

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

MINUTES

February 10, 2015

Council Chamber, 8th Floor

CONVENE: 1:34 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Elle Cochran, Chair
Councilmember Riki Hokama, Vice-Chair
Councilmember Gladys C. Baisa
Councilmember Robert Carroll
Councilmember Stacy Crivello
Councilmember Don S. Guzman

EXCUSED: VOTING MEMBERS:

Councilmember Mike White

STAFF:

Jordan Molina, Legislative Analyst
Raynette Yap, Committee Secretary

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

ADMIN.:

David Goode, Director, Department of Public Works
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works
John Smith, Civil Engineer IV, Department of Public Works
Kyle Ginoza, Director, Department of Environmental Management
Robert Parsons, Environmental Coordinator, Office of the Mayor
Jo Anne Johnson Winer, Director of Transportation, Department of Transportation
Marc Takamori, Deputy Director, Department of Transportation
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS:

Mike Burke, Grant Manager, Clean Water Branch, State Department of Health
Tova Callender, West Maui Watershed and Coastal Management Coordinator,
West Maui Ridge to Reef Initiative

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PRESS: *Akaku Maui County Community Television, Inc.*

CHAIR COCHRAN: . . .*(gavel)*. . . Will the Infrastructure and Environmental Management meeting please come to order? It is not about 1:35 in the afternoon, Friday, February...February 10, 2015. And welcome, Members, I am Councilmember Elle Cochran, the Chair of the Committee. And here with me today is Committee Vice-Chair Riki Hokama.

VICE-CHAIR HOKAMA: Madam Chairman.

CHAIR COCHRAN: Aloha. And Don Guzman.

COUNCILMEMBER GUZMAN: Madam Chair.

CHAIR COCHRAN: Aloha, good afternoon. Ms. Stacy Crivello.

COUNCILMEMBER CRIVELLO: Good afternoon, Chair.

CHAIR COCHRAN: Good afternoon. Ms. Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon.

CHAIR COCHRAN: Hello. And Bob Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR COCHRAN: And excused for the moment is Mr. Mike White. We have Committee Secretary Rayna Yap, and Committee [sic] Analyst Jordan Molina. And from our Administration, Corporation Counsel [sic] Michael Hopper, and Rowena Dagdag-Andaya of Public Works, and Mr. John Smith. Is that right? Yes. And, sorry, don't know your title, but with Public Works, okay. And from our district offices, in Hana, we'll be having Dawn Lono; Lanai, Denise Fernandez; and Molokai, Ella Alcon. Members, today, we have four items on the agenda. And IEM-30, which is the Pollution Reduction Projects in West Maui; IEM-55, which is the Definition of "Sustainability" and Implementation of Section 8-15.3(4) of the Revised Charter of the County of Maui (1983), as Amended; IEM-50, Evaluation of the Waiko Road Subdivision Sewer System Project in Wailuku; and IEM-2, State-County Memorandum of Agreement Implementation of County Federal-Aid Highway Projects and Programs. Members, with no objections, I'd like to change the order of this business by moving IEM-2 to be the second item we discussed. Director Goode has a 4 o'clock appointment; so to accommodate this schedule, we'll need to discuss IEM-2 second and move IEM-55 and -50 to the end of calendar, with no objections.

COUNCILMEMBERS: No objections.

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CHAIR COCHRAN: Thank you very much, so ordered. At this point, I shall now open the floor for public testimony. Anyone in the gallery who would like to testify, please sign up at the desk out here on the eighth floor. And also, pursuant to the Rules of the Council, each testifier will be given three minutes to testify; and, when testifying, please state your name, organization you may be representing. At this point, the floor's open for testimony. And do we have anyone signed up for testimony? Okay. Looks like we do not. Let me check in with our district offices, though. Hana, anyone there to testify?

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office, and there is no one waiting to testify.

CHAIR COCHRAN: Thank you, Ms. Lono. On Lanai, Ms. Fernandez?

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai, and there is no one waiting to testify.

CHAIR COCHRAN: Thank you. And on Molokai, Ms. Alcon?

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai, and there is no one here waiting to testify.

CHAIR COCHRAN: Thank you, ladies, for being there. Members, it looks like we don't have anyone signed up for testimony today. So, without any objections, I shall now close public testimony.

COUNCILMEMBERS: No objections.

CHAIR COCHRAN: Thank you very much.

ITEM NO. 30: POLLUTION REDUCTION PROJECTS IN WEST MAUI
(CC 13-346)

CHAIR COCHRAN: Let's jump right in then. We have IEM-30, and this is Pollution Reduction Projects in West Maui. And the Committee is in receipt of County Communication 13-346, relating to the matter of pollution reduction products...projects in West Maui. And, as I've introduced from Administration, Rowena Dagdag-Andaya, Deputy Director of Public Works; and also Michael Hopper; and along with Ms. Andaya is John Smith. At this point, we shall...we will also be having a resource person come on line with us. His name is Mike Burke, and he's Branch Manager with the Clean Water Branch, State Department of Health. And Mr. Burke's expertise in this matter is that he manages grants under the 319(h) program which include the curb inlet basket project we'll be discussing today. And Tova Callender is also here in the gallery, and she is with the West Maui Watershed, and Coastal Management Coordinator with the West Maui Ridge to Reef Initiative. Ms. Callender's expertise in this matter is her experience in assisting with

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the implementation of the Wahikuli-Honokowai Watershed Management Plan, a program which identifies the installation of curb inlet baskets as an implementing action. This item, Members, to recap, was last heard here, January 6 of 2014; and the Committee received a presentation from Ms. Callender. And she provided an overview of the activities being undertaken by the West Maui Ridge to Reef Initiative, and it included a project to install 38 curb inlet baskets along State, County, and private roadways. Members, we have posted, on the monitor here, a schematic of the baskets that is proposed for the project, and this was a handout dated January 3, 2014 on Page 8. These baskets are used as a best management practice to reduce non-point source pollution entering storm drain systems. The baskets are made of fiberglass mesh, rectangular in shape, twelve inches wide by twelve inches deep that stretch approximately the length of the curb inlet and are equipped with stainless steel and fiberglass filter screens, and you can get the idea there on the screen. The project is supported by EPA funding under the Clean Water Act, Section 319(h), and administered by State Department of Health, Clean Water Branch. In 2013, the Department of Health issued requests for proposals under the 319(h) program. Sustainable Resources Group International, Inc. (SRGII), a private company, submitted a winning proposal for the installation of these curb inlet baskets. The EPA funds cover the purchase and installation of the baskets; however, the owners of the curb inlets, where the baskets would be installed, are required to provide the operations and maintenance, the O&M. Operations and maintenance duties include performing inspections of each curb basket equipped with a catch...inspections of each curb inlet equipped with a catch basket and removing any debris that has accumulated there. In 2013, the Department of Public Works committed to provide O&M for two baskets with the possibility to take on five; however, resource limitations identified within West Maui Highways Division prevented Department from taking on more baskets. And unfortunately, between West Maui landowners, Public Works, State DOT, SGR II was unable to secure O&M commitments for the 38 baskets. Sadly, it is likely the project will be canceled at the end of the month, but all is not lost. The purpose of discussing this matter is to understand why Department of Public Works was not able to take advantage of the funding opportunity presented by the curb inlet basket project and for us to identify the improvements needed for this County to better capitalize on future opportunities; so definitely a learning experience, Members and organizations. At this point, I would like to get...I guess Tova's here as a resource person along with, of course, our departments. And I have requested that Mr. Burke, Mike Burke of DOH, be contacted, to be as a call-in for us for any questions that we might have. So Members, at this time, I will recess so we can get Mr. Burke on line, and then we'll be able to talk with him. But, in the meantime, Department, did you have any opening comments to share with us? Okay. Ms. Andaya?

MS. DAGDAG-ANDAYA: Okay. Thank you, Chair, and thank you, Members of the IEM Committee, for having us participate in this afternoon's discussion. The Chair had mentioned earlier that we met with Tova in the early part...or, actually, in the summer of 2013; and, at that time, we discussed the proposal by Sustainable Resources Group International (SRGII) for the installation of curb inlet baskets within the Wahikuli-Honokowai Watershed areas. At the time, the Department, along with other County departments, had participated in technical assistance from the EPA.

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The EPA had a...not a grant, but it was called a “technical assistance” that we competed for; and this was to learn more about creating a green street strategy. At the time, we had also adopted the rules for the design of storm water treatment best management practices, and were also given a heads up that the central Maui was designated as an urbanized area triggering MPO and MS4 requirements. So when we talked to Tova, we realized that the proposed project was viewed as something that would be in line with our recent efforts toward curbing non-point source pollution. In July of that same year, we stated our support for the project by...we state our support for the project by sending a letter to Alec Wong the Division Chief for the Clean Water Branch, and said that we would provide support for the maintenance of two curb inlet baskets. Now, we had intended on adding more baskets as we understood what kind of impact it would have on our existing operations. As you may know, we, at that time, had also started implementation of our Pavement Preservation Program and we’re currently, you know, doing ongoing maintenance of our flood-control structures in addition to any kind of brush cutting that was going on in the west side and responding to citizen requests. So, on the west side, the guys are kept pretty busy throughout the entire week; and, not knowing fully what the maintenance responsibilities of these catch basin inserts were, you know, we decided, okay, let’s start small and then gradually add more as the project becomes more successful. We even reached out to Glenn Gazmen of the Kaanapali Operators [sic] Association. He’s the Maintenance Supervisor there. And we brought some of our guys and did a site visit and did a demonstration. We were able to see what the catch basin inserts look like, we saw what kind of work they had to do, and we learned of what their maintenance schedule was like. At the time, they were telling us, you know, you might wanna consider doing this once a week. So we kind of calculated the amount of hours, the amount of manpower it would take and decided, you know what, I think we’re gonna have to stick with two for now and just to see what, you know, see how this would impact our existing operations. You know, we still continue to support the concept and are willing to help out as much as we can. We know that there’s also other projects in the queue for the Wahikuli-Honokowai Watershed area and are willing to support those projects as well; but, at this time, I think, you know, to do 38 would be quite a big impact to our existing operations. And, as the Chair had mentioned earlier, I think there was also partnerships developed with State DOT to insert these catch basin inserts into their highway facilities and quite possibly add more in the Kaanapali area. So if we were to work with them and, you know, insert up to seven within the county roads, have the State Highways take on a number of catch basin inserts, you know, I think it could probably move forward. But, right now, what we’ve state in our letter was, we would provide two. I think we can go up to maybe seven, five to seven, in total; but, without additional resources such as staffing, we, you know, we’re pretty much limited, right now, as to what we can do.

CHAIR COCHRAN: Thank you, Ms. Andaya. And, Mr. Smith, did you have anything to add at this point?

MR. SMITH: No, thank you.

CHAIR COCHRAN: No? Okay.

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MS. DAGDAG-ANDAYA: Oh, and...I'm sorry. Chair?

CHAIR COCHRAN: Yes?

MS. DAGDAG-ANDAYA: I'm sorry, excuse me. I forgot to mention, the reason why we have John here today is because, number one, he's one of our engineers within our Design section of the Engineering Division and he's also...we currently have him assigned to oversee the activities going on with our MS4 program. So he's our storm-water guise, if you may. But thank you. Thank you, Chair.

