use in your lifetime, it really adds up. So it's just about thinking about these things and realizing there is no

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_____ and this is impacting our health and impacting our environment and that we can make different choices easily. As people mentioned, there are many different municipalities in the United States that already ban Styrofoam containers. According to USAA there is New York City, Albany, New York, Portland, San Francisco, Seattle and Amherst, Massachusetts. Just seems like to me that if these big cities can do it, Maui can do it, you know. And it's just really important that we do. I've also used food containers that are biodegradable that are made...it seems like mostly from cardboard or plant materials from the different health food stores and they've held up fine for me. And not only have they held up fine for me, I actually put my compost and save from the ones from Whole Foods. I put my compost and freeze it and then that way the bugs don't get in. And then when I go to put it in the compost, the container's compostable also and it breaks down. So I just think it's a win-win and it's worth trying out a different variety of these different options to see which one is cost effective and works the best for us. There's also large...like Dunkin' Donuts and like McDonald's quit using Styrofoam clamshells in 1990.

MR. MOLINA: Three minutes.

MS. BRUCH: And the EPA in 1986 reported that solid waste from polystyrene manufacturing process is the fifth largest creator of hazardous waste. So there's many reasons from top to bottom that we shouldn't support this industry any longer. And I'd also like to testify on the Zero Waste Management policy.

CHAIR COCHRAN: Okay, go ahead, Ms. Bruch.

MS. BRUCH: So I'm in support of IEM-37. And I'm just really, just really grateful that this is being put on the table. I know that Councilmember Victorino was at Jennifer Chirico's presentation many years ago on zero waste. So I really appreciate that you have taken that education, that information that you received there to heart. And I spoke with Jennifer...she left me a message 'cause I wanted to see if she could come testify 'cause she's a specialist. She is the Director for SLIM, Sustainable Living Institute of Maui at the University of Hawaii. And this is really her specialty, zero waste. She is...so she said she was sorry she couldn't be here today, that she just found out about this on Friday. But that she was very interested in coming in and being like an expert resource for zero waste. So I just wanted you all to know that and that I'm definitely in support of this measure. Thank you very much.

CHAIR COCHRAN: Thank you, Ms. Bruch. Members, any need for clarification of the testifier? Seeing none...oh, Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair.

CHAIR COCHRAN: Yes.

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COUNCILMEMBER COUCH: Thanks, Ms. Bruch, for coming down. You mentioned three cities, New York, San Francisco, and what was the third city?

MS. BRUCH: It was New York, Albany, New York, Portland, San Francisco, Seattle and Amherst, Massachusetts.

COUNCILMEMBER GUZMAN: Okay, thank you.

MS. BRUCH: Definitely. Thank you.

CHAIR COCHRAN: Thank you, Mr. Guzman, and thank you, Ms. Bruch. Next testifier?

MR. MOLINA: The next testifier is Gretchen Leisenring.

MS. LEISENRING: Aloha, my name is Gretchen Leisenring. And I am here...I represent Styrophobia. I'm on the Board of Directors and I also am a Sales Executive for World Centric. So I was here in 2009 for the very first introduction of this bill. And it was...it was very different. Everybody was talking about, you know, how well the containers hold up and can we do this. And at that point I was just a volunteer for Styrophobia. I didn't really know what I was doing and I hadn't had much experience in this field but since then I ran the company for about two years on all of...all of the islands. And I've since stepped back from doing some of the legislation except for today, of course, and community outreach that Styrophobia is involved in. And I'm now primarily a liaison between distributor and the customer for compostable products. So I have actually a lot of experience with all the distributors on all the islands and also the end-user and the customer. I've had a lot of meetings with, you know, every place from the mom-and-pop stores, the Matsumoto Shave Ice to the Hyatt and Maui Memorial. So I know a lot of people have talked about the drawbacks with the pricing and in particular Mr. Nakagawa. I've actually tried to have meetings with you quite a few times. And I've also done price comparisons with our compostable products and your plastic products. And I don't mean to call you out but you did mention...you did mention the cost. And I actually have...have seen price comparisons right in front of me of the cost of your polystyrene --

COUNCILMEMBER VICTORINO: Madam Chair?

MS. LEISENRING: --cups and my...

COUNCILMEMBER VICTORINO: Madam Chair, may I interrupt the testifier? I wish you would address us and not Mr. Nakagawa. I mean, you know, she's testifying to the Council.

UNIDENTIFIED SPEAKER: Chair?

COUNCILMEMBER VICTORINO: And not to someone else, please, if you can.

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CHAIR COCHRAN: Yeah.

MS. LEISENRING: Okay, I'm so sorry.

CHAIR COCHRAN: Speak directly to me, please.

MS. LEISENRING: Okay, I don't...I don't mean any disrespect but I have done cost comparisons and in some instances our prices actually...they beat the prices of regular polystyrene products, which is the point I was trying to make. I meant no disrespect. I've also worked with several businesses that have made the switch and the way that they account for the cost...you know, small businesses who don't really have a lot of money to work with. They actually give...they give the customer an option. They can bring in their own container and they will get a 25-cent rebate. Or if they would like to use takeout, then they can have the extra 25 cents added.

MR. MOLINA: Three minutes.

MS. LEISENRING: And virtually nobody...nobody complains. In fact, they have a lot of support as a result of that because people wanna see us trying to take care of our island, you know. And the tourism industry has been actually an incredible proponent of bringing more customers to us. Olowalu General Store just contacted us as a result of having a really bad review from TripAdvisor. Some tourists came and said that they were really disappointed that they were still using Styrofoam. So they contacted us, and there's a lot of businesses that are contacting us at this point. It was very different five years ago. I didn't think Maui County was ready at that time. But I do believe that I have seen such a great change over the last five years. I think we're ready and we are...we're always...we're always --

MR. MOLINA: Four minutes.

MS. LEISENRING: --the island...

CHAIR COCHRAN: Okay, just one more concluding sentence, please.

MS. LEISENRING: Okay. We're always the island that has, you know, been the first one to take the leap and I do think that we can set this positive example for the rest of Hawaii with this bill. Thank you.

CHAIR COCHRAN: Thank you. Members, further need for clarification? Yes, Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. And thank you for being here, Ms. Leisenring?

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MS. LEISENRING: Leisenring.

COUNCILMEMBER COUCH: Leisenring, okay. Are you the only one...I mean is your company the only one that sells these alternative materials here on the island?

MS. LEISENRING: No, definitely not.

COUNCILMEMBER COUCH: Okay. Do you...you say you've seen some comparisons. Would you happen to...would you be able to show us some of those that's, you know, turn 'em in, certainly not today but if you could come up with some --

MS. LEISENRING: Yes, absolutely.

COUNCILMEMBER COUCH: --comparisons, that would be very helpful. And also, I guess some samples.

MS. LEISENRING: Yes, definitely.

COUNCILMEMBER COUCH: Especially...I think the biggest concern...and you've heard it before and you'll hear it again I think in today's testimony is keeping the temperature of the food whatever it's supposed to be, that's one of the concerns. And also if it's really hot food...if it's hot food, you know, is it gonna break down and break down the container and those kind of...those are the concerns that at least I have.

MS. LEISENRING: Yes, I have...actually there's a lot of different companies. That particular company is...that is EarthChoice container that you have in front of you.

COUNCILMEMBER COUCH: Yes.

MS. LEISENRING: That is made by the world's largest manufacturer of Styrofoam. That is made by Pactiv. Pactiv is EarthChoice. And that...there's a lot of different kinds of containers out there. There's a lot of things that are biodegradable. There are a lot of things that are compostable. There's a big difference between biodegradable and compostable which is something that hopefully this bill can really clarify because biodegradable containers are actually more detrimental to the environment than regular plastic because they have a binding agent that organic matter actually starts to break down. But the majority of the material is actually plastic. So it breaks down the plastic actually faster if you're in a biodegradable container. So this is...this is part of the struggle, if you will, because there's a lot of misinformation out there. But I have a lot of samples and I have...I've got a lot of information. I'm actually the person who sets the pricing for...at least for my company in Maui County and also on the Big Island of Hawaii. So I have access to all that kind of intimate information that you guys need to know. And I would be very happy to share with you because --

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CHAIR COCHRAN: Thank you.

MS. LEISENRING: --I wanna see this happen.

CHAIR COCHRAN: Yeah, we'll continue the discussion.

COUNCILMEMBER COUCH: Yeah, Madam Chair, if we can get that information from her that would be great.

CHAIR COCHRAN: Yes.

MS. LEISENRING: Absolutely.

CHAIR COCHRAN: We shall follow up.

MS. LEISENRING: Okay, great.

CHAIR COCHRAN: Thank you.

MS. LEISENRING: Thank you.

CHAIR COCHRAN: Members, any --

COUNCILMEMBER VICTORINO: Madam Chair?