CHAIR COCHRAN: Okay. And thank you, Mr. Smith, for being here. But, Members, before we take a brief recess to reach Mr. Burke from DOH, I'd like to get Ms. Callender down here for some comments from her, being that she's been with this project from day one, with no objections with the Members.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COCHRAN: Okay. Thank you. Ms. Callender, if you don't mind? You can come down, I guess, and have seat next to Ms. Yap here. And thank you for your time and being here with us. And I'll just ask if you have some opening comments for us, that would be great.

MS. CALLENDER: Yes, just a few. 'Cause actually, you've covered quite a few of the points, so that's great.

CHAIR COCHRAN: And just identify yourself and your affiliation.

MS. CALLENDER: Sure.

CHAIR COCHRAN: Thank you.

MS. CALLENDER: My name is Tova Callender, and I work as the West Maui Watershed Coordinator for the West Maui Ridge to Reef Initiative. So I think a lot of the background of this project has been given by other speakers; so, instead, I'd just like to frame out a little bit about what the Ridge to Reef Initiative is and remind you how that fits in with the other partners that we're talking about and with today. So the West Maui Ridge to Reef Initiative, or R to R for short, grew out of a long Army Corps of Engineers' process looking at using watershed management planning as a tool for more comprehensively looking at the sources and possible solutions that cross jurisdictions within a geographic area. And that process resulted in West Maui community being supportive of this process moving forward, which was formalized in a cost-sharing agreement between the Army Corps of Engineers and DLNR in August of 2012. So just so you know who else is at the table at the agency level, it's EPA, Department of Health—ready for your alphabet soup here?—NOAA, NRCS, Fish and Wildlife Service, and the USGS are all at the table. In addition, we have a local working group that advises and provides the local context for it. And we're fortunate

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to have two people from the County of Maui, who happen to both be in the room right now, Rob Parsons and John Smith are both on our working group. As well as we have the hui of local groups that help to implement projects. The Watershed Management Plan that was drafted and funded by NOAA is the mechanism by which we are able to receive funding to implement pollution-reduction projects. So provided this meets the EPA nine step necessary for good watershed management planning, Department of Health funds become available. So that's the mechanism through which the curb inlet basket projects, submitted by Sustainable Resources Group International, was submitted and accepted as an appropriate project going forward. So, as stated, this current project for curb inlet baskets isn't lining up very well with the capacity and priorities of the Department of Public Works, but this funding mechanism will be available for other projects in the future. And my hope is that by exploring this process with the various partners here, we'll be better equipped to figure out how to take advantage of those opportunities as we go forward. Thank you.

CHAIR COCHRAN: Thank you, Ms. Callender. So, Members, I shall...unless you have questions right now, I'm gonna take a brief recess so we can reach Mr. Burke from the Department of Health. We ready to proceed? Okay. So we shall...couple minutes, Jordan? How long will that take? Okay. We'll be in a brief recess for two minutes, and we'll hopefully get Mr. Burke on the line. We are now in recess. . . .(gavel). . .

RECESS: 1:51 p.m.

RECONVENE: 1:54 p.m.

CHAIR COCHRAN: . . .(gavel). . . Will the Infrastructure and Environmental Management meeting please reconvene? And, Members, we have contacted Mike Burke, and he is the Grants Manager for the Clean Water Branch of DOH. Mr. Burke, you there?

MR. BURKE: Yes, ma'am.

CHAIR COCHRAN: Aloha. This is Elle Cochran the Chair of the Committee. Please introduce yourself and the role that you have at Department of Health; and, also, please provide an overview of the 319(h) programs.

MR. BURKE: Sure.

CHAIR COCHRAN: Great.

MR. BURKE: Again, my name is Mike Burke. My official title is Grants Management Specialist; but, generally, I tell people I'm the Grants Manager. I work for the Polluted Runoff Control Program, which is a section of the Clean Water Branch at the Department of Health, and our office is located here in Honolulu, Hawaii. Our Polluted Runoff Control Program is a fully federally funded program. And we receive a grant every year from the USEPA under the Clean Water Act, and the specific section is 319(h); and so that's why we generally refer to our program kind of as the 319(h) program, because of that fact. The way our funding operates is--like I said, and

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we get an annual grant from the EPA--approximately half of that money that we receive, grant funds that we receive from the EPA, are called "program funds". And this is a rule that the EPA has for us, for all 50 states, in that, the program funds pay for our salaries, our program, our equipment, and operating costs, and those expenses. The other 50 percent are called "project funds", and those project funds are used...we use them through a State RFP, or request for proposals, to procure implementation projects throughout the State that are designed to reduce or eliminate non-point source pollution in watersheds that have approved watershed based plans. As for you guys on Maui, there are two watersheds, currently, that have approved watershed based plans, is the Wahikuli and Honokowai Watersheds. Although, I do know that there are three additional watersheds that are being worked on. There's a plan being developed for them adjacent to the Wahikuli and Honokowai Watersheds out in west Maui, and we're hoping to get final plans sometime this summer. But, on Maui, those are the only watersheds right now that we can spend funds on for projects.

CHAIR COCHRAN: Okay.

MR. BURKE: I think that's about it. Are there any other questions you have about our 319 program?

CHAIR COCHRAN: Yeah. So this funding that we're currently talking about in regards to the baskets --

MR. BURKE: Uh-huh?

CHAIR COCHRAN: --should this project not proceed, what happens to the funds?

MR. BURKE: Well, the funds would come back to us, right. I mean if we canceled, you know, the funds currently, right now, they're encumbered, the State encumbered them, set 'em aside for this project. Should we cancel the project, the funds would just come right back to us and we can then reappropriate them as we see fit, as long, again, as they're going to a project in a watershed throughout the State that has a watershed based plan. Now, our, you know, our focus statewide has been on certain geographic areas that we call "priority watersheds". There's one here on Oahu called...in Heeia on the windward side. We've just closed an RFP for Hanalei in Kauai. But the third priority watershed that we have is in west Maui; it is those two watersheds: Honokowai and Wahikuli. So while we could use those funds for any other project that we deem fit, it's likely that we're gonna be using those funds for another project in west Maui just because it's a priority for us.

CHAIR COCHRAN: Okay, very good. So it doesn't go back to the Federal Government and dispersed that way?

MR. BURKE: No. No, it doesn't go back to the Federal Government, it comes back to us.

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CHAIR COCHRAN: Okay. Alright, very good. And then one last question from myself, and I'll open up the floor to the Members. Can you speak to the status of this 319(h) program in terms of funding levels during this current and upcoming fiscal year?

MR. BURKE: Well, for Fiscal Year '14, I think we got, which is what we're currently in, we received about 1.2-, \$1.3 million for our grant, our 319(h) grant. Again, it's split 50/50, so that makes about 650-, \$700,000 available for projects. I did get a preliminary number from the EPA for our Fiscal Year '15 grant. And it's gonna be less, but I think about \$2,000 less. So we're looking at getting about another 1.2-, \$1.3 million from the Feds for Fiscal Year '15. This is on the Fed calendar, so this would be September 30th of this year, 2015.

CHAIR COCHRAN: Okay. Well, very good. Those are nice numbers. Okay. Thank you. And, Members, I'll open the floor up for your questions and comments from yourselves, if there are any. Any questions for Department or Mr. Burke that's on line for us? Well, yes, Mr. Hokama?

VICE-CHAIR HOKAMA: So what is the Division gonna propose for the budget this year?

MS. DAGDAG-ANDAYA: Chair? So for the budget in terms of this particular project, well, what we do have is monies that we're asking for in order for us to move forward with our MS4 program. And that isn't just centralized in the central area, we're looking islandwide now. So whatever we do, whatever we learn, whatever we do in consultation with our consultants, we need those six areas. And I think John can mention those six areas. One of them has to do with public education; so we'll need to do more public outreach and educate residents and citizens about things like this and not putting stuff into our catch basins and into our drains. Another component is...gosh, I need this. You know, I'm gonna have John explain those six measures.

CHAIR COCHRAN: Sorry, real quick. Sorry to interrupt, Ms. Andaya and Mr. Hokama. At this point, let me just do one round to double check if we have anything --

VICE-CHAIR HOKAMA: Happy to wait.

CHAIR COCHRAN: --for Mr. Burke. And then, if not, then I can release Mr. Burke.

MR. BURKE: Sounds good.

CHAIR COCHRAN: So I have a question, Mr. Burke.

MR. BURKE: Sure.

CHAIR COCHRAN: In regards...you said there's...are there additional priority watersheds in west Maui, can you name those; or are they not totally solidified yet?

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MR. BURKE: Well, no. They're actually, the plans themselves, have been drafted and are under review. It's just that, you know, I'm more the money guy --

CHAIR COCHRAN: Oh, okay, that's alright.

MR. BURKE: --so if you don't mind, if you give me thirty seconds, I can get those other three watersheds. I know that it's adjacent as it wraps around the eastern...oh, I mean the western side of the island --

CHAIR COCHRAN: Oh, okay...

MR. BURKE: --but I couldn't name those for you right now.

CHAIR COCHRAN: No, not a problem. I just thought if you had it at the top of your head, but I'm sure Ms. Tova Callender probably knows.

MR. BURKE: Oh, yeah. No, Tova's been involved in --

CHAIR COCHRAN: Okay.

MR. BURKE: --the entire west side, so --

CHAIR COCHRAN: Right.

MR. BURKE: --she would know. I know she's been working...the contractor is Group 70. They were hired through, I believe, NOAA and the Army Corps of Engineers. And so they're the sort of the project leaders on those watersheds, but--and on the watershed plans—but we have a role in reviewing the plan and making sure that it's compliant with EPA's requirements that we can fund projects in the future. Just so you know, the three watersheds, the adjacent watersheds, are Honokahua, Honolua, and Kahana.

CHAIR COCHRAN: Okay, very good. Excellent --

MR. BURKE: Alright?

CHAIR COCHRAN: --my literal backyard. But thank you very much, Mr. Burke.

MR. BURKE: No problem.

CHAIR COCHRAN: And, Members, one last call. You have...Mr. Guzman?

COUNCILMEMBER GUZMAN: Yeah, thank you, Chair.

CHAIR COCHRAN: Yes. We have Councilmember Guzman here with a question.

MR. BURKE: Sure.

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COUNCILMEMBER GUZMAN: Yes, thank you, Mr. Burke, for phoning in. I had a question. You mentioned that if the 1.3 million...I mean if it's 50 percent of that is not going to be used...

MR. BURKE: I can't hear a word, I'm sorry, would you mind speaking up or getting close to the microphone?

COUNCILMEMBER GUZMAN: If the money isn't going to be used and it goes back to your department for reallocation, do you...is it required or mandatory that the monies be appropriated to Maui watershed based plans?

CHAIR COCHRAN: Did you hear, Mr. Burke?

MR. BURKE: I heard nothing, I'm sorry.

CHAIR COCHRAN: Okay, sorry.

MR. BURKE: Would you mind repeating the question...

CHAIR COCHRAN: Basically, the question...sure, let me see if I can encapsulate. The question is the monies that are not utilized or returned, is there priority to reuse them for Maui?

MR. BURKE: Oh yeah. I mean that's our priority, it's the internal priority of our program. And, you know, I guess you could extend that to the State that we'd like to see progress made in west Maui. And so, you know, again, if this curb inlet basket project is canceled, the money would likely be reappropriated to another project in west Maui. We have been speaking with DLNR about potential projects in the upland area. And, at the end of February, we're gonna be visiting with the Maui Board of Water Supply. Just this part, we're tagging along with our SRF group. But after that meeting, I'll be sitting down with Ms. Andaya just to talk about our 319 program with her and see if there's a way we can partner and put together a project between us and the County of Maui to do something out in west Maui.

CHAIR COCHRAN: Okay, very good. Mr. Guzman, does that answer your question?

COUNCILMEMBER GUZMAN: Well, yeah, it does. I just...I wanted it more...to be more clarified. Is it a mandatory requirement?

MR. BURKE: No.

COUNCILMEMBER GUZMAN: Or is it --

MR. BURKE: No, it's not mandatory.

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COUNCILMEMBER GUZMAN: --something optional that you guys could...Chair, one of my fears is that money gets reallocated someplace else at the discretion of the Department of Health. So I wanted to make sure that, somehow, there's clarifying language or is there some kind of security that it will come back or get reappropriated back to Maui.

MR. BURKE: Oh yeah, no, there's no security or no...I mean because at the end of the day, we're funding projects that will improve water quality. So if there's nothing that comes out of west Maui, say—and I know that this is really, you know, I mean it's out there, very unlikely to happen—but if I don't get any proposals or I don't have any projects that are worth spending our money on, we don't see water quality improvements on, I'm not committing my money to west Maui. You understand?

COUNCILMEMBER GUZMAN: Yes.

CHAIR COCHRAN: Uh-huh.

MR. BURKE: But our priority is, I mean, the west Maui watersheds. Like I said, there's one of three priority watersheds throughout the State. And so our intention is to use this money and reappropriate it for a project in west Maui, you know. And so, you know, I can't give you a guarantee, but I can say with reasonable certainty that that's where the money's going.

CHAIR COCHRAN: Thank you. Thank you, Mr. Guzman. And, Mr. Burke, I think the sticking point in all of this has been the operations and maintenance factor.

MR. BURKE: Uh-huh.

CHAIR COCHRAN: And the funding that doesn't come from EPA and DOH and I guess the hardship for our County department. So has there ever been or is that just a huge...does not pay for, you know, these types of grants. Or is there a mechanism to, I don't know, search out for monies to be appropriated this way at all, ever, or no?

MR. BURKE: Yeah. I mean, I think that this is a unique circumstance, right. I think that, you know, we were under the impression that there was gonna be the assurances there in place, and that's, you know, sort of how we proceeded with our contract with the contractor. And so, you know, in the past, where there have been some of these projects that do require, you know, the operations and maintenance, you know, generally, that's been in place prior to everything kind of coming down; so, you know, like I said, this is kind of more of a unique situation. And so, you know, I mean if we were to kind of revisit this, then I would say, yeah, we should have looked at, you know, including, as part of the overall project, you know, funding for O&M at least to start. But, you know, I mean it's kind of a, you know, Monday morning quarterback kind of situation, right, it's already passed and, you know, we're working with what we have, and so it might be, you know, good to just say, let's, you know, start over and look for something else that we could do that, you know, that not only are we supportive of, but, you know, the County is supportive of as well.

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CHAIR COCHRAN: Right, of course. Well, thank you very much for being understanding. And I just want to point out the Kaanapali Resort that is utilizing, I guess, seven of the baskets currently.

MR. BURKE: Uh-huh.

CHAIR COCHRAN: So how does that factor into the overall, I guess, appropriation for the 38? Is the seven will continue to be...

MR. BURKE: My understanding is, those seven were from a pilot project that DLNR funded, the State Department of Land and Natural Resources. That wasn't something that was part of our project; so, you know, I mean I would think that, you know, the contractor probably has a better idea of who's going to continue maintaining those. And I suspected that, you know, something that DLNR and the contractor and the private landowners has kind of worked out.

CHAIR COCHRAN: Okay, very good. Well, thank you very much. Members, last call for Mr. Burke. Are we okay here? Okay. Well, Mr. Burke, thank you very much for your time and assistance, and definitely looking forward to working with you, yeah.

MR. BURKE: Yeah. And, you know, I mean I kind of got a little snippy, but, you know, I gotta be honest. Like, our intention is to keep this money in west Maui. I don't, you know, I don't want you to think that we're gonna take it and run and dump it back in Honolulu, 'cause, you know, I mean here in Honolulu we spend a lot of money. We really do want to see water quality improvements in west Maui, and, you know, that's our mission. And so, you know, I, you know, again, I can't guarantee that the money's gonna stay in west Maui, but I can say with reasonable certainty that, you know, that's our focus, that's our number one priority is to try to make sure that it happens, though. Alright?

CHAIR COCHRAN: Very good. Well, thank you very much, again, and looking forward to further discussion on this.

MR. BURKE: Definitely.

CHAIR COCHRAN: And definitely the monies.

MR. BURKE: Okay.

CHAIR COCHRAN: Thank you, Mr. Burke. Take care now.

MR. BURKE: Yeah, you, too.

CHAIR COCHRAN: Aloha, mahalo.

MR. BURKE: Bye-bye.

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CHAIR COCHRAN: Bye-bye. Okay. So I'll open the floor for further discussion, I guess, following up with Mr. Hokama's queries to Department. Ms. Andaya or Mr. Smith, I think, was gonna start chiming in.

MS. DAGDAG-ANDAYA: Yeah, I can chime in –

CHAIR COCHRAN: Okay.

MS. DAGDAG-ANDAYA: --for the rest. But, again, just to reiterate, we are coming in in this upcoming fiscal year for monies that we would use toward our MS4 program. And the goal is to be able to target six different elements that are required in our MS4, one of which I had mentioned earlier: the public education and outreach. Another one is to look currently from in-house within all of our other departments and, of course Public Works, to see what kind of housekeeping practices, best management practices, we currently have at our baseyards and all of our other facilities. We would also target illicit discharge detection and elimination; so, in that sense, we'd review ordinances and work with the consultant, do storm drainage mapping, and evaluate mechanisms in receiving and being able to respond to public complaints. So we're going to need to look at that and also developing a training program that would address construction-site runoff control. So those are areas that we're looking into in this next fiscal year. If I can, Chair --

CHAIR COCHRAN: Yes.

MS. DAGDAG-ANDAYA: --kind of expand a little bit on what Mr. Burke had mentioned. In my discussion with him, it was very hopeful. I mean we...he did mention, you know, all is not lost if this current project doesn't go through. There is that opportunity for the County of Maui to come in and request monies for some sort of program or...for a project. And that's why we have John working with Tova in the West Maui Ridge to Reef Program; that way, they can interface and learn about the different projects and...or proposed projects for this particular watershed. And, you know, his expertise combined with the resources that Tova's group has, I think we'd be able to work together to come up with a program that we'd be able to go to the Department of Health with and apply for funding. I also heard from Mr. Burke, earlier in the week, that we would perhaps even bypass the RFP process and just work directly with them. So there's that opportunity and then there's also that other opportunity using the SRF funds that currently I know Wastewater Division uses. Water Department, they also take advantage of that program. We met with the SRF Program Administrator couple weeks ago; and, as you heard, Mr. Burke is coming back in February along with those members...or with the members of that program, and we'll be able to talk with them a little bit more about how we can use Department of Health monies to move our projects forward.

CHAIR COCHRAN: Very good. You had a follow-up, Mr. Hokama?

VICE-CHAIR HOKAMA: Please.

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CHAIR COCHRAN: Okay.

VICE-CHAIR HOKAMA: So how much consultant money you folks looking at, and are they currently your consultants?

MS. DAGDAG-ANDAYA: Chair?

CHAIR COCHRAN: Yes, go ahead, Ms. Andaya.

MS. DAGDAG-ANDAYA: So apparently, according to John, 400,000 for consultant fees; and, yes, they currently are...we're working with them quite actively. We've...have them engaged in different tasks. I know for one, I mean we have them working on a website right now, and...

VICE-CHAIR HOKAMA: For this program?

MS. DAGDAG-ANDAYA: For this program, yeah. And...

MR. SMITH: I can...Chair, can I?

CHAIR COCHRAN: Yes, Mr. Smith.

MR. SMITH: I can expand on it. Yeah, we...our consultant has tasked...

VICE-CHAIR HOKAMA: Who's the consultant?

MR. SMITH: Kennedy/Jenks, they're an Oahu-based firm. They have an expertise in MS4 work, in particular; and they're helping us develop the program. So we're taking each of those six program elements that we're required to do and just attacking them systematically.

VICE-CHAIR HOKAMA: Uh-huh.

MR. SMITH: So we have a number of to-dos every month this year as we develop the program.

VICE-CHAIR HOKAMA: So this is coming from Solid Waste funds, is this coming from Health Department funds, is this from County General funds? Where is this 400,000 coming from?

MS. DAGDAG-ANDAYA: Chair?

CHAIR COCHRAN: Yes.

MS. DAGDAG-ANDAYA: We have it targeted for General funds. And for other components of the MS4 project, we're looking at different sources as well. So we're, you know, currently working with our consultant to find other funding mechanisms.

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VICE-CHAIR HOKAMA: Currently, they're being paid out of what fund, please?

MS. DAGDAG-ANDAYA: I'm sorry?

VICE-CHAIR HOKAMA: Currently, what fund is paying for the current work?

MS. DAGDAG-ANDAYA: I believe it's the General Fund.

VICE-CHAIR HOKAMA: Well, do a good job, because you're gonna have a hard time asking me for General Fund for consultant for this program. Thank you.

CHAIR COCHRAN: Thank you, Mr. Hokama. Members, any further questions for Department? So I guess in closing then, for Department, what types of changes are needed with you...the Department to be positioned in a better, you know, position to capitalize on future funding opportunities, I guess?

MS. DAGDAG-ANDAYA: So, Chair, currently, within Engineering Division, I know we've established a relationship with the Department of Health. And previous to that, we received grant funding from NRCS for the Lahaina Watershed Flood Control Project. And engaged in discussions even with our US Representatives and their staff who oftentimes provide us with information of upcoming grants and funding opportunities; that's how we were able to get information on that EPA technical assistance that we applied for back in 2012 and engaged in in 2013. So with that and then, additionally, as our MS4 program grows and have dedicated staff in, you know, researching funding opportunities, I think we'll able to create a system for capitalizing on additional funding sources in the future.

CHAIR COCHRAN: Okay. Well, very good. Thank you. And I'll just have Tova do some closing comments—if you can—in relation to what the...any projects that are on the horizon for west Maui, as Mr. Burke mentioned, we have Honokahua, Honolua, and Honokohau, I guess, being determined as priority watersheds, also; and if you have comments?