CHAIR COCHRAN: --further...yes, Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you. And thank you for being here. And, again, you know, there are a lot of myths and facts and, you know, I've reviewed 'em and yes, there are some challenges in what you're saying.

MS. LEISENRING: Yeah.

COUNCILMEMBER VICTORINO: However, you know, when you talking straight Styrofoam, no question how much it hurts the environment.

MS. LEISENRING: No question, yeah.

COUNCILMEMBER VICTORINO: Versus all the others.

MS. LEISENRING: Absolutely.

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COUNCILMEMBER VICTORINO: So I just want that to be put on the record.

MS. LEISENRING: Yeah.

COUNCILMEMBER VICTORINO: You and I on the same page on that one.

MS. LEISENRING: Absolutely.

COUNCILMEMBER VICTORINO: Okay. The only other question I had for you is this cost breakdown, you know. And I didn't mean to get you to speak to us and not Mr. Nakagawa 'cause I've always wanted...this is our Committee --

MS. LEISENRING: Right.

COUNCILMEMBER VICTORINO: --and we wanna...but I'd like to get those kinds of cost breakdowns if they're available.

MS. LEISENRING: Okay.

COUNCILMEMBER VICTORINO: As part of this whole ambience, Ms. Madam Chair, because it's important for people to see all the facts.

MS. LEISENRING: It is.

COUNCILMEMBER VICTORINO: You know, and I really am...this whole thing is about putting the facts on the table. It's not that against this. It's reading the facts on the table so that we can make, as a Council and as a Committee, make good decisions. So if you can get to it...that to us, we'd be greatly appreciative.

MS. LEISENRING: Yeah.

COUNCILMEMBER VICTORINO: I mean with your permission, Madam Chair, of course.

CHAIR COCHRAN: Yes, yeah, by all means, Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Madam Chair.

CHAIR COCHRAN: That's what we're here for, to get further discussion.

COUNCILMEMBER VICTORINO: Yeah, thank you.

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CHAIR COCHRAN: Thank you.

MS. LEISENRING: Thank you. Aloha.

CHAIR COCHRAN: Okay. Members, any further need for clarification? Seeing none, thank you for your time.

MS. LEISENRING: Okay, mahalo.

CHAIR COCHRAN: Thank you. Next testifier, Jordan?

MR. MOLINA: The next testifier is Pamela Tumpap.

MS. TUMPAP: Aloha, Chair Cochran, Vice-Chair Crivello, and members of the Committee. And my apologies, I didn't hear the upcoming testifiers announced so I thought we were done. So I apologize for disrupting earlier. I'm Pamela Tumpap, President of the Maui Chamber of Commerce. And we appreciate the opportunity to be here again today to testify on this bill. When this bill was first introduced, we really didn't have a good understanding of the impacts on business. And cost is certainly one of those impacts. And I don't know that it has been studied since but I do wanna offer that we as a Chamber are willing to survey our members and go out to the restaurant community and to find out what they feel the impacts would be. As has been pointed out today, many restaurants and catering companies and fast food places have already been making conversions. And so in some cases you're seeing some great movement there. But we also are still hearing and discussing, and we appreciate that it's being discussed here, that there are different studies. There are studies that say there are no health concerns from the packaging. And there are studies that say there are. We have long talked when this bill was first brought up the alternatives being proposed still would not break down in our landfill facilities because we didn't have the right composting equipment in the landfill for these types of new containers to break down as well. A lot of the biodegradable options are produced in China and there's increased shipping costs. There's concern as has been brought up about food safety. And so then there's also concerns about some of the biodegradable options and some of the...that these alternatives require more nitrogen, fertilizer and herbicides. And that has to be considered in terms of runoff. All of this I've covered in my written testimony to you. So I really right now would just like to share a few thoughts. When the plastic bag ban came about, I think many people thought the Chamber would oppose it. But that was a huge eyesore. And actually we didn't oppose the plastic bag ban. What we asked for was a number of things. We asked for a public education campaign. We didn't get that. We asked that we explore composting alternatives so things could better compost down. We didn't really get that either. But we did get the time extension that we asked for because we already had quantities on island. So we appreciate that there is again a phased-in approach here because quantities already exist. I would like to ask and I appreciate Councilmember White bringing up the issue of allowing for imported versus local. We believe, of course, at the Maui Chamber of Commerce buy Maui first and buy

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Hawaii first. And so that would be an issue we'd like to see resolved. Many restaurant operators maybe are not going to complain about the increased cost. But we should survey them because at the Maui Chamber of Commerce we believe in the triple bottom line of sustainability, economy, environment and social well-being. And that's why we appreciate this discussion. We need to look at all of these things in the context. Cost is a factor. The environmental issues is a factor. Is there or isn't there health risks? And reviewing the studies and putting it, as Councilmember Victorino said, getting it all out on the table. You know, with the plastic bag ban it was a huge eyesore. And many people came together and said, this is a huge eyesore. And we don't have that eyesore anymore. But right now we haven't seen enough research for us to support this bill in its current state. So we ask that, you know, we work with you, survey our members, get back to you with additional information so you consider the impact on businesses along with the environmental impacts, along with the community and health impacts and we can come up with a winning solution. So we'd like to offer to conduct a survey to be included in the discussion. And just again thank you for the opportunity to bring this up and look at how we can more positively move forward.

CHAIR COCHRAN: Thank you, Ms. Tumpap.

COUNCILMEMBER VICTORINO: Madam Chair?

CHAIR COCHRAN: Members, further--yes, Mr. Couch--clarification?

COUNCILMEMBER COUCH: Thank you and thank you, Ms. Tumpap for being here. And I certainly would like to see a more formal survey. I kinda took one at Kihei Fourth Friday the other night. There were 23 or 24 vendors. Only two of them had Styrofoam containers which is very interesting. The other...and one of 'em said, well, you know, if it's better for the land, we're all for it. No worries, we'll switch. The other one said, well, if you gotta do it, you gotta do it. So nobody was saying, no, please don't do it. It's just that...

MS. TUMPAP: Yeah.

COUNCILMEMBER COUCH: They realize that the cost is gonna be a little bit more now. It's interesting that the previous testifier talked about comparable prices. I would like to see you...see if we can get everybody working together and seeing what kind of, you know, how close that can be 'cause you mentioned something in China and I know these are made in the U.S.A. and I don't know how many more are made in the U.S.A. So that's kinda a nice deal that they're gonna do that. So I think it's a situation if we all got together and worked together, we can come up with something. You guys, the other folks that testified against and the other folks that testified for, kinda call for some sort of group to get together and see what we can really do to make this thing work.

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MS. TUMPAP: You know, I really think...I appreciate your comments and I really think a task force on this would be ideal because this is where we can come together and share research, look at these costs together. And the concern of the business community is it's not that they oppose it. It's just don't pass a new rule and regulation without understanding the impacts on us. Hear what we have to say. Let's look together on a winning solution. If the County were to, you know, help and do this research and if we can get better research, then we can move into cooperative buying models and bring costs down and things like that. We still have to address the food safety issues. You know, the other thing that we had asked for again with the plastic bag ban was a public education campaign. These containers are not the problem. What's happening with the containers are part of the problem and we still need those campaigns. I grew up in California in the early days. I later went to high school here but I remember the campaign with the Indian gentleman and a tear running down his face and talking about protect our land. And that was such a powerful marketing campaign that people rallied and immediately you saw a response to that. There are other ways that we can start tackling these issues right now while we work on winning solutions. And we would like to see those kinds of measures employed as well.

CHAIR COCHRAN: Thank you, Ms. Tumpap. Done, Mr. Couch? Yes, Mr. White?

COUNCILMEMBER WHITE: Thank you, Madam Chair. Getting back to the question of Item A under 20.26.050, Exemptions. It does concern me to allow people from outside to ship their Styrofoam here.

MS. TUMPAP: Yes.

COUNCILMEMBER WHITE: And things that come to my mind are things that are done and I...I can't...I think some of the vegetables and meats and things are probably prepared in Hawaii. But things like Ramen Cups and things of that sort, I mean I don't know how many Ramen Cups my kids have gone through in their lives but that's a...that's an incredible amount of Styrofoam that we're allowing in. I agree with Mr. Couch that if we're gonna...if we're wanting to make a difference, we need to do it in a way that's more global than just targeted. And if we can come up with...I mean I like your idea of doing some research before we jump in on this because I think we're gonna find that there's more ways to approach this than we may have in the bill right now. And I appreciate the Chair, you know, bringing it up for discussion. So I would just encourage you if you are going to do a survey to include the food distributors, not just the folks that prepare food on island.

MS. TUMPAP: I think that's an excellent point.

COUNCILMEMBER WHITE: And see what level of Styrofoam is coming in that way as opposed to just what's being used by producers here.

MS. TUMPAP: Yeah.

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COUNCILMEMBER WHITE: I think Jerry from Pukalani Superette brings up the most important point is that I don't know how we can pass something that puts our local food...not distributors...our local food preparers in a unbalanced set of competition. So anyway, thank you very much. Thank you for being here today.

MS. TUMPAP: Thank you. It's my pleasure.

CHAIR COCHRAN: Thank you. Members, further discussion? Yes, Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you and I...and thank you, my colleagues are just where I just wanted...I wanted this to go. It's the discussion has to be done and I agree with the task force and I'd be happy to serve on that because this has been a passion for the last four and a half years trying to get this even to be discussed because I've always run across road blocks, first and foremost, cost. That was it. That was all they ever talked about. But I'm hearing even from the industry cost is not the only overriding and I'm happy that they're bringing forth along with the other groups that the challenges we face. And thank you, you know, all of you, because that's what this is all about, Madam Chair, is to bring it here to discuss it and to find good resolution. I didn't say this solves all. It was just the first step to get the discussion started. And even the zero waste. That's another first step. And there's other things I've brought forward to bring the first step. But unless you take the first step, the journey never starts. And this is what this is all about. But, Ms. Tumpap, how long would it take you, and then let's say we do the task force and that'd be one thing, Madam Chair. But how long would it take you to, you know, in your capacity to get this surveys...because I agree, you know. Your survey probably be more accurate. I agree with Mr. Couch when I've been at First Fridays, Wailuku First Friday, of all the vendors only three use foam and all of them said if we had to change, they'd be understand. I know the impact will be...and the greatest impact would be our nonprofits who make all these, quote, you know, one-time fundraiser to raise for their high school bands and da, da, da, da. That's the one that's gonna have a bigger impact 'cause to pass it on is a lot harder. But the businesses are affected and that's something I've been very cognizant of. I understand the 30, 35 cents, 25 cents, or 35-cent difference per container. I understand that. But how long would it take you to get a survey completed as a group? You know, doing the Chamber and your restaurants and all that? Maybe even some of the hotels, you know, I don't know what. But I'd like it to be very extensive if I could.

MS. TUMPAP: I agree with you, thank you. I agree with you and, you know, the good thing about the Maui Chamber of Commerce is our membership is representative of every industry on island so we would certainly include the hotels, the restaurants. We definitely need to include the distributors. I think the thing, to Councilmember White's point, I think where it's going to get trickier is going to be understanding all the things that are imported. So I would like to say among our membership, you know, we could probably have something together and get back to you within a month. And we, you know, certainly are very interested in working on this and

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making sure that we include some of the right questions. Obviously what are they using now? Have they explored other alternatives? What is the cost differential as they see it? You know, their willingness to migrate over, those kinds of things. But the...as I sit here and I think about the Ramen containers and you think about, you know, people buy a case of 24, you know, you just go and there's 24 right there. So that kind of accounting I think might take some more time. But, you know, I feel like we could get some good information as a start and really understand, you know, from the business perspective, from the industry perspective, from HIFA and others, you know, a good baseline. And then I'd really like to see some excellent health expertise brought in on this as well because there's different...two sides to the story and we're all looking for the best information.

COUNCILMEMBER VICTORINO: And, Madam Chair, to clarify this. You know, again, Mr. White, brought about the Ramen Cups. Well, we get dry ramen in plastic containers, right? You get those in the plastic bags that come in. You know, my whole intent was I cannot control outside of Maui County what happens. And unless Mr. White has a way of doing that, I can't. My whole premise was to start here in what we can control and what we can work with and that was my...it was never the intent to make our companies and our local businesses at a disadvantage. But I can't control what's done in China or Japan or something place else. We cannot. That's global. And unless somebody wants to make an initiative globally, then that's a whole different dynamics and I cannot do that. This was to do and start right here in Maui County. So I beg everybody's pardon. We have a lot of stuff that comes in that is plastics and all wrapped in different things. We have no control. Our plastic ban was from point of purchase and this was basically again the same thing. I don't think, and I'm gonna say this right on record, I don't think somebody's gonna send in a plate lunch from Honolulu or from China or from the mainland to sell here. If they wanna do that, good luck to them because I tell you, I wouldn't be the...I'd be the last one to buy anything, plate lunch that's made there and sent over here to be prepared or cooked here. I'm not too interested in that. But we have the...what do you call those? TV dinners. How many of us used to eat TV dinners? Come on, you know, so anyhow, I tend to take a little offense to the fact that I want it to be something we can control and things outside of our control, I have no idea how to do that. I just was trying to make here, the point of purchase here in Maui County. And that was my whole intent. Thank you, Madam Chair.

CHAIR COCHRAN: Thank you, Mr. Victorino. Members, any need for clarification from our testifier? Seeing none, thank you, Ms. Tumpap --

MS. TUMPAP: Thank you. Aloha.

CHAIR COCHRAN: --for being here. Next testifier? Or do we need to check in at District Offices?

MR. MOLINA: We have one more person signed up here.

CHAIR COCHRAN: Oh, okay.

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MR. MOLINA: The last person is John Fitzpatrick.

MR. FITZPATRICK: Aloha kakou. Thank you, Chair.

CHAIR COCHRAN: Aloha.

MR. FITZPATRICK: Thank you, Council members, for listening to this bill. My name is John Fitzpatrick. I teach Oceanography at UH Maui College. And a lot of things that we talk about in class are the pollutants that go into our oceans. That go into our landfill. And we also talk about things to help solve the problem. And this bill is one that would relieve single-use Styrofoam containers from going into our mount opala over in the middle of Central Maui and also from going into the ocean. And we do talk about...like this huge garbage patch and apparently if you sail from California here you find this massive garbage patch. And you sail through piles of plastic, small tiny fragments of plastic and Styrofoam that are breaking down. Yes, is it gonna be an inconvenience to switch because we're so used to just a Styrofoam container? And every time I have leftovers at a restaurant and take that Styrofoam container home, I feel guilty. And I'm like, man, I wish I brought my own container today. So I think by passing this bill, and I really hope you guys pass this bill to eliminate this, it starts changing that culture just like that passing of the bill to reduce plastic bags started to change the culture of just using something once and throwing it into landfill. So that said, it is gonna be inconvenience but think about the inconvenience 50 or 100 years from now when our kids have to swim in an ocean full of trash. So that would be a larger inconvenience than the inconvenience of switching now. So thank you for everything and thanks for everyone's testimony today and thanks for listening to us. And please pass this bill.

CHAIR COCHRAN: Thank you, Mr. Fitzpatrick. Members, any need for clarification of the testifier? Seeing none, are there any...anyone...any further testimony, Mr. Molina?

MR. MOLINA: No one signed up.

CHAIR COCHRAN: No one? And I will ask if there's anyone in the Chamber that would like to, please come on down to the podium at this time and then fill out the form afterwards. And I guess check in another round. Oh, I think we have...I see someone coming down. It's the other Mr. Molina in the house coming to testify.

MR. MIKE MOLINA: Good afternoon, Madam Chair, and Committee members. I couldn't help but wanting to chime in. The conversation has certainly been stimulating and the topic. I'd just like to just share my thoughts with regards to relate the plastic bag issue process versus this process. And I know some of you Council members were there, including Mr. Victorino, who...by the way, I applaud you for bringing the discussion out. Certainly I think the idea of a task force, getting together with all sides, it's important. I think one startling statistic that jumped out at me,

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if it is true, was the comments made with regards to the EPA and finding out what is the benzene that's in the system, yes. And so I think that's something that should be certainly looked into. Bring in somebody from the Department of Health and the EPA to certainly address that. It will take several meetings certainly. It took us I believe about four or five meetings and we got the legislation passed in 2008. And when, I guess as Ms. Tumpap had mentioned earlier, we did agree to an implementation phase so we didn't...that law wasn't enacted until 2011, roughly about two and a half years after the law was passed. So...and it's interesting because the retailers were...I caught a lot of flak as the introducer at that time. We were told that jobs were going to be lost. It's...you know, the sky would be falling. Well, it didn't. And when Maui was the first to pass it, the other counties have, you know, followed suit. So you can certainly look for a win-win situation with all of this. Two of the...well, one of the big retailers that were after me, Walmart...you go to Walmart today you gotta buy a bag but it's a win-win for them and they were one of the people that were very, very vehemently opposed to the legislation way back when. So I believe it is possible to reach compromise and seek a win-win situation out of this. And certainly look at providing incentives. I think that's...that's certainly one way. The point of the business people who had expressed concerns about maybe creating a level playing field where imports are exempt and also echoed by Councilmember White are certainly an area we need to look at 'cause we wanna give priority to our businesses here first. And it's...may at least on the surface seem unfair to, I guess, penalize our businesses. You have to follow the law but then the stuff that's coming in from outside, they face no type of consequence. So the whole point is just to keep the playing field level. So that's certainly an area that needs to be looked at. So...but anyway those are just my thoughts. And, you know, take your time with this. Make sure all the i's are dotted and t's are crossed. But sooner or later you have to address it. It seems to be a global movement. The plastic bag legislation was modeled after the Bay Area ordinance. So we can learn from other municipalities. I believe I heard Miami Beach, I guess, is now just passed some type of legislation. So anyway just wanted to add in my thoughts on that. And thank you for taking this up. I know you guys have been working very hard with other health-related issues and so forth. So, you know, I commend the Council for all of your hard work on many issues in the community. Thank you, Madam Chair.