MS. CALLENDER: Yes. So there's two different topics there. One is the watershed management plan, that was just referenced, which is being developed right now. So the desire with this plan is to make sure that there's plenty of dialogue starting with Public Works and other departments before the plan is finalized so that we're finding that nexus of interest where it's reinforcing what the County is wanting done as well as what is being flagged as most important for our pollution reduction in that area. So but actually that started yesterday with some meetings with the west side team at Public Works, looking at the map and talking about which projects might be appropriate, and that will continue. The timeframe on that is probably early summer that plan will be done; and then, following that, we do expect to be a priority for the 319 funding coming up in the next cycle, which typically hits around December, timing for having projects together. As for projects in our current focus area of Wahikuli and Honokowai, you've heard me mention, in past, a few of the things we

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had going on. And so I'll just provide an update on what is no longer happening and what is another opportunity to partner with the County. So the Wahikuli Gulch stretch that we looked at stabilizing is a nonviable project due to the cost of permitting; so we're putting that one to bed. The constructed wetland we were looking at locating at Honokowai Beach Park is also not viable due to the restrictions of area and the lack of desire to take away land from the Parks Department. And we were working with Public Works in the channel, but there's just not enough room to build a structure there, a natural wetland structure there, that will take in the 48 acres worth of storm water that comes down. As a part of that project, with the balance of the consultant funds, they are looking at other options for the Honokowai area. We'll see whether or not any of them take place within County land. But there might be some low-impact, design suggestions for that area including a green streets demo project right in front of Honokowai; so that could be one possible opportunity in the near future to work together with the County. The other outstanding project is Honokowai Dam No. 8; so that's the large dam that's located right behind the wastewater reclamation facility. UH did a modeling exercise, a team of professors and graduate students, to look at what it would take to retrofit the dam to retain more of the sediment. That project is nearly done. I've asked them to get, in writing, the dam safety officer's opinion about the project, which they've said they don't have concerns, but I'd like that in writing before bringing it back to the Department. And a better sense of what the pollution reduction potential will be so that we're really knowing what we're looking at in terms of numbers for keeping the sediment back. So once we have those last pieces of information, doing a retrofit, which what they have proposed is very straightforward to that dam, is one possible project we could partner with Public Works on. That could make a significant difference. I know you're all familiar with the large, brown plumes that are creating quite a stir every time it rains on west Maui, and we could do something about that with that project. We're also waiting for permission to do some water-quality monitoring work in both the drainage area at Honokowai Beach Park as well as Honokowai dam; so that's something else we have pending that relates to County permissions. And our hope there is just to get a better understanding by actually having data about what's happening within those areas so that we can better target our projects to address the real issues. We're also talking with Department of Public Works about doing community-based gulch cleanups, and we would like to see that as something that gets going as a means to remove the rubbish and other debris in the gulches, but also an opportunity to engage the community in something that's visible to them, meaningful to them, and provides experiential opportunity to see why they really shouldn't be throwing their landscaping and other junk in the water. So we're beginning, trying to figure out how to emulate the kind of really successful gulch cleanup programs with community that they have in Oahu and see what it would take to have that happen here. So that is a number of different ideas. I do hope to keep this Committee as well as the other relevant departments in the County in the loop very closely as we form this plan, because, as you saw, it has to be in the plan in order to be appropriate for funding, and that's...we'd really like to see that go forward smoothly in the future. Thank you.

CHAIR COCHRAN: Thank you, Ms. Callender. Members, any need for questions or comments for Ms. Callender at this point? Okay. Seeing none then, Members...trying

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to see what the item is here. So I'm thinking I should just defer this to keep the item open, Members, if that's okay, without objections? Is that okay?

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (excused: MW)

ACTION: DEFER pending further discussion.

CHAIR COCHRAN: Okay. Well, very good. Thank you, Ms. Callender, for your time and efforts. And, Department, not sure if...are you staying for the others? If not, then thank you for your time and efforts, also; looks like we'll be continuing the conversation here. Thank you, Ms. Andaya; thank you, Mr. Smith.

**ITEM NO. 2: STATE-COUNTY MEMORANDUM OF AGREEMENT
IMPLEMENTATION OF COUNTY FEDERAL-AID
HIGHWAY PROJECTS AND PROGRAMS (CC 15-17)**

CHAIR COCHRAN: And with that, we will go to IEM-2, and this is the State-County Memorandum of Agreement Implementation of County Federal-Aid Highway Projects and Programs. And this is County Communication 15-17, from Director of Public Works, Director Goode who's on his way down, who transmitted a proposed bill entitled, "A Bill for an Ordinance Authorizing the Mayor of the County of Maui to Enter Into an Intergovernmental Agreement with the State of Hawaii for the Implementation of County Federal-Aid Highway Projects and Programs, and to Indemnify the State of Hawaii Under Certain Limited Circumstances". The purpose of the proposed bill is to authorize the mayor to execute an intergovernmental agreement with the State of Hawaii for implementation of County Federal-aid highway projects for eligible roads and activities. And we may recommend passage of the bill on first reading, with or without revisions and also consider filing of this County Communication 15-17. Looks like we have Director Goode of Public Works here with us; and also we have Ms. Jo Anne Johnson Winer, Director of Transportation along with Marc Takamori. At this point, Mr. Hopper, we're keeping you? I guess Mr. Hopper is here, Corporation Counsel [sic].

MR. HOPPER: Madam Chair?

CHAIR COCHRAN: Yes?

MR. HOPPER: I'm gonna be here for this item and then Ms. Thomson will be here for the Environmental Management related items later in the meeting.

CHAIR COCHRAN: Okay. Alright, very good. And, Ms. Winer, did you wanna join us down here on the floor? Mr. Goode, at this point, do you have any opening comments for us in regards to the item?

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MR. GOODE: Yes. Thank you, Chair. Good afternoon, Members. We briefly discussed this item at the last Committee meeting, I think that was on the 2nd. And we were near the end of the meeting and we didn't have, made a bare quorum, I think; so it's nice to have a fuller Committee today. The agenda before you today is on this memorandum of agreement with the State Department of Transportation. This is regarding our Federal Highways program, which we've really been implementing for over 20-plus years to date. And this essentially memorializes what we've already been doing. This particular agreement is actually going to be with the State and all the counties; so we're the fourth county. The other three counties have passed through their councils' resolutions to move forward on this agreement. So if and when this Council agrees, then we will execute it with all the counties. And basically, what the agreement does, it sets forth various responsibilities for each party. For us, as you know, we, of course, provide the matching funds for construction projects; we provide the design funds; and construction management. We then maintain the project after it's completed. We go through the procurement process to get, of course, designers and our construction monies. We do the design in accordance with all the State and Federal, local regulations. The State reviews our plans as we go along. They do make comments; they're also well-versed in the various, Federal requirements. And what's also quite important, and this agreement helps memorializes that, the State will be providing to us multi-year budget estimates of what types of monies we should be expecting to receive. So, typically, we've been receiving around \$15 million a year. If that number's looking to be changed for any reason, we get some heads-up on that, it allows us to plan our projects so we can come to you folks for the matching funds as necessary. The agreement does include some limited indemnity provisions, and so Mr. Hopper can address any questions you have with that. And other than that, Chair, I think that's enough summary, that I'd be happy to answer any specific questions the Members may have.

CHAIR COCHRAN: Thank you, Director Goode. And, Ms. Winer, thank you for joining us, and Mr. Takamori also, from your Department.

MS. JOHNSON WINER: Thank you.

CHAIR COCHRAN: You're welcome. Did you have some opening comments for us?

MS. JOHNSON WINER: No, other than the fact that we defer, basically, to Mr. Goode on these kinds of highway projects. And, for the most part, I think there were some of the projects, and I haven't seen the final listing, but I know there was discussion with our State, our representative here on Maui, about the priority of some of those, I guess, projects that will be worked on. And there was discussion, I know, on all of our part about the changing of the order of some of those priorities. And with the acting Executive Director for the metropolitan planning organization, which we have not yet fully formed, Mr. Takamori is here. We really can't give a comment on the metropolitan planning organization, yet, because it has not yet been fully formed; but it's my understanding that when we do reach the point where it is fully implemented, then a lot of times what's in these Federal-aid highway projects with the prioritization of all the projects in there that once the Policy Committee makes a recommendation

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through the MPO process that that must be implemented as long as it is fiscally constrained. And so that would be passed along to the State Department of Transportation and they must abide by it, which would be a little bit different from the way that it's being done now, which is largely by, you know, a majority vote. So that is the only comment we have; and I'm fully supportive. And if Marc has any comments to make, I know that we work very closely with Mr. Goode and we do comment on many of the projects that are being done which also benefit transportation here on Maui as well.

CHAIR COCHRAN: Okay. Well, very good, Ms. Winer. And, Members, with that, do we have some comments and...yes, Mr. Hokama?

VICE-CHAIR HOKAMA: Thank you, Madam Chairman.

CHAIR COCHRAN: Yes.

VICE-CHAIR HOKAMA: So just a few things for us to understand clearly. And I'll just go on the most recent that the Director just shared with us. So in the future, it doesn't matter what the Council says to fund from our point of view, it's what the MPO says to fund regarding a road project?

MS. JOHNSON WINER: As far as the MPO goes, the structure of it is not yet before you, but you will have a representative on the policy committee; that's the way it's going to be structured. And so what your role, of course, is always through the budgetary process, you know, whatever the matching funds are. So if there's no matching funds, obviously, you know, that's going to be an issue. But it's basically the policy committee's recommendation that would then go to the State Department of Transportation; and, right now, they pretty much do what they're going to do. And the Council, you know, other than, again, the same funding, they don't have, from my understanding, a role and responsibility that, you know, even exists under the present system. So you may want to ask Director Goode, but I think this will give us a little bit more home rule in terms of that process.

VICE-CHAIR HOKAMA: Do you see it that way, Director Goode?

MR. GOODE: Yeah, I do see that we have more home rule on this. And, as the MPO gets...

VICE-CHAIR HOKAMA: Well, who is home rule in this? 'Cause it ain't the Council. So who's the home rule?

MR. GOODE: Well, the MPO, like Ms. Johnson Winer just mentioned, the MPO will likely have a Member of the Council on the MPO. So the MPO will also consist of most of the folks...the three of us; my Deputy, who's actually working closely with Marc on this; Planning Director. So a lot of the projects that we look to implement would go through that STIP process, which is a public participation process as well. And it will also reflect what's in our various island plans and community plans. So trying to take all that information, along with the funding constraint that we know we're gonna get of

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X-million dollars per year and try to slot projects in that can fit within that requirement.

VICE-CHAIR HOKAMA: So it's what the Council had intended under that old CIP taskforce that was part of the Code at one time, the CIP taskforce?

MR. GOODE: I'm not super familiar with that.

VICE-CHAIR HOKAMA: Well, you'd be one of the key directors that would be responsible for this, so it's...

MR. GOODE: Absolutely. So, yeah, we will be sitting at the table, you know, the STIP, which we just finalized and had two rounds of public meetings on, sets forth a few years plus a couple outlier years, so we'll revisit it again in a few years. And we also adjust the STIP, you know, as needed, 'cause if projects don't go through for whatever reason, we gotta slot in other ones that might be coming up.

VICE-CHAIR HOKAMA: So is there a component for...like our sister counties in Pennsylvania, they've done projects with Federal funds whereby they were so creative, they created more than 20 percent savings; so the Feds said that that is good enough for your local match, 'cause you save more than 20 percent on the project. So is that what we have in our language, that if we create X-amount of percent it could be used to take the part of the Federal match? Mr. Hopper, you see any type of flexibility in the language that would give the County credit for that type of budget management?

MR. HOPPER: Madam Chair, the agreement echoes, essentially, as I asked Public Works before this, it does not change the current process substantially, it basically memorializes what's already required by the Federal Government, which is under the CFRs. And whether or not there's a particular provision in a CFR that provides for that, I'm not familiar enough with all of them in order to be able to advise you on that. I don't know of a particular provision in this agreement that would allow that, but I don't think the agreement necessarily covers all possibilities with respect to those regulations. It basically discusses how the County and the State relate as far as processing requests for Federal funding. If there is such a provision like that under some sort of agreement that Pennsylvania has, I wouldn't be so sure if that was between the State and the counties there or if it would be a term in the CFRs that the county, based on the fact that they're already in the CFRs, could take advantage of. That's maybe something that's worth looking into. I think that was a pretty astute observation; I just don't know offhand if that's something that's an option for the counties under the Federal Government's reimbursement process, which if it is indeed at the Federal level, would apply equally to the County.