CHAIR COCHRAN: Thank you, Mr. Molina. Members, any further need for clarification of the testifier?

MR. MIKE MOLINA: Oh, by the way, Madam Chair, sorry, I didn't state for the record I'm Mike Molina, just testifying as a private citizen and I'm on my break.

CHAIR COCHRAN: Oh, okay.

MR. MIKE MOLINA: Thank you.

CHAIR COCHRAN: Thank you, and thank you, Mr. Molina. Okay, Members, seeing no need of clarification, thank you for your time, Mr. Molina. And anyone else in the Chamber wanting to

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testify? Please come on down. Seeing none, I'll check back in with our District Offices. Hana Office, anyone show up for testimony?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR COCHRAN: Thank you, Ms. Lono. Lanai Office?

MS. FERNANDEZ: There's no one waiting to testify on Lanai.

CHAIR COCHRAN: Mahalo, Ms. Fernandez. And our Molokai Office?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR COCHRAN: And thank you, Ms. Alcon. Ladies, thank you. We shall probably be closing public testimony after I address the Chambers. And so with that, Members, seeing no one approaching the podium for further testimony, with no objections, I shall now close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR COCHRAN: Thank you, so ordered. Thank you, ladies. Public testimony is now closed.

...END OF PUBLIC TESTIMONY...

IEM-5 POLYSTYRENE DISPOSABLE FOOD SERVICE CONTAINERS (CC 13-29)

CHAIR COCHRAN: Now moving on to first item of the day. First of all, it's 3 o'clock, Members. Shall we take a ten-minute recess to take care of personal things and take a break, breather, whatever? Okay, we shall be in recess till 3:10. ... (*gavel*) ...

RECESS: 3:01 p.m.

RECONVENE: 3:14 p.m.

CHAIR COCHRAN: ... (*gavel*) ... Aloha. Will the Infrastructure and Environmental Management Committee meeting please reconvene? Aloha, Members and public, welcome back. There is a handout being distributed and it looks like our Maui Island Plan about...and it has a Solid Waste section in it. But we are on IEM-5 and this is a County Communication 13-29 from Councilmember Victorino transmitting a proposed bill entitled, A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.26, MAUI COUNTY CODE, PERTAINING TO POLYSTYRENE DISPOSABLE FOOD SERVICE CONTAINERS. And the purpose of this

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bill is to prohibit the use and sale of polystyrene disposable food service containers by food providers in the County of Maui. And at this point, in a moment, I'll recognize Mr. Victorino first who is the introducer of the proposal. And I just wanted to comment that the intent for today's meeting is mainly to...for information gathering as we heard through our testifiers and education, raising the awareness for the potential consequences both positive and negative. And we also heard that in our testimonies. I do recognize this is a polarizing issue so not easily dealt with but, you know, community's concerns for the environment is competing with financial interests of the business sector and it's definitely a fine line to balance both. The...so that is a challenge and I think we can craft an appropriate policy which will protect our environment, preserving our landfills while minimizing financial impacts to the businesses. I think in a nutshell that is something that I...I'd like to see this Committee strive for. And in other areas of course, you know, things of jobs have come up and that needs a whole other Committee discussion on its own. So I am definitely committed to facilitating that type of discussion for further, you know, vetting and reaching out to community and what have you. So with that I will turn over the floor first to Councilmember Victorino who has proposed this one. And then we can speak to Department. Mr. Victorino, the floor is yours.

COUNCILMEMBER VICTORINO: Thank you, Madam Chair. And again today's testimony is a lot different than it was a few years ago. And that's what I'm very happy to hear. You know, and my colleagues bring up valid points. Points that weren't even discussed the last time, you know. But again, you know, as I said earlier, I wanted to start here and try to get things done here in Maui County just like the plastic bag ban. When we did it, we didn't do it other places, we did it here in Maui County to some success, not a lot of success yet. But we're getting there. And the whole idea is, you know, Madam Chair, I've heard the comments. I'm willing to sit down with all the groups and I've talked to many of these groups. I have much more information that has been shared with me by others but at this point they would rather not share it with everybody else. 'Cause some of 'em have exact costs on how these businesses operate and they are more like wanted to keep that until they can bring, what I call, a generic, you know. And so I will commit to working on this some more. I didn't think we're gonna find or we're gonna do anything today. I realize that 'cause even the plastic bag ban took us how many meetings. It took almost four months to get it done over a five or six meeting period. And, but I think in retrospect today, I think it accomplished a lot of the things we wanted. Not everything, and maybe more work needs to be done. Even that should be revisited at a certain date in the future. Bottom line is today for the first time, I'm hearing everybody saying the intent is good, but let's work together in getting it done. And I'm all committed to that, Madam Chair, 'cause it was not my bill. It's for the Maui County. It's nothing to do with me. If it was your name, or Mr. Guzman's name, or I don't care whose name, Mr. White, I don't care. But the idea is the people of Maui County, our environment, our marine life will be protected and better off for what we do today and in the future. And that's what this is all about. So I look forward to hearing the Department. And, again, if I offended any of my colleagues, I apologize. It was...you know me, when I get passion, I go like. I don't mean to be that way because I care. And I wanna do it right. And I wanna do it where I can have or have some say and control. We

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don't have outside and the other parts of the world, maybe one day. Maybe the rest of the globe will follow us. Maybe like the rest of the State, with the plastic bag, will follow us. But let's be the leader. Let's take the first step and be the one to show the rest of the State this can be done, and maybe the nation. Other places have done it so I know we can. Thank you, Madam Chair.

CHAIR COCHRAN: Thank you, Mr. Victorino. Okay, now the floor...I'll shift the floor to Director Kyle Ginoza of Environmental Management. Thank you, Mr. Ginoza, for being here.

MR. GINOZA: Thank you, Chair.

CHAIR COCHRAN: You're welcome.

MR. GINOZA: Thank you for the opportunity to be before you today. I'd like to kinda focus on the landfilling and composting aspects to really reinforce what others had said. That when you look at the landfilling of the polystyrene we estimate that it's on the order of less than a tenth of a percent both on a volume and a tonnage basis of what comes to our landfill. And we do agree that whether it's the polystyrene or the compostable or biodegradable forms of the disposable food containers that just based on the contained nature of our landfills that degradation of those materials over time...I mean it takes quite a long time because for that degradation it requires, as you know, moisture and air, two things that we try to keep out of our landfill by lining it and containing it through layers. And so from a...when it goes into the landfill perspective, each of these different containers pretty much have similar degradation property. I mean, of course, the others degrade more than the polystyrene but it still takes a long time in that environment. Regarding the composting of the food containers, they are correct as well, the testifiers were, in that we're not allowed to take those composting containers in our current composting facility. As you may know, we don't accept food waste currently in our curbside pilot recycling program because of concerns from the Department of Health particularly with vector control and odor control by incorporating food waste. And so if we were to try to incorporate these used containers containing food scraps or food residue, they've told us that they'd like to see the facility on a concrete slab and in a building so that it's contained. So that's some of the challenges as we look at, you know, maybe going to something that's compostable or biodegradable. From the limited research we've done as far as cost of the containers here, we found that the polystyrene...clamshells are in the order of 8 to 18 cents per clamshell depending on if you get on the order of tens to hundreds of containers versus thousands. So it's 8 to 18. And as far as the biodegradable or compostable ones, they're on the order of 30 to 40 cents. So we look at it as two to four times depending on the quantities gotten. So it's good to hear that, you know, the information we had may be limited and that the prices are more comparable. But so far, I mean from what we've kinda surveyed it on a limited basis we found that it's two to four times the cost to get these alternatives. We will defer to the Department of Health so I agree with Ms. Tumpap and others that we should engage the Department of Health with regards to the food safety aspect of utilizing alternatives to the polystyrenes as far as trying to keep temperatures at...foods at certain temperatures and whatnot. And so I agree that, you know, we should engage

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them in further meetings. The other thing too I also agree with Ms. Tumpap was that, you know, while it does help to try to eliminate things from getting in the ocean, you know, from the source, there's also this issue of if you look at...whenever I go to the beach I see like our, you know, afternoon, you see our rubbish or trash cans just overflowing. And oftentimes it's just the fact that we're not...and I don't know if it's us, probably it's the State so I'm blaming the State. But I think in large part is until we address that concern of, you know, appropriately taking away the waste from our beach areas, you know, we'll have this litter problem that is an unintended consequence of, you know, people don't wanna intentionally litter and have it go into the ocean. But that's an unintended consequence. So I mean I hope that in looking at this we try to address the litter aspect and trying to maybe put some resources towards better waste disposal in these coastal areas. You know, I think...I agree that, you know, it requires more meetings and more discussions. I just frankly I came back from vacation so I haven't had to...I haven't had the chance to research it fully. But there are...it is polarizing like the Chair said that, you know, when you do even a web research you'll find research claiming harm and the same amount of research claiming no harm. And so the suggestion for a task force and further discussion is, I believe, warranted as we look at impacts to the ocean and other impacts to our environment. So that's kind of it. Ms. Thomson here from Corp. Counsel also has some kind of legal issues that I hope the Chair would recognize as well. Thank you.

CHAIR COCHRAN: Okay, thank you, Mr. Ginoza. Yes, Ms. Thomson, you had some things to discuss too?

MS. THOMSON: Just wanted to bring up a couple of...a couple of things in the current bill that you may want to consider as you go forward with discussing revisions. And currently as drafted food provider does include businesses and it would include nonprofits. It might also...it's arguable that it could include private persons. So, you know, for example you would buy, you know, a stack of disposable containers from Costco and use them to send food home from your private party. So there are some unintended consequences you might want to take a look at to see if that's really as far as you'd like to go with the bill. Section 20.26.040, the last, last item, C. is short but potentially problematic because it involves retail sales of these polystyrene products. I think that what's...what that is getting at is that you wouldn't want...want the restaurants or other purveyors to be selling takeout trays. So, you know, you don't want them to provide them free or for 20 or 50 cents. We can look at maybe some rewording of that but my concern would be banning the sale of a legal product, you know, and some the larger effects of that. Let's see. You've already discussed some potential discriminatory effects on local businesses and I think that, you know, we can work with some of the language on the bill to address that. The next Section 20.26.050, Exemptions, C involves a two-part test. One of the factors being what is a significant economic hardship. So I'd recommend that that be fleshed out a little bit further to provide guidance to the Department so that they can work on enforcement rules. And that's about it other than obviously the ordinance taking effect, you know, at some future date when it's actually enacted. That's it for now.

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CHAIR COCHRAN: Okay, thank you, Ms. Thomson. Okay, and Members, the floor is now open for discussion, questions, comments for Department or Corporation Counsel. Any...yes, Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair, and thank you for bringing this up. And also thank you for passing out the General Plan section where it's very applicable. You know, there were concerns about why are we doing this and, you know, it's gonna affect whatever it's gonna affect. But I really appreciate the implementing actions on Page 6-7 of the Maui Island Plan, 6.1.2-Action 2, develop regulations, programs, funding opportunities and/or incentives to (3), reduce solid wastes generated by packaging, food service products, home construction waste, et cetera. So, you know, if people need to know why we're doing this that's part of the Maui Island Plan. That's we all...seven of the nine of us here worked on that pretty extensively last term. So I don't see that we're going against the Maui Island Plan with this. I think it's right in conjunction with the Maui Island Plan. Talked about containers, I would love to see if you can get the testifier who can get the comparisons and where they're pretty close. You know, she mentioned these containers. I gave you a sample of it as well to compete against your Styrofoam container that you have up there. But this is a well-known food establishment has...you know, he charges 50 cents extra for takeout because these are about 40 cents or you can bring your own in and you take 50 cents off your order, your takeout order. And we throw these in the dishwasher and reuse them over and over again. Ultimately, yeah, they will likely go into the landfill only because they're a Type 5 plastic even though it says, you know, active in EarthChoice and whatnot. We don't recycle Type 5 plastic here on Maui. So I'm hoping...and I talked with some of the testifiers and there are other products that will be able...this will handle hot food just very well. There are other products that will also handle hot food that we can recycle and it can be compostable. So I would love to see the task force get together, take a look at this stuff and see what we can come up with to make it...I mean it just makes sense to do something like that. I...you know, it would be really nice to do the whole Styrofoam ban but, you know, it's not quite that practical yet. We'll get there one day but as I think it was Mr. Victorino who says it's a start. So that's some of the comments I had. I do agree with Mr. White on the A, the prepared foods that are prepared to package entirely outside of the County. Maybe we can't ban...maybe we could ban them if we wanted to. Or we could...I don't know like we do the HI-5, put a surcharge on each one. That's a possibility but I certainly wouldn't wanna see stuff coming in from out of this State competing at a cheaper rate with the people who are here doing the businesses here. And I did...like I said my informal survey and there was no real hard "don't do this" from the people who are actually using Styrofoam containers. There was kinda...one was supportive of the ban and another was ambivalent. So...and that was just, you know, only 2 out of 22 but they're the only ones using the containers. So people are going away from those containers already. Thank you.

CHAIR COCHRAN: Thank you, Mr. Couch. Yeah, that's encouraging information. But just following up, Members, if you don't mind, following up on Mr. Couch's inspection of the Maui Island Plan Page 6-7, 6.1.2-Action 2, No. 5 actually points out, discourage slow degradable materials, that is

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Styrofoam. So it is written in black and white that we did vote on, in particular, Styrofoam amongst other types of products. But thank you, Mr. Couch, for pointing that out. That is why I handed it out. And Mr. White?

COUNCILMEMBER WHITE: Thank you, Madam Chair. You know, I think it's clear to me and probably to everyone else that there's less testimony against this measure now because there are more options. Almost five years ago I don't believe there were as many alternative products for businesses to use that were as affordable as they seem to be now. And I think most businesses will do the right thing. I think that's evident in Mr. Couch's informal survey that most of them have already switched. And I think that's indicative that we are moving in the right direction at the right time. We just need to do it in the right way. And so I appreciate your bringing forth Mr. Victorino's bill and I look forward to working through it with you. Thank you.

CHAIR COCHRAN: Thank you, Mr. White. Members, any further comments or...yes, Ms. Crivello?

VICE-CHAIR CRIVELLO: Thank you, Chair. I can appreciate we starting the conservation and the dialog or discussion on the styrene disposable containers. And more important I can appreciate the expanded discussion with the surveys and possible if the Chamber is gonna create a task force. But a lot of times my...the debris I see on the beaches are packing Styrofoam or perhaps the Styrofoam comes from some of the fishing materials that people use or what have you. So aside from just thinking of food service containers if this is the first step if we're looking at the marine life, I believe a lot of the packing materials, the Styrofoams are of importance. And then often it's thrown into the landfill too. So I think that's a major consideration for us. And hopefully we will take into consideration the...everything else will be...additional cost will be passed on to the consumer and take that into consideration when there is a discussion with the business community and how they will adjust the cost with the changes that may come about because of Mr. Victorino's bill. So thank you, at least we're starting to shift this in gear for discussion.

CHAIR COCHRAN: Thank you, Ms. Crivello. Members, any further discussion, comments, questions for Department especially? Anything?

COUNCILMEMBER GUZMAN: Is it...Chair?

CHAIR COCHRAN: Yes.

COUNCILMEMBER GUZMAN: Chair, is it --

CHAIR COCHRAN: Mr. Guzman?

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COUNCILMEMBER GUZMAN: --possible that the Department have some kind of data that indicates how...what's the amount of polystyrene containers are within our landfill? Do you have that type of data? Or can you obtain that type of data?

CHAIR COCHRAN: Yeah, Mr. Ginoza?

MR. GINOZA: We recently...well, two years ago did a waste composition analysis of what comes into our landfill or what came into our landfill. And that particular material type was so small that we didn't capture it as a different material type. So that's why we said that we estimate that it's on the order of less than a tenth of a percent 'cause that was kind of the level of detail that we got to as far as the type of materials. And so in that case we kind of just rolled into something else rather than having its own material type. So from it...and that's why I mentioned that from a...how much of it comes to the landfill perspective, you know, I don't think, you know, necessarily change depending on, you know, which...what happens with this proposed legislation. The same amount would I think come to the landfill. And as I mentioned, you know, it does take a while to kind of degrade just based on the conditions, controlled conditions we have. And so it's less of a...it should be less of a drive that it's for landfill purposes that there would be any type of ban. But more for, maybe, the ocean. But, you know, one thing that we found is that the...those polystyrene clamshells they...they do manufacture those I think in Kalihi versus the biodegradable. I don't know of any that are made in Hawaii. You know, a lot are from China and some are from the continental U.S. And so that's something that would be impacted at a State level that that we have to kind of take into consideration as we analyze the ramifications of such a ban.

COUNCILMEMBER GUZMAN: Thank you for that clarification. Thank you, Chair.