VICE-CHAIR HOKAMA: Uh-huh. Okay. Well, that is something that I believe is worthy for this County to ask for in its agreement, Madam Chairman. The other thing, what is the State actually asking for indemnification from the County as you understand it, Mr. Hopper?

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MR. HOPPER: Madam Chair, it would be for if the State is named in a suit where it is the actions of the counties is what results in the State being named. Basically, the contractor...the county...any county contractor used, pursuant to this, would have to indemnify the State and the County. And if the actions of the State are what causes it to be named to a lawsuit, then the State would...the County would not have to indemnify the State. So that's...

VICE-CHAIR HOKAMA: The State would indemnify the County?

MR. HOPPER: No. The State would be responsible for its own damages.

VICE-CHAIR HOKAMA: We don't need to have anything indemnified for us?

MR. HOPPER: While we...

VICE-CHAIR HOKAMA: It's just that I don't trust the State, but whatever the State is asking, I don't have the problem to ask for the same benefit for the County.

MR. HOPPER: If we're gonna discuss indemnity a bit more, and I think it may be productive, we could discuss in executive session to also kind of discuss the terms as they were negotiated with the State and how that happened as far as the legal issues involved. But the terms of the agreement, right now, are that the State will be responsible for its own damages if they are named to a suit, then the County would indemnify the State only if it is because of the actions of the County's employees not the County's contractors and not the State's employees or officers. And, again, in an executive session I can give you some more background on this if required. But those are the terms as stated.

VICE-CHAIR HOKAMA: Well, let me ask our Chair in this matter, are you aware of things that this Committee needs to know from an executive session regarding the indemnification requirements or any other outstanding legal issues?

CHAIR COCHRAN: Not at this point.

VICE-CHAIR HOKAMA: 'Cause the way he makes it is there's something I could tell you if we do it, but if we don't do it, then I'm not going to tell you. So I'm just asking if you're aware of potential legal issues that the whole Committee needs to be informed.

CHAIR COCHRAN: Not at this point in time, Mr. Hokama, personally, no. I was not made aware of.

MR. HOPPER: Madam Chair, I'm not talking about any particular lawsuit. I don't want anything said to affect, potentially, any future lawsuits or indemnity actions on this. My reason for suggesting executive session is not because of any particular action that I have knowledge, though, that I'm concerned with.

VICE-CHAIR HOKAMA: Okay, okay.

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CHAIR COCHRAN: Thank you, Mr. Hopper.

VICE-CHAIR HOKAMA: Chair, I am happy to relinquish the floor for other Committee Members' purposes.

CHAIR COCHRAN: Thank you, Mr. Hokama. Members, any further questions for departments? So looking at the MOU, Mr. Goode, perhaps, so are you saying, you're the point of contact? Section 4 of this says, we will designate a full-time qualified person as on Page 3, Section 4 for any Federal undertakings, is that, per se, you; or is there a person named?

MR. GOODE: Yes, we've designated—actually I think it's on one of the exhibits or attachments—we've identified Cary Yamashita, who's the head of Engineering Division, as our point of contact.

CHAIR COCHRAN: Okay.

MR. GOODE: He's very well versed in all the regulations.

CHAIR COCHRAN: Okay, okay, just making sure. Thank you very much. Okay. And so, as you stated in your opening comments, all the other counties have already officially signed on to this and we're the final county to do so...

MR. GOODE: Yes. My understanding is all the councils have so the signatures are all, I think, waiting for us at this point.

CHAIR COCHRAN: Okay.

MR. HOPPER: And, Madam Chair?

CHAIR COCHRAN: Yeah.

MR. HOPPER: Which may be helpful, Appendix A has a list of all the State and county point of contacts, it includes Cary Yamashita, and you can see the other counties in the State proposed points of contact. No, I don't know if any of those have changed, and I think the idea is that they could change from time to time, but that's what we have in the agreement right now.

CHAIR COCHRAN: Okay. Yes, I see that. Thank you very much. Yes, Mr. Hokama? You had your hand up.

VICE-CHAIR HOKAMA: I know this is for a ten-year period, Madam Chairman.

CHAIR COCHRAN: Yes.

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VICE-CHAIR HOKAMA: So everything that has been pretty much approved or moved forward on the current STIP, Mr. Goode, continues in that status, it's a go? If it's green lighted, it's still a green light regardless of this new agreement? If it's already one ongoing...

MR. GOODE: Yeah, yeah. I don't see anything that we've initiated or the process, say with design or initial planning efforts, will change any. In fact, I don't see a whole lot of changes moving forward, 'cause to me this really just memorializes, you know, the way we've been handling projects with –

VICE-CHAIR HOKAMA: Uh-huh.

MR. GOODE: --the State and, of course, the Federal Government.

VICE-CHAIR HOKAMA: Okay, okay.

MR. GOODE: It just puts it in writing, really, for the first time. I think that's what's been really important to the DOT. They've been pushing us, and we've been working with them for quite a long time to get this agreement to this stage. There's been a number of amendments...

VICE-CHAIR HOKAMA: So Oahu has always had it since they've already have one existing MPO, would that be a good part of understanding that, since they're an MPO, they have these documents all squared away, it's just the other three counties that they didn't have MPOs?

MR. GOODE: I think City and County's a signatory of this as well. So, really, the MPO is the process by which, you know, projects are selected within a given county.

VICE-CHAIR HOKAMA: Uh-huh.

MR. GOODE: And so they had their MPO for many years really since the formation of the program. And ours is, well, the second in the State and just getting our feet on the ground.

VICE-CHAIR HOKAMA: Okay, okay. Well, I would just say that that would be one of my big things that I wish we would push from our side is the County's ability to have consideration of savings as a match, satisfying the matching requirements.

MR. GOODE: If I could speak to that, Chair?

CHAIR COCHRAN: Sure, Mr. Goode.

MR. GOODE: I'd like to learn more about that, especially that particular example. Any kind of innovative financing, I think, is really important to pursue. One type that we have done, I believe at least one maybe two projects, they do have a provision in the CFRs called, advance construction.

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VICE-CHAIR HOKAMA: Uh-huh?

MR. GOODE: So if it was a multi-phased project, and for whatever reason we did the first phase ourselves and didn't use any Federal money, and we worked that out in advance with the State and Feds, we can say, well, that's our 20 percent for the rest of the project. So rather than actually putting cash 20 percent, say we do a whole project, we did that I think in one of the bridge projects on the Hana side by installing the temporary bypass bridge first with our own funds. But since it was needed to replace the other bridge, it counted as our 20 percent match. So any time there's some opportunities in the CFRs that allow for certain flexibilities and creative financing, I think we should jump on it. So I personally would like to learn more about the –

VICE-CHAIR HOKAMA: Sure, sure, yeah.

MR. GOODE: --example you bring up.

VICE-CHAIR HOKAMA: They bundled their bridges, which that had similar spans and dimensions. So they went out one time for so many, X, bridges; and they got the 20 to 30 percent savings. And then working with the Feds, the Feds said, that'll take care the match, the savings.

MR. GOODE: Oh, I see, I see.

VICE-CHAIR HOKAMA: So it was, again, you know, good engineering work, good, you know, project management from your Army and whatnot. So I look forward to, you know, people like Cary and, you know, your engineers that might be able to give us that kind of savings that...well, one, it does tells us we got good engineers and, two, it saves us money to put in one other project. So that's what I'm looking at, Director.

MR. GOODE: Uh-huh, okay.

VICE-CHAIR HOKAMA: Yeah, happy to work with you on that, Director.

MR. GOODE: Thanks.

CHAIR COCHRAN: Thank you.

VICE-CHAIR HOKAMA: Thank you, Chair.

CHAIR COCHRAN: Yeah, thank you for that insight, Mr. Hokama, thank you very much; and, Mr. Goode, for being interested in learning more. So, Members, any further discussion for departments, Ms. Winer, anyone, no? We're okay? Okay.

COUNCILMEMBER BAISA: Recommendation?

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CHAIR COCHRAN: Yes, I shall make my recommendation then. I will entertain a motion to recommend passage of the proposed bill entitled “A Bill for an Ordinance Authorizing the Mayor of the County of Maui to Enter Into an Intergovernmental Agreement with the State of Hawaii for the Implementation of County Federal-Aid Highway Projects and Programs, and to Indemnify the State of Hawaii Under Certain Limited Circumstances”, incorporating any nonsubstantive revisions and filing of County Communication 15-17.

VICE-CHAIR HOKAMA: I make that motion.

COUNCILMEMBER CRIVELLO: I second.

CHAIR COCHRAN: Thank you. It’s been moved by Member Hokama, seconded by Member Crivello. Members, any further discussion needed? Seeing none, all those in favor, say, “aye”.

COUNCILMEMBERS: Aye.

CHAIR COCHRAN: Any opposed, say, “no”. Motion carries with six “ayes”, one excused, zero “noes” and motion passes.

VOTE: AYES: Chair Cochran, Vice-Chair Hokama, Councilmembers Baisa, Carroll, Crivello, and Guzman.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember White.

MOTION CARRIED.

ACTION: FIRST READING of revised proposed bill and FILING of communication.

CHAIR COCHRAN: Thank you very much, directors --

MR. GOODE: Thank you.

CHAIR COCHRAN: --nice to see you folks. And, Members, we shall take just a brief recess to change out our Corporation Counsels it looks like, and we’ll reconvene; so just a brief recess. . . .(gavel). . .

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RECESS: 2:45 p.m.

RECONVENE: 2:53 p.m.

CHAIR COCHRAN: . . .*(gavel)*. . . Will the Infrastructure and Environmental Management Committee please reconvene?

ITEM NO. 55: DEFINITION OF “SUSTAINABILITY” AND IMPLEMENTATION OF SECTION 8-15.3(4) OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED (MISC)

CHAIR COCHRAN: And we are now on IEM-55, and this is in regards to the Definition of “Sustainability” and the Implementation of Section 8-15.3(4) of the Revised Charter of the County of Maui (1983), as Amended. And this is a Miscellaneous Communication, dated May 28, 2014, from Deputy County Clerk, transmitting the matter relating to “sustainability”, how it is defined, and its relationship to Section 8-15.3(4) of the Revised Charter of the County of Maui (1983), as amended. Members, we have Director Ginoza of Department of Environmental Management and also Environmental Coordinator Mr. Rob Parsons from Administration with us here today. And, also, Corporation Counsel *[sic]* Richelle Thomson. Thank you for being with us. This item was referred from our Budget Session where the Budget and Finance Committee noted the term, “sustainability” as used in Section 8-15.3(4) of the Revised Charter of the County of Maui, as amended, needed to be defined and the section of the Charter requires the Department to guide efforts to optimize opportunities for environmental, natural resource protection, sustainability, conservation, and restoration. In Fiscal Year 2015 Budget, the Department proposed a new program, the Environmental Protection and Sustainability Program, in an attempt to fulfill the Charter requirement. However, the Budget and Finance Committee recommended against the new program because additional policy discussions was needed. Members felt the Charter provision was intended to be an overarching policy for all County operations, but that the Director of Environmental Management lacked the authority to have oversight of departments outside of DEM. It was suggested that the sustainability oversight might be better housed in the Department of Management. So I’ve scheduled this matter to provide Department an opportunity to discuss their plan to address the Charter mandate prior to this year’s Budget Session and to continue the policy discussions from the Budget Session. So I’ve requested a presentation from Mr. Ginoza, which you have here. So, Mr. Ginoza, you may proceed.

MR. GINOZA: Thank you, Chair.

CHAIR COCHRAN: You’re welcome.

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. . . BEGIN PRESENTATION . . .

MR. GINOZA: Kyle Ginoza. I'm thrilled that we're having this meeting today, because, as you know, the topic of sustainability is quite overarching and I really could use some assistance with some policy direction. So what I've done in the presentation is kind of try to capture the sustainability ideals for the State and try to kind of capture things for how it would apply to the County. And so, basically, the road map for my presentation is, I tried to look at what kind of mission statements on sustainability there are; and to look at other counties, what they're doing; as well as what the State Government is doing, to try to develop, for discussion, a vision or strategy on sustainability and a hierarchy of personnel and of duties. And last, really, why we're here is to help to...for guidance from you on policy direction for this sustainability. And, really, what we're looking at is, the Charter Amendment was quite broad and I'd like to ensure that, you know, we all are on the same page as far as what sustainability means. And so, about a decade ago, the State embarked on the Hawaii 2050 Sustainability Plan, and their definition of sustainability is, a Hawaii that achieves the following, and this is straight from the plan: respects the culture, character, beauty and history of our state's island communities; strikes a balance among economic, social and community, and environmental priorities; and meets the needs of the present without compromising the ability of future generations to meet their own needs. So, as you can see, it's quite aspirational, quite idealistic. And so they delve further into the goals of this sustainability 50/50 plan. And, again, straight from the plan, six goals: living sustainability is part of our daily practice in Hawaii; our diversified and global competitive economy enables us to meaningfully live, work, and play in Hawaii; our natural resources are responsibly and respectfully used, replenished and preserved for future generations; our community is strong, healthy, vibrant and nurturing providing safety nets for those in need; and our kanaka maoli and island cultures and values are thriving and perpetuated. And then, from there, there are nine priority actions of the Hawaii 2050 sustainability plan. And, as you can see—I won't read it all—but it's basically...covers things like public education, affordable housing, energy, waste reduction, housing, and cultural sustainability. So fast forward maybe about five years and in 2011, the State Legislature passed Act 181, which was a revision to the Chapter 226 of Hawaii Revised Statutes, which is the Hawaii State Plan. And it was to add a definition of sustainability, and--I won't read this--but, again, it's quite aspirational in its nature of trying to protect and sustain culture, beauty, economics, and so forth. And, from there, it was really to add another element into the Hawaii State Plan, which are these seven elements which are priority actions of sustainability. And, again, it's the same kind of common themes of economics, social, community, environmental priorities and making sure that each of those areas have priority interest in how we plan out and implement different ideals for the community. As you can see, it's quite aspirational in their policy actions as well. And then fast forward to last year, in July 2014, the Aloha Plus Challenge was passed with the Governor and the county mayors. And, for that one, there were six implementing actions or priorities. And they are clean energy--and I listed a lot of these things for your information so I don't want to go over each one of 'em--but they're clean energy, and they set some targets; local food production; natural resource management; waste reduction; smart, sustainable communities; and green

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workforce and education. So those are the six priority actions for the Aloha Plus Challenge as part of the Hawaii Green Growth initiative. And so, from a State sustainability, how they are implementing it, the State is currently in the process of developing statewide metrics for sustainability, and they're trying to develop a, what they call web dashboards where people from the public and different departments can see on the State website how counties and the State are doing as far as meeting these sustainability goals, which are measurable targets, such as, for instance, reducing waste by 50 percent by 2030 or some other metric. And what the State's doing is trying to develop those metrics and then they'll convene a consortium of various county representatives to come up with implementation of these metrics, but they're still in the process of developing the scope. And so I'd like to go over, real briefly, about what efforts there are within the State and counties as far as sustainability. So there is a sustainability coordinator at the State level. She was hired in the fall of 2013 and is a civil service employee in the State Department of Land and Natural Resources. And she's a single State employee on sustainability efforts. So she's, right now, trying to engage nonprofits and other agencies to have a sustainability ethic. City and County of Honolulu does not have a sustainability coordinator. They have appointed employees in the Mayor's Office, they kind of tag team on sustainability-type efforts. Similarly, County of Kauai has an appointee—sorry—appointed employee in the Mayor's Office. They had a sustainability green manager—that was his title—he retired at the end of last year, December 2014. And now their energy person has kind of taken over the role of sustainability. But the Mayor has been contemplating creating a civil service position, according to them. And, likewise, County of Hawaii utilizes an appointed employee in the Mayor's Office for sustainability efforts. Their civil service sustainability coordinator was attritioned last year or the year before, but they're considering a new E/P. And so their efforts are quite in their infancy, kind of like ours. And, in discussions with my counterparts over there, you know, they're kind of looking at Maui County as being the trailblazers and trying to follow our direction. And so, as Ms. Cochran had mentioned, the Charter Amendment was to guide efforts to optimize opportunities for environmental, natural resource protection, sustainability, conservation, and restoration. So that's the Charter Amendment that was placed into the Department of Environmental Management. And it really covers your proverbial triple bottom line of environmental issues, economic issues, and social issues. So it's really balancing natural resources with our people and the economics of the community. And so, as Ms. Cochran also mentioned, last year or in the Fiscal '15 Budget deliberations, we had proposed this hierarchy to implement sustainability, which was...the light green are...or were existing positions or existing E/Ps within the Department or, you know, within the County--'cause the Energy Specialist was in a different department--and the light blue was expansion to create this division. So I just brought it up just for reference. And so, for this meeting, you know, I'm thrilled that we have it. I mean basically what I hope to get a discussion if not consensus on is to try to figure out a definition of how Maui County defines "sustainability". And I, as a baseline, kind of use the...I took the Charter Amendment language and took out "sustainability" as one of the elements because we're defining "sustainability", but that's basically the Charter Amendment language. It also would be nice if we can agree upon or set policy on the scope of what sustainability would encompass, whether it's environmental—oh, sorry—aquatic

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resource, environmental protection, pesticide management, energy security, waste reduction and diversion which we had proposed for the Fiscal '15 Budget where they'd also includes cultural elements, economic elements, runoff control, invasive species, that type of efforts. And so, as you can imagine, the scope of what it could be is quite broad. And, also, to kind of look at the organizational location, so right now it's in the Department Environmental Management. And, you know, as I've discussed with you couple years ago, you know, I look at sustainability personally, as being kind of part of everybody's duty. Kind of like, I put safety, ethics, or efficiency where, you know, would you have an efficiency department or is it something that we all innately do in our daily lives. And so, you know, really, what it comes down to is, what is the overall mission of this ideal of sustainability? Is it more for an advocacy kind of responsibility where, you know, say for...you take a topic like invasive species, is it like advocating for more funding for that and, you know, once we get the funding, granting it to another organization such as MISC, you know, which can carry out the...implement these types of goals that we have or is it really a action-oriented organization where instead of relying solely on an outside organization to realize these goals, do we have staff in-house do that type of work? And so that's what I hope to get out of our discussion today. Some policy direction on how we proceed along these kind of four element somewhat elementary ideals or elements where it could help us...it really would help us develop a strategy for Fiscal '15—oh, sorry—Fiscal '16 Budget deliberations. That's all I have, but I'm here as a resource to answer any questions you have. Thank you very much.

. . . END OF PRESENTATION . . .

CHAIR COCHRAN: Thank you, Director. Mr. Parsons, did you have some comments to bring forward?

MR. PARSONS: Thank you, Chair; and thank you, Committee Members; and I wanna thank Director Ginoza for a very informative and also a very attractive presentation, which I think does bring us up to speed on the State's actions and our County actions as part of the Charter Commission. I did, briefly, provide testimony on this last week to Committee Members, so I'll try not to repeat myself. But my involvement with sustainability in the Hawaii 2050 Sustainability Plan goes back to about 2005 during the planning process. And Director Goode, who was here earlier, was actually a delegate to that process from Maui County. And I recall former Governor Ariyoshi at a large group meeting of the master plan probably 800 people were there and he addressed that group. And he said, you know, we've gone through this type of thing before--in the '70s, they had a Hawaii 2000 plan that they put together--and he said, I do not want the Hawaii 2050 Plan to be just another plan that gathers dust on the shelf, full of good ideas, but not being implemented. And so my feeling is that in order to implement sustainability measures and to use the dashboard that's being developed by Hawaii Green Growth with the Aloha Plus Challenge; to understand where we are and the targets that we're setting in these six different sustainability sectors; and how we're gonna get there by 2030 or sooner, we really need to have, in my mind, a point person for that. And that's why, two years ago, in the budget, the Sustainability

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Coordinator position was conceived and was approved. And so, last year, it was a little more ambitious reorganization that didn't go forward, but there's another opportunity here. And I think the time to discuss it now is an optimal one because, you know, Kyle and I would both like your input on how to proceed because we kinda hit some road blocks in this discussion last year at Budget Committee, and if we can identify them now and find a way around them, that will be mutually acceptable, that will be in conformance with what our State plan says and as the agenda item says, in conformance with our Charter language, you know, I just...I hope we can work out the win-win here. That's all I have right now. Thank you, Chair.

CHAIR COCHRAN: Okay. Thank you, Mr. Parsons. Members, the floor is open for our discussions. Yes, Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you, Chair. I really liked the presentation. I think everything on there...I don't see anything on there...except one thing I have questions about on Page 9. And we have the scope of work, aquatic resources, environmental protection, and pesticide management. Now, when I think of pesticide management, I think of using caffeine for coqui frog control or fire ants and the chemicals uses are miconia project and things like that. But it seems like a very open-ended statement, "pesticide management", to where it could be conceived that you're going to say, well, you can't use certain things. And, of course, we run into problems with the State as we know from our GMO bill and everything else that the State does have control over that. So could you please give me your interpretation of those two words?

MR. GINOZA: Sure. May I?

CHAIR COCHRAN: Sure, Director.

MR. GINOZA: So when we initially proposed it for the Fiscal '15 Budget, that was prior to the—wait, Fiscal...yeah—so that was prior to the election and the initiative passing. And so we had imagined that there would be...or there was already a lot of talk about the pesticide use in the County. So it was to develop a framework for managing that type of issue. So I think with the passage of the recent initiative, it would require more than just kind of that one person to oversee that initiative. So it was kind of a precursor to...in case something didn't pass.

COUNCILMEMBER CARROLL: Thank you.

CHAIR COCHRAN: Thank you, Mr. Carroll. Ms. Baisa?

COUNCILMEMBER BAISA: Ah, yes, thank you very much, Chair; and thank you, Mr. Ginoza, for being here. You know, when I think about sustainability, it's such a big word. It encompasses so much in order for us to achieve sustainability, it's kind of almost overwhelming when you think about all the areas of our life where we need to change the way we do things, improve; and, you know, just keep it in the forefront when we're acting. My question to you, Mr. Ginoza, is, you know, we have a whole list of areas where we can work. What is your number one choice? And where would

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you...I know, budgetwise, you gotta go very carefully in trying to get the money to do this thing. What's number one?

MR. GINOZA: For me, personally --

COUNCILMEMBER BAISA: Yes.