CHAIR COCHRAN: Thank you, Mr. Guzman. Yes, Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you. And I wanna say, Madam Chair, thank you. And I going remind everybody, again, the bill that's before you is not Mike's bill. It's our bill. It's the County of Maui, you know. I take no credit except wanting to do something just like the zero waste that I know is right for this County, Madam Chair. More discussion, more work has to be done and I'm fine. The first step is getting it here today. And Mr. Ginoza knows just like the plastic bags, other than being a nuisance, it never impacted our landfill that much. I mean it was real minutiae when it came to the amount of plastic bags that went in there. But again it was an eyesore and it was endangerment of our marine life. And we used to see 'em flying all the time. We don't have that ornaments now when you drive by the landfill, you know, the plastic ornaments that we used to have on all the trees. It's not there anymore. But I see more and more foam laying around. And foam starts to fly also, especially the small type that just _____. So I just want everyone to know that, thank you, but it's really for us and for our future that we're doing this. It's not so much for the fact that it's an impact to the landfill. It's really an impact to our lifestyle and we gotta make that change today. And that's why I wanna see this continued.

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Just like the butts on the beaches and all the other things, unless we take those steps, not gonna happen. So, Madam Chair, I thank you. Again, you know, I wanna repeat to everybody. This is for Maui County, not for me. It's for the people of Maui, our children, our grandchildren and future generations. And I wanna thank everybody including the retailers out there 'cause they do a superb job. And all my intent is to see what we can do to come up with the best bill. And, you know, I'll close with this, Corp. Counsel. This was reviewed by you guys in 2011. This is not, you know...so the language that you're contradicting or saying that, you know, was actually reviewed by one of your Corporation Counsel. So wasn't just my words, it was words that was reviewed by Corporation Counsel. So I find it ironic that you come back two years later and say, no, no, no. That's okay. We're willing to change. Thank you very much.

CHAIR COCHRAN: Thank you, Mr. Victorino. And speaking of Corporation Counsel, I had a question. Oh, Members, are we good before I chime in? Ms. Thomson, in regards to the comments...the issue in...you know, to banning our people here on...in our County level but not so much the outside products that'll be shipped in or brought in, is there a way for this County to tax that? I mean is that a legal...is there a legal basis behind that for us?

MS. THOMSON: I can take another look at that but that would be probably something that I should not answer just on the fly but I'd be happy to look into that further.

CHAIR COCHRAN: Oh, okay. Yeah, if there's a way, Mr. Molina, to probably put that in writing to officially send to Corporation Counsel. And also following up on further questions to send to departments. I think Mr. Couch had wanted more report, I guess a breakdown of cost. Is that right, Mr. Couch?

COUNCILMEMBER VICTORINO: Madam Chair?

COUNCILMEMBER COUCH: A comparison of cost with, you know, with some of the --

CHAIR COCHRAN: Polystyrene versus --

COUNCILMEMBER COUCH: --the polystyrene versus --

CHAIR COCHRAN: --biodegradables.

COUNCILMEMBER COUCH: --the stuff that that one testifier was...she showed us, you know...

CHAIR COCHRAN: Right. That Styrophobia brought up?

COUNCILMEMBER COUCH: Yeah.

CHAIR COCHRAN: Something...perhaps pursue reports from Styrophobia and others.

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COUNCILMEMBER VICTORINO: Madam Chair?

MR. MOLINA: We'll make those notations.

CHAIR COCHRAN: Thank you, Jordan. Yes, Mr. Victorino?

COUNCILMEMBER VICTORINO: And I would like to make sure that you change one word you just said earlier, taxing. Because we have no taxing power. The County does not have taxing power except real property tax. If you're talking fee or something like that, then it'll be...that be fine.

CHAIR COCHRAN: Yeah.

COUNCILMEMBER VICTORINO: But if you say a tax, we cannot. I mean as far as I've been told we cannot tax. But we can put fees on different items. So maybe that way --

CHAIR COCHRAN: So fee.

COUNCILMEMBER VICTORINO: --may be the better word to use.

CHAIR COCHRAN: Okay, that's fine. Yeah, however, I mean to sort of, you know, make it fair across the board for our local vendors, establishments versus outside. So anyway it's just to try and hopefully, you know, address this in a fair manner. But also I wanted to bring up the point in regards to, you know, I think this issue is not so much addressing the litter kind of component of it. We are switching out, you know, something that is not biodegradable towards something that is. And thereby, you know, biodegradable, compostable-type products do degrade, decompose faster than Styrofoam. And so there's a positive message in that alone. And thereby it takes up only half of the amount of space in our landfills too. I think there is a distinguishing difference. It's not that a clamshell is a clamshell, a container is a container. I think what the product is made out of makes a...it makes a huge difference. And, you know, for the marine life we just heard from our environmentalists and people. The...also even though...if there's an increase tonnage of compostable, biodegradable types of products in our landfills, maybe that'll push us towards these facilities that will address it. I mean sometimes, you know, you move out of one way of doing things into another and that opens doors and opportunities to pursue...you know, to go down another path to address that. So, again, it's not a silver bullet. It's not a one-size-fits-all. As Mr. Victorino pointed out this wasn't something to bring up to solve the world issue of our, you know, of everything. So this is a step and a start in that direction. I think all of us wanna take it and pursue, you know. But, Mr. Ginoza, you mentioned in your opening comments about the waste that's along our shoreline 'cause I'm thinking of Ukumehame, I guess, in particular where we have all those trash barrels. And I believe, yeah, it's along a State roadway but our County Solid Waste Department, I see them emptying the barrels in the mornings, right?

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UNIDENTIFIED SPEAKER: No, it's Parks.

CHAIR COCHRAN: Oh, Parks and Rec. Oh, sorry. But County and it thereby goes to our County landfills and what have you. So, you know, and I know Malama Maui Nui, that used to be Community Work Day, they also...I see them on the side and picking up the big items when somebody drops a TV or refrigerator on the side of the road or something. So, you know, I think as in regards to that, that would be a Solid Waste-type...or Parks-type issue that can be more, you know, more preventative or whatever, educational awareness to those more areas of refuse that do direct connection to the ocean and to the marine environment, per se. But, you know, so that's just something that I wanted to bring up to your Department too. And also if you can answer the question or shed a little more light. Back when this was first proposed in 2009, I believe, this bill that we're looking at today was brought up as in its form today and definitely needs, you know, tweaking. I think it was put into your folks' Department, and maybe you weren't here, to comment on it, you know. I think we heard from the community, where's the surveys? Where's the reports? Where's the...how many...how many Styrofoam containers are there in our landfills and on and on. So did the Department ever really delve in and ask those questions?

MR. GINOZA: Frankly I'm not sure.

CHAIR COCHRAN: I mean answer those questions. Okay.

MR. GINOZA: I came in in 2011 and this is really the first discussion that I've been involved in regarding any kind of curtailment of polystyrene. So it was a good discussion for us and going forward, we'll definitely investigate it more. But as far as I've seen, there has been no effort toward any kind of reporting or analysis of a potential curtailment.

CHAIR COCHRAN: Okay. Well, thank you, Director. And I think that's why, you know, I decided to bring this back up. It's been sitting around since 2009. And I think the timing is good at this point. Things have progressed on the outside. Lot of...few states have banned it and I think there's a lot of information out there that can be gathered to help encourage us to move in this direction as in, you know, following suit with what our Maui Island Plan is looking to, some of the goals set there. With that, Members, any further discussion needed? Questions, comments of Department? Okay, well, then seeing none, Members, at this point my recommendation would be just to defer this for now. And, of course, we'll be able to revisit it and vet through it with more detail and more information and what have you. So with no objections, I shall defer the matter.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: GRH).

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ACTION: DEFER pending further discussion.

CHAIR COCHRAN: Thank you, Members, so ordered.

**IEM-11 COMMITTEE'S PRIORITIES AND PROCEDURES; PRESENTATIONS FROM
COUNTY ADMINISTRATIVE AGENCIES**

CHAIR COCHRAN: And moving on to next item of the day which is IEM-11 and this is in regards to our presentations from County Administrative agencies. And we have, of course, Department of Environmental Management with us. And I know it was...I think Mr. Ginoza intended to do some presentations earlier but then has decided not to. And I was hoping to cover, you know, topics in regards to the organization of the Department and its efforts with wastewater reclamation, solid waste management which also includes the waste-to-energy opportunities. So with that, I can at least let Mr. Ginoza address that. And, you know, I just kinda really wanna know what the intent is of the Department in the future moving forward with those topics that I just mentioned, wastewater, solid waste and waste-to-energy opportunities. So we all are on the same page. You know, Mr. Ginoza, it's not to call you out or anything. But it's just been quite difficult on my behalf anyway as Chair of this Committee to read things in...as in press releases through our newspaper versus being...you know, hearing it directly from you, your Department to my office, Committee, what have you. So at this point that's the reason why this item is here in a sense and that we can all be on the same page and if we have questions and things to vet out, then I'd like to do that today. So, thank you, Mr. Ginoza.