MR. GINOZA: --it's the waste reduction and diversion, because it is within our Department. And if you look at what other efforts are kind of happening with the other counties, the number one and two are waste reduction and diversion, and renewable- energy efforts or renewable-energy initiatives. So, for instance, like Kauai County, you know, they had a sustainability person, the energy coordinator kind of took over for sustainability, and they had mentioned that their solid-waste effort is right below the energy effort. And so if you look at...I mean I agree that the term "sustainability" just encompasses almost everything. And if you look at even the Maui Island Plan, I don't know how many times --

COUNCILMEMBER BAISA: Over and over.

MR. GINOZA: --it's in there, but it's a continual thing, because --

COUNCILMEMBER BAISA: Right.

MR. GINOZA: --when you look at the long-term planning of our community, sustainability and resiliency and whatever term we wanna use for the...that our generations after us would continue to enjoy the benefits of what we have. I mean that's top of mind for, I'm sure, every director and almost any employee in the County of Maui. And so it's really hard to separate, as I mentioned, you know, kind of safety, ethics, and efficiency. To me, for me, personally, I put sustainability in there where when I make decisions at my level, I think of the impacts to future generations, to our natural resources; so it's hard to disassociate my own Department interests from kind of other competing interests. I mean it's kind of everything kind of gets molded together. And so for me, personally, the waste reduction and the diversion from the landfill would be top of mind, because that is squarely in the Department, and it is something that we can control from a...what we proposed to this body and the Budget Committee as far as new initiatives, such as, you know, maybe a more...a bigger emphasis on litter control or, you know, trying to have source reduction, that type of efforts would be squarely within our Department.

COUNCILMEMBER BAISA: Thank you. That's interesting. Maybe, Mr. Parsons, do you have a favorite?

MR. PARSONS: Building on what Kyle said—thank you for the question—I would report that Hawaii Green Growth has identified those two targets that Mr. Ginoza mentioned. There has been a measures team, which is a subcommittee of Hawaii Green Growth that's involved. A lot of NGOs, a lot of skilled people throughout the state in each of the four counties; this measures team held a meeting in each of the counties in the

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last calendar year. We held a sustainability briefing here last August and then had an afternoon meeting, meeting the next morning, and then site visits to share what we're doing in different sustainability sectors. And those two areas of renewable energy integration and waste reduction are the ones that—in the measures team—rose to the top and we said, we think we can tackle these and set some metrics this year. And, in fact, I got a e-mail yesterday that the official dashboard launching, which will put these measures online and everyone in the County will be able to view them and understand them, will be the last week of March or the first, March 30th or 31st or that first few days of April. So this has been a year-long effort that it's coming to fruition very, very soon.

COUNCILMEMBER BAISA: You know, it's really interesting to me, because it's like we're planning to go back to the future. You know, when I was a child, we didn't waste anything. And I grew up with parents that got married in the Depression, and they were very careful about everything, and we didn't waste anything. We didn't waste food, we didn't waste old building materials, we didn't have a whole lot of garbage. I mean packaging was so different than what it is now. I think that's a major, major issue that we have, is how we package everything. Just to get a little something, you get a box this big, you know; and it just doesn't make any sense. And so it's kind of like I said, going back for me, going back to the future, and becoming aware, again, of how we have just made such a mess with all of this stuff that we're wasting. And I'm excited to hear, you know, what you guys have to say about waste reduction. I think it's really a big, big issue. You know, I remember my mother, when we had clothes that we no longer wanted to wear, she would cut off all the buttons and sew them together with a piece of string so that the five or six buttons would be together for the next shirt she would make, and then the shirt itself would become part of a rag to either clean house or mop the floor. But, you know, we didn't throw things away; and, now, we just throw, throw, throw and it's just piling up somewhere and we're just gonna have to deal with it. But I think we have some really good projects on line, Mr. Ginoza, and I like where we're going. And so thank you very much for, you know, coming to raise awareness again. I think a lot of this is awareness and education. We have to educate our kids about throwing everything away. So thank you. Thank you, Chair.

CHAIR COCHRAN: Thank you, Ms. Baisa. Members, you need...yes, Ms. Crivello? I'll just go down the line.

COUNCILMEMBER CRIVELLO: Thank you. Thank you for being here. So, if I'm to understand...so I sat on the Charter Commission when we were working on this, and I have to say, I was one of 'em that felt it didn't belong in your Department, and that...just going then Environmental Management. Because if you look what environmental management is describe, is entirely and somewhat contrary to what some of us have in mind: what is sustainability. So it's defined in the Charter, and it's also defined in somewhat coming from the sustainable plan for the...from the State; so that being said, if we were to look at some of the goals from the State and what you've put up here for the Maui County Sustainability, I truly like balancing natural resources people and economics and culture. I think the people sort of have

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the line for social where we sustained the social needs of our people and the people we sustain the economics of our people. And the, under that, also, is to sustain the culture of our people. But when I look at the chart is set before us, I have to, in my mind, and that doesn't mean it's always correct, the energy specialist would be just what it is. I mean it's such a huge area to be dealt with that, to me that is a standalone in its own way. The aquatic resource, perhaps this sustainable coordinator or person is the go between for the County instead of us forming something that's already there with the DLNR and the Hawaii State. We already have an aquatic division, and so then we would be duplicating or are we doing something different? So, in my mind, I'm thinking the sustainability coordinator can do just that, coordinate between the State and the County instead of us budgeting more monies for that. Likewise, with pesticide management, whatever bills are before the State Legislature today, whatever are the heavy regulations that come down from the Federal as well as the State, to me, again, our coordinator, if we have such, does the coordination because do we have the personnel, do we have the testing, do we have all of the knowhow on how we're gonna...who can and cannot, and who is regulated with the pesticide. So I see that...I don't see, necessarily, a division or employees coming out of there. And the waste-reduction program, I definitely see that under the Environmental Management program. Now, the sustainability coordinator is not fully defined in the Charter, it just says, your Department, where we've planted it, guide efforts to optimize opportunities, blah, blah, blah, blah, so it says. So is it for us to define the sustainability? What do we come up for policy or does the Charter already define it, and this is what governs it. And I think your efforts, what you're trying to put together and seeking our support is, how are you going...your Department gonna guide these efforts; and that's not an easy task on your part. But I think we have to define. Do we want to be part of the...have our own sustainability plan or do we want to, sort of, come together with what the State has in place for us. And perhaps, from there, you know, where is the energy specialist, is that a standalone today or is that part of your Department?

MR. GINOZA: Up to the end of last year, there are two, kind of, energy specialists. One, located in the Managing Director's Office and one employed by the Office of Economic Development in the Mayor's Office. And so part of this effort was to try to bring everybody together that would fall under the purview of sustainability, so it would be something that is already, kind of, happening, kind of like the waste reduction side of things where we already have staff to do that. But I appreciate that comment, because I wasn't on the Charter Commission; and, you know, I've read the minutes and, you know, to see whether it was more of an advocacy role of having one or more people kind of pester different departments or different organizations to, hey, what are you doing about this or that versus actually doing something that somebody else supposed to do, but the community is upset that it's not being done. I mean that's kind of the range of how much resources we wanna dedicate as a County, and I just don't wanna keep proposing something, and then Budge, you say, no, that's not what we're looking at. And so that's why...I'm not saying what, you know, I'm kind of just giving some general comments --

COUNCILMEMBER CRIVELLO: I understand.

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MR. GINOZA: --and looking for that discussion, so I appreciate that.

COUNCILMEMBER CRIVELLO: So, Chair, if I may?

CHAIR COCHRAN: Go ahead.

COUNCILMEMBER CRIVELLO: So I think, more especially--and, like I said, number four was added on--but, you know, I guess the number one...the director shall supervise waste management and control of pollution, including recycling, litter control, and protection of the unique beauty of Maui County. So and, basically, it talks more about solid waste and the infrastructure for the...to maintain all the waste, you know. So I for one couldn't see this being under...what do we want to sustain? I guess to define it is, what do we want to sustain, and what, basically, what do we want to save and are we going to have...do we need a coordinator to do all that; and that's where your guidance comes in. And then I appreciate you recognizing...do we have the resources, do we have the financial dollars to have you...this coordination with all these different departments so what have you. So I guess that's the question that we would have to deal with, and I appreciate you considering this conversation with us.

MR. GINOZA: Thank you.

CHAIR COCHRAN: Thank you, Ms. Crivello. Mr. Hokama, do you have any comments for Department or questions?

VICE-CHAIR HOKAMA: Well, I appreciate the Director trying to get the Committee to assist him in preparing for the upcoming Budget sessions. For me, one of the key things about sustainability that we...well, most of us assume it's part of our thought process, but I think it needs to be said is, the fiscal or financial components of sustainability. We can talk the programs till the cows come home, we can be creative about how the County needs to do this or that; but, at the end of the day, if there's not the resources to pay for it and make it happen, it's not going to happen. And that's the reality for us as appropriators and legislatives of the County's funds: it's gonna come, what can we afford to provide? So for me, sustainability definitely has a major basis upon its financial resources and its financial philosophy of how he wants to move forward. So that's something I think we should talk about. For me, I've been consistent: I do not like to borrow more than, what I consider, is necessary. That is not, for me, a fair cost of government to the tax base. So for many of us—and I like the comment, “going back to the future”—I was lucky, I lived in that era, the '50s, '60s. We didn't waste, because you couldn't afford to waste, you know. Families had small plantation incomes but big families. So, you know, maybe we didn't have the three families, as Mr. Rabino said on Lanai, with one bathroom and whatnot, but you had one family with maybe ten children, and that wasn't one ridiculous number in the old days, okay. Because some of them didn't finish school, they had to work for help pay the bill for the family. So sustainability for me is, one, we should be looking at, one, first of all, the financial ability to pay. Second, look at those mandated programs and departments that the Charter says is the County responsibility. We can't punt it down

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the road to another level of government. Certain things, I believe the people expects the County to perform on its residents' behalf. And I would look at those areas first regarding the sustainability of financial resources to do its mandated requirements is how I would look at some of the sustainability issues for some of the new things that some of the other Members brought up. But if we're gonna start something new, I'd rather we do it well; and, therefore, instead of wasting money, convince me, through a zero-budget philosophy of everything you want and justify to the Committee and we'll make our decisions. You don't perform, I'm gonna recommend in cutting you next year. You perform, I'm gonna be looking at expanding what you need since you've achieved in being able to do the people's work with what we believe is appropriate measurements. And so, for me, we not there yet, Chair, but I think we're gonna assist this County with being stricter regarding ABC accounts, hitting the measurements for Council to make future determinations on. And one of the things that I am gonna ask the various Committees and ask these Councilmembers, we start...need to coordinating and bringing back into, what I consider is, a critical component of the County is the balance between zoning and real property tax, okay. We've done a lot of things through zoning that should have been more, in my estimation, a real property tax adjustment. But it's come to a point where there's enough, I think for me, inequalities between those two major chapters or titles of the Code that we're gonna need to start working on it to bring back some integrity again and confidence in the tax structure and what is permitted through zoning. And until we get a grip on those two key titles of the County Code, we can talk sustainability all we want, but we won't, to me, achieve the marks that we should be able to achieve if we do it well, unless we tackle these other components, Chair. And that's gotta be zoning and property taxation. Thank you.

CHAIR COCHRAN: Very good, thank you very much for your comments, Mr. Hokama. And, of course, everything we talk about plans programs what have you is monetary. And, Mr. Guzman, anything to add, comments or questions?