MR. GINOZA: Thank you.

CHAIR COCHRAN: The floor is yours.

MR. GINOZA: Sure. So I think what the Chair really was responding to was the impending curtailment of refuse collection and landfilling during holidays. And specifically two concerns that have arisen. One is to ensure that the Council and the Department are on the same page communication-wise and, you know, in meetings as well as that these type of announcements aren't done...are done in Committee. And so in response to that, I mean we've tried to be as forthright and transparent as far as, you know, what our objectives are particularly with...since we're talking about Solid Waste, that, you know, we have four kind of overarching goals for the Division. One is, first and foremost, public and environmental safety; second of all, regulatory compliance; third, sustainable resources whether it's human resources, budget or infrastructure; and lastly, what we deem non-regulatory services which would be like our diversion programs, recycling, expanded community efforts. And so as we've stated in I think it was February 3rd Environmental...Infrastructure and Environmental Management Committee that we will not...as well as during the Fiscal '15 Budget deliberations, we stated that we will not waiver from the top

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two priorities of health and public safety and regulatory compliance. And as we mentioned we needed certain...we've analyzed over the last year plus to really look into how we might function better as a Department...as a Division towards meeting these objectives of health and safety and regulatory compliance. And as I've mentioned previously, since 2006 we've had on the order of \$4½ million in fines and related other actions that we've had to pay for. And so since we didn't get the human resources that we requested in the Budget, we felt that the status quo of on average having roughly \$600,000 in fine-related penalties, was not acceptable. So we needed to use some of our human resources available to try to do this compliance since we didn't get extra...or get expansion positions for that purpose. And so we looked at in order to get that extra resources, one was to get the budget we wanted. One was to curtail non-regulatory programs which would be like recycling and diversion which this body or the...Mr. White's committee emphatically said, no, we wanna keep the recycling programs through the provisos. We could reduce hours and/or services provided. And a third would be to contract out the services. So we felt like by curtailing some of the hours at the landfill and refuse collection, we could use that time to tidy up the landfill and do these activities that ordinarily we would not be able to do because we're open through the whole shift. And so that's kind of why...what necessitated the curtailment of service. And I apologize. I thought we were quite clear that that's what would be required if we didn't get the human resources and particularly four expansion positions that we had requested. But we just feel like to have the status quo of hundreds of thousands of dollars in fines annually versus trying to address that with some public impact as far as reduced services was an appropriate management decision to shore up that deficiency. So, you know, just the fact that Solid Waste Management is so highly regulated, not only from a Department of Health perspective but also a EPA and a community perspective, that's why we didn't want to in any way try to impact proper and sound maintenance of our landfill and solid waste management operations. But definitely we look forward to any feedback or input that you'd have to help us strive toward that objective. Thank you.

CHAIR COCHRAN: Thank you, Director Ginoza. Members, any further discussion? Yes, Ms. Crivello?

VICE-CHAIR CRIVELLO: Thank you, Chair. I have more than one question or references that maybe you can give some clarification when you make mention of curtailing hours and as far as lack of your request for the expansion positions. So I guess I'll start from the little place of Hana. Council supported your requested expansion position and we did not cut funding. Was there more funding that was needed for Hana for any of your changes that you've addressed to Hana?

MR. GINOZA: No. It's more for Central Maui and the other landfills.

VICE-CHAIR CRIVELLO: Okay, so the other landfill then...if I may, Chair?

CHAIR COCHRAN: Yes.

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VICE-CHAIR CRIVELLO: I'd like to address for the island, the district that where I'm from. So I've...I note that you have our Department of Health permit and as I go back to research, you know, the prior years you had the manpower. I think it was two or three at the most. And that was when you were...the landfill was open for seven days. And at that time, the Solid Waste handled green waste, handled the metals...I mean everything that today that you...the County has contracted out to other vendors. For instance, the recycling, the redemption center, the green waste, the construction and demolition materials and all that. My understanding is now for the island of Molokai what you just take in is household. And but you've curtailed it to just five days. You've curtailed the hours from 8:00 to 1:30 as opposed to in the past when you had to handle all of these other items for waste, yeah. So I guess if you're gonna ask for an expansion, then perhaps it should take into consideration to open seven days. And the hours that you're offering now is just not meeting the service that the public is demanding. And yet...what is it, 13 to 17 tons a day of household items that...that's the allowance or 20 tons is the most according to your permit with DOH. So in the past the hours were 8:00 to 4:30 and you handled all of the others...all the other items. But today you don't. You handle one. You even have all the new equipment. You have the fencing for litter control and you're saying you need expansion? Because I believe this permit is based on seven days a week and not five and not part-time. So that being said, I'm curious and I know you don't have that with you today, but perhaps the Staff can request some sort of information. How much overtime are you expending with the Solid Waste? So I'd like to compare, have something comparative with fines, like you say you're trying to prevent as well as overtime that's happening when you're not even open. Full seven days, days closed your employees are reporting to work that may be for overtime. So I think there needs to be more explanation on your operational hours. I think now you're just from 8:00 a.m. to 1:30 or it used to be 2:30. And you had more work in the past than you do have today. And we're not...the public does not have complete access.

CHAIR COCHRAN: Mr. Ginoza?

MR. GINOZA: Sure, that is true that we used to operate more hours. But that's also the time when we've had numerous violations, a lot of which we had to pay hundreds of thousands in remediation for. And unfortunately, the...well, really fortunately the landscape of solid waste management is no longer just having somebody there and just dump it somewhere that may or may not be permitted which is what was done in the past. And, you know, as trying to be as good stewards as we can for the environment, we felt that we couldn't continue that and really we got slapped on the hand as a County from the mid-90s for this type of actions. And so I know that in the past things were different where we could...we had more liberties than we do now. And just based on what we can do which is take in the household and commercial waste, that's the resources that we require which is why we outsource and contract out certain elements as you had mentioned with the metals and with the convenience center. But it is something that I'd be happy to provide how much overtime we have. A lot of it is when we need to open on holidays and other...and to cover for illness or vacations because we only have three people there. But it...that is something that it is true that we did seven days and we've curtailed it. But it is in

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response to maintaining regulatory compliance and trying to be more friendly to the environment by not...by handling the waste appropriately.

VICE-CHAIR CRIVELLO: I have more questions but we can pass on to my colleagues if they have any.

CHAIR COCHRAN: Okay, thank you, Ms. Crivello. Members, any further need for discussion? Just...let me just set the stage though. We will continue this discussion at a later date with further detail and hopefully with comments and questions that arise, we can get Mr. Ginoza's Department to do a formal presentation. You know, I'll have some questions sent forward to Department and any of you also please feel free to chime in when you want further details, if it's budgetary or if it's personnel or, you know, management-type questions. So just to set the stage for that because we do have another pretty big item for zero waste and I wanted to make sure that we, you know, we make good use of our time. And so at this point, Members, any further discussion here with what Department's moving forward with? Or I can have Ms. Crivello, you can continue your line of questioning.

VICE-CHAIR CRIVELLO: Yeah, if I may?

CHAIR COCHRAN: Sure.

VICE-CHAIR CRIVELLO: I think in Fiscal Year '13 you had a Carryover/Savings of \$2 million. Did you have a Carryover/Savings for Fiscal '14?

MR. GINOZA: I don't know offhand. I don't know if they've closed the books yet but I can check and have that for the next meeting.

CHAIR COCHRAN: Oh, okay.

VICE-CHAIR CRIVELLO: Okay.

CHAIR COCHRAN: Thank you, Mr. Ginoza. Yeah, I think in a couple weeks those numbers will come forth. So again, we can go ahead put some questions forward and then hopefully get a more detailed presentation to address any questions and concerns we have today. Is that...are you...is that good, Ms. Crivello?

VICE-CHAIR CRIVELLO: I'll wait till we bring this up again.

CHAIR COCHRAN: You wanna defer?

VICE-CHAIR CRIVELLO: Yeah.

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CHAIR COCHRAN: Okay, all righty, sounds good. Members, any further discussion? If not, I will, without objections, we shall defer this item for reasons I just stated. So any objections?

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: GRH).

ACTION: DEFER pending further discussion.

CHAIR COCHRAN: No objections, thank you very much. So ordered.

**IEM-37 PRINCIPLES OF ZERO WASTE AS A WASTE MANAGEMENT POLICY FOR
THE COUNTY OF MAUI (CC 13-33)**

CHAIR COCHRAN: Members, moving on to last item of the day. It is IEM-37. Thank you. And this is County Communication 13-33 from Councilmember Victorino transmitting a proposed resolution entitled, **ADOPTING THE PRINCIPLES OF ZERO WASTE AS A WASTE MANAGEMENT POLICY FOR THE COUNTY OF MAUI**. And the purpose of this proposed resolution is to adopt the principles of zero waste as a waste management policy for County. At this point I shall turn the floor over to Mr. Victorino and thereby he can...he's the introducer of the proposal and I shall give him first opportunity for comments. Mr. Victorino, the floor is yours.

COUNCILMEMBER VICTORINO: Thank you, Madam Chair. And, again, I wanna thank you for bringing this forward today. Again, when this was brought up back in 2009 and then brought back again in 2011, at that time there was no real plan for zero waste. Kauai in the meantime has adopted and as I have been handed out here and I knew this existed, "The Governors, the Mayors and OHA Commit on Sustainable Goals" which I think all of you have received also. So let me say it this way, we were ahead of the curve, Madam Chair, on Maui, again. And I'm glad to see others are taking what we had intended to do to heart. I mean, you know, you're looking at clean energy, achieving 70 percent clean energy including 40 percent of renewable. It's all here, it's all here. My bill...or the resolution, our resolution here was to really get Maui focused on what we look at for zero waste in the future. And a lot of the numbers based on 2026 was 15 years off. 2030 was like almost 19, 20 years off. Obviously that has changed through...because we've taken so long to get to this point. And so maybe some of those numbers need to be looked at as far as dates are concerned. But the bottom line is we were really looking as far as diversion, recycling and elimination of waste to our landfill. And getting to a point where zero waste was a part of our vocabulary and really being implemented. I know there's Anaergia now in the picture. And there's a lot of things have changed, Madam Chair, you know. Again, this is something I'd like to spend a lot more time on this. I think, you know, I'd like to make some changes if I was...would be allowed to, work with the Department with some of the, that things

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have come forward since this was introduced, Madam Chair. I don't mind if anybody has suggestions they wanna add to it, that's fine also. Again, this was in...when I did this back in 2009 my intent was to get the conversation started. Well, it started. And it's really taking off in not only this County but in other counties. I think the realization that we need to look at a zero waste policy and in the very near future is very important. Will Anaergia and others contribute to that? I believe so. But till then, I guess we need to have some focus and if, Madam Chair, and again my only request is if anybody wants to review it, that's fine. But I'd like to, if you allow this to be deferred and work with the Department to update it and get something more plausible to what we...what we're doing right now, with your permission I would request that and that only. But I'm willing to let others speak to it and look at it and, you know, take their shot at what they would like to see added to this. So thank you, Madam Chair, and I thank Mr. Ginoza and the Department for, you know, allowing this to come forward and to work on it.

CHAIR COCHRAN: Thank you, Mr. Victorino. And Department, if you have some opening comments or any comments for this particular item?

MR. GINOZA: Sure, thank you, Chair. I actually was here to kind of listen to what comments there may be. Kauai did pass zero waste legislation I think a couple years ago. And I would appreciate it having it deferred and I can query my counterparts. I mean we meet...we try to meet once or month or every other month and I can get more detail on how far they've gotten in the couple years since they've passed their zero waste ordinance and really...or resolution. Really from a Department perspective, I mean we support that and of course, it comes back to, you know, balancing resources versus the goals that we set. And so as long as we have a discussion to match those and align those up, I think it'd be very worthwhile for the County. But I agree if we could have some time to kind of look at it further and work with Mr. Victorino, I would definitely appreciate that.

CHAIR COCHRAN: Thank you, Mr. Ginoza. Yes, Mr. Guzman?

COUNCILMEMBER GUZMAN: Yes, Chair. I would also like to request. I notice that someone, one of the testifiers, mentioned a person that was...could be a good resource in terms of this zero waste concept. Could you or your Staff invite that person to serve as a resource? ...*(Inaudible)*...

MR. GINOZA: I actually called her for this meeting but she was unavailable for this meeting.

COUNCILMEMBER GUZMAN: Oh, okay.

MR. GINOZA: She's really the Maui expert on zero waste, Jennifer Chirico.

COUNCILMEMBER GUZMAN: Yes, okay, great.

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MR. GINOZA: And so definitely when we schedule it and I'll work with Jordan to make sure that she's invited.

COUNCILMEMBER GUZMAN: Okay, great.

MR. GINOZA: Sorry about that.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR COCHRAN: Thank you. So noted. Members, any further discussion? And also I believe Mr. Parsons brought up a Mr. Harder or someone from Kauai too. As you stated, Kauai is doing zero waste so definitely we can have their comments as you're gonna look forward but also probably as a resource person too. But, yes, my intent today was to bring this up just to get the discussion started like we have and to defer so we can further, yeah, work it out. And, you know, this was I think we need...you know, it's getting...it's not about having no waste, right. Zero waste is on the path towards that. And I think our first discussion about the Styrofoam that all works hand in hand with this and that's why I sort of lined up the items that I did today for this Committee. So, you know, we have a lot more work to do. This isn't a done deal. We haven't solved our trash issues in one fell swoop but...as much as we would like. So, Members, any further need for discussion at this point? I know there's a lot more to be said and done but I just wanna thank you, Mr. Victorino, for bringing it through Committee. And you have some comments?

COUNCILMEMBER VICTORINO: Yeah, well, first of all I wanna thank you, Madam Chair, you know, for bringing it forward because without you allowing it to come out, you know, again, and I knew timing was everything. And, you know, we had discussed this before and you just looking for the right timing 'cause there were other pressing issues and other things that were more important and I understood that. So, you know, now is a good time. I hope all our Members here and others will see that this is, again, like you stated and I've stated and many have said it, the steps in the right direction. And I think this helps Mr. Ginoza, Environmental Management, and all of us put together to come up with something better for Maui County. You know, and it's not just this island, it's Maui *County*. We are working together. So I wanna thank you, Madam Chair, thank my colleagues for, you know, their...I mean their mana`o. This has really helped every one and I think when we come back the next time with all the different people that I wanna bring forward, I think I have some people from Honolulu that wanna come up and be a part of this. And so I'll talk to Mr. Ginoza and you, Madam Chair, on how we can bring them...bring them here. I mean they're willing to pay their own way. They wanna come and help us get this done. So thank you very, very much, Madam Chair, and thank you, Mr. Ginoza.

CHAIR COCHRAN: Very good.

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COUNCILMEMBER VICTORINO: And thank my colleagues.

CHAIR COCHRAN: Thank you. And I have a couple of questions, though, I think that I wanna leave with Department. Jordan, maybe we can officially put this in writing? But in regards to this, I wanted to know what are some of the existing barriers that would hinder your Department, the Department's ability to implement zero waste principles? And once those are recognized and acknowledged, how could these barriers be overcome? And then just, I guess, for you personally, Director, what is your philosophy on waste management? I mean do you have like a catchall phrase? Maybe your own personal jingle or something? No. About what your philosophy is on waste management? So any comments, Mr. Ginoza? No, I'm just kidding about the jingle.

MR. GINOZA: We, as a Department, we focus really on some principles of zero waste which is to try to recycle as economically as possible what can be recycled. And what cannot be recycled, try to keep that away from the landfill. And so if you look at what was developed in 2009 with the Integrated Solid Waste Management Plan, we strive for 60 percent plus waste diversion with increasing the Budget significantly from, I forget it was, like 25 million to 109 million which in this kind of environment is very difficult. And so we looked at, you know, what can we do economically? And then what else can we do to keep it out of the landfill. And that's why we've looked at, you know, just looking at a digestion project versus a waste conversion project to maximize the amount of diversion. And zero waste really looks at putting more resources efficiently at trying to keep things out of the landfill and trying to reuse and recover a lot of the resources that would otherwise be either wasted or repurposed to a lower value use. And so at the next meeting I can kinda give a more...kind of descriptive and informative overview for yourselves and the public as well as insight as to what the County of Kauai has done since they've passed legislation and what their challenges have been. Thank you.

CHAIR COCHRAN: Okay, thank you, Mr. Ginoza. Members, any further discussion?

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: GRH and SC).

ACTION: DEFER pending further discussion.

CHAIR COCHRAN: Okay, well, at this point then, looking forward to continued dialog in regards to these items. And without further...Jordan, we all good? Okay, without further items on the agenda, this meeting is adjourned. . . . (*gavel*) . . .

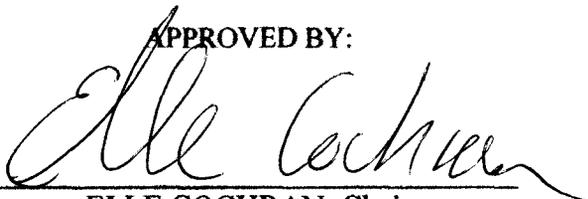
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ADJOURN: 4:15 p.m.

APPROVED BY:



ELLE COCHRAN, Chair
Infrastructure and Environmental
Management Committee

iem:min:140728:rk

Transcribed by: Reinette Kutz

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CERTIFICATE

I, Reinette Kutz, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 19th day of August 2014, in Wailuku, Hawaii.


Reinette L. Kutz