COUNCILMEMBER GUZMAN: Nothing really. I think that my colleagues have set forth very legitimate statements. I probably would be more on the simplified version of things. For instance, if there was already a measurements team with the Hawaii Growth...Green Growth, why can't we just follow their recommendations in terms of I guess number one, waste reduction; number two, renewable energy. This doesn't necessarily mean that we won't change the topic, but maybe we should be in line with those two topics. And run the sustainability--if you could call it, division--at more of a policy. Every four years, make a new policy and these are the low-hanging fruits we need to work on. I always believe that if you wanna tackle the big projects, the big issues, you've gotta hit the small ones first to work your way up. Bits and bits and pieces of it, eventually you're gonna get to solving the bigger issues. If budget is our concern now—and I know most of our Members, that weighs heavy in our minds as the fiscal year comes to a beginning and as we enter Budget—I seriously think that we should just go for the low-hanging fruit and just follow the recommendations of what is out there already. And if that means having a sustainability coordinator, yes, we have it already in here. It looks like they're in the lighter green section. It looks as though we already have some of these positions; it's a matter of reorganizing it.

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Aquatic resources, I think they could go into environmental; pesticide management, environmental protection. And so those two areas could be placed into one...we already...you can add an additional position, which we already have, is agriculture. And I know we have a position there in Office of Economic Development. So all of these are already existing; so I think it's just a matter of policy. You know, what are they gonna be focusing on? And I say, hey, there's a measurement team and they've measured; so why don't we go after those two initiatives, those two projects or issues and make it a every-four-year kind of deal where they reorganize and say, okay, do we still need to stay on with one and two or do we need to add in one, two, and three? Things like that. So that's, you know, my opinion at this stage. Thank you.

CHAIR COCHRAN: Thank you, Mr. Guzman.

MR. GINOZA: Can I...

CHAIR COCHRAN: Yes, Mr. Ginoza, you had comments?

MR. GINOZA: Sorry. When I mentioned the chart, they were existing positions, in the green, existing E/Ps --

COUNCILMEMBER GUZMAN: Oh, oh yeah.

MR. GINOZA: --but the sustainability coordinator and sustainability clerk were diverted to...I don't know where...I forget where you guys put it, but it was not established. So, while in the Proposed Fiscal '15 Budget, they were existing positions to be filled. Those two no longer exist.

COUNCILMEMBER GUZMAN: Oh, they no longer...

MR. GINOZA: There is no sustainability coordinator nor sustainability clerk positions currently existing in the County.

COUNCILMEMBER GUZMAN: Oh. Don't we have somebody...at least...

MR. GINOZA: No

COUNCILMEMBER GUZMAN: Mr. Parsons --

MR. GINOZA: Yeah, right, yeah.

COUNCILMEMBER GUZMAN: --what was your role again?

MR. PARSONS: Yeah, in my spare time --

CHAIR COCHRAN: Mr. Parsons?

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MR. PARSONS: --I'm doing my best to embrace and address sustainability efforts here in Maui County as well as statewide. And, yeah, Kyle's absolutely right, Budget Committee Chair, last year, when he didn't see fit to do the whole reorganization, it was proposed to do a division of environmental protection sustainability, also deleted the unfilled sustainability coordinator position. Now, Hawaii Green Growth recently had their three-year visioning meeting, which I attended, an all-day meeting in October. And to address the stated goals of that organization, it was mutually agreed upon that, optimally, within the next three years, Hawaii Green Growth would love to see a sustainability coordinator position at each of the County levels and at OHA and also at the state level. We do have one at the State level as Director Ginoza mentioned, she's currently housed in DLNR. And this brings up the question of where does this best fit? You can say that some of the overarching goals of what we call "sustainability" can be utilized by any County department or office; but, if there isn't a point person to help with the advocacy, to help connect the dots with other groups, you know, we have groups on Maui just that are grassroots groups. I attended an Upcountry sustainability meeting last week in Pukalani. The sustainable science management program, which is now a four-year degree program at the college, is growing by leaps and bounds; so I'm Co-Chair of that advisory committee. You know, this is not entirely in my mandate as environmental coordinator, but I feel that somebody here has really got to focus upon it until such a time as we do find the funding and the direction to appoint an environmental coordinator. Because Members Crivello and Hokama have addressed it, particularly the matter of funding, you know, if we want a coordinator, we gotta fund 'em; and, you know, so we need a dedicated point person and dedicated funding to accomplish that. During the Charter Commission process and then again when the Charter questions were before the Council for review and consideration, I brought to light a National Association of Counties' study that went out to all the counties nationwide. Seven hundred fifty counties responded and there was a pie chart that showed where their sustainability person or office or division was. Sometimes it was in the mayor's office, sometimes it was just planning, sometimes it was in public works, sometimes it was standalone; so there was no clear place for it to go because it does cover a lot of areas. But that study also showed two things that I felt were very important. One is, of those counties that had adopted some kind of position to address sustainability, the number one benefit that they reported was streamlining of government operations: and so, savings. So, in other words, this is a small investment that can pay very big dividends. So I think that gets over the...the funding part of it is that if you have someone who's advocating that we do things more efficiently and bring, you know, is working to establish green jobs that keep people in our community engaged in sustainability measures that it does pay big dividends. And then the greatest impediment that that study noted to achieving sustainability measures was lack of funding. So thank you, Chair.

COUNCILMEMBER CRIVELLO: Chair?

CHAIR COCHRAN: Thank you. Yes, Ms. Crivello?

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COUNCILMEMBER CRIVELLO: So, Mr. Parsons, your title actually as...under the Managing Director or the Mayor is Environmental...

MR. PARSONS: Environmental Coordinator is my title.

COUNCILMEMBER CRIVELLO: Environmental Coordinator.

MR. PARSONS: Right.

COUNCILMEMBER CRIVELLO: Okay. So you don't see that doing something similar to what would be a...to help the efforts?

MR. PARSONS: Oh sure, there's crossover.

COUNCILMEMBER CRIVELLO: There is?

MR. PARSONS: And, as you know, when the Mayor proposed this, I worked with him, I testified before your Charter Commission --

COUNCILMEMBER CRIVELLO: Uh-huh.

MR. PARSONS: --and just tried to provide enough information to guide this and provide direction. And, at that time, we felt that having it in Department of Environmental Management could really expand the role of what they are currently are addressing. Not that there aren't sustainability measures that do benefit and would further benefit them with our current focus on solid waste and wastewater. And if you recall the Mayor's testimony, he was largely interested in building capacity for addressing environmental protection, even more so than sustainability because he didn't feel that the State and Federal agencies tasked with that would necessarily have the funding and resources.

COUNCILMEMBER CRIVELLO: Right, I recall that.

MR. PARSONS: Yeah.

COUNCILMEMBER CRIVELLO: But, like you say, that's your title, right, under the Mayor?

MR. PARSONS: Environmental Coordinator, correct.

COUNCILMEMBER CRIVELLO: Okay. Thank you.

CHAIR COCHRAN: And thank you, Mr. Parsons. And, Members, just a reminder that this was put to us via the Charter, to be put into the Department of Environmental Management --

COUNCILMEMBER CRIVELLO: Right.

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CHAIR COCHRAN: --currently. So I believe we can't change that. So I guess we're trying to make do with what was mandated down to us to figure out, and here we are with Department and Mr. Parsons to try and figure out what is the best fit. And I know...Ms. Crivello?

COUNCILMEMBER CRIVELLO: I'd like to say though, in all credit to Mr. Ginoza and his Department, does not say here that he's supposed to appoint a sustainability coordinator. He's guiding the efforts, you know. Even if I was not in support of this being under this Department, whatever efforts that he and his Department uses to...that's exactly what it is, you know, guide efforts to optimize opportunities, exactly what it says. It does not say, your Department needs to get all these sustainability coordinator or what have you. Though that would be the most ideal, so that he can impose what he needs to do as far as sustainability. So, at this time, again, I think we are supportive of what's here in the Charter. And, I guess, what he's looking for is, how is he going to impress upon those efforts?

MR. GINOZA: If I may, I can --

CHAIR COCHRAN: Yes.

MR. GINOZA: --explain kind of what happens now versus, you know, to see if that is --

CHAIR COCHRAN: Sure.

MR. GINOZA: --kind of amenable to you folks. And basically, you know, based on our budget, we have Solid Waste and Wastewater; so those are our main thrusts. And because of the naming of our Department, we field a lot of calls on a myriad of topics from cane smoke to invasive species and whoever and whatever. And so we then interface with Mr. Parsons or other departments or the Mayor's Office to try to address the needs of the public's concern and whether it's utilizing our department to contact Department of Health for something that comes up or, you know, trying to provide that first level of response to environmental concerns. How we operate as a Department, sustainability is first and foremost in our minds at the director level. I don't want you guys giving me stink eye because, you know, we're not caring for the environment or wasting County money. And so we already implement that in our efforts whether it's...you know, we look at PV or other kinds of alternative-energy efforts; we have reclaimed water efforts to utilize our resources; any kind of recycling or waste-conversion efforts. I mean these ideals are top of mind for us. And so, from a personal perspective, I think you all and people in the community are enough lighting the fire under my okole to make sure these are priorities for me, and it's a matter of how we embody that as a County. The way we deal with guiding and, you know, basically the language of the Charter is to provide that resource to Members of the public that are either confused or have a concern and try to get that effort to the appropriate body. Where I think there's lacking that resource is the follow through when it's a different agency that is responsible. So say, for instance, there is a concern because a shipment of something has a invasive species. You know, I contact Rob because he's managing the MISC grant and that would be the follow through;

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there's nothing more that we can do as a Department other than to alert them of that issue. But I think the concern is were there not more resources should be devoted to those types of efforts and how we engage you all and the community on what level of investment is required. So that's...we as a Department already kind of implement the Charter amendment, but it is how do we kind of enhance that for the greater community good. But we try in addressing the...whether I see somebody in public or somebody calls in, getting them to the right person and being that advocate for them.

CHAIR COCHRAN: Thank you, Director Ginoza. Yes, Mr. Hokama?

VICE-CHAIR HOKAMA: I'm very supportive of that, Madam Chairman. What I don't want is the misconception that we have more authority or power to make the difference than we really do. I mean if it's a State thing. I would think our advocacy and education for the community member is, this is the agency, do it at the State that has this _____ has regulatory responsibilities and can deal with you concern or issue. The County is not the agency that has the oversight, responsibility, or the authority to take care of that person's issue or concern. They need to be honest about it. And for me, you know, that's part of our job, also. You know, I just wanted to make a quick comment about past Governor...well, he's...let me just put it, Mr. Ariyoshi, former Governor Ariyoshi. He's correct, '78, the State passed Act 100, the State Plan. So they moving...they have a state coordinator now. There's, I believe, 13 functional plans they can make an assessment on for 2015, what is "sustainability" in the educational functional plan in the health functional plan, in the agricultural functional plan, in the transportation functional plan. You know, it's kind of, for me, a little ass backwards with this. Just like when years ago--I think Ms. Baisa and Mr. Carroll, I think, was with me--the State coming to this County asking us to adopt the State Model Energy Code, okay. And their issue with Maui County was we had already surpassed all of the goals in the proposed energy code; so why would we consider adopting something we've already surpassed, okay. But was part of their so called leveraging on us because at that point in time, if I remember correctly, paid for 50 percent of our energy position; so that was their leverage. Well, the County...our position was then, we don't need your money. We've already surpassed it, we'll pay for this position 100 percent by the County to do what we believe is in the best interest of this County not the State, this County. And we've never had problems since then. But that's the kind of issues, I think, the State needs to first get its people together and come up with something that makes sense for us to either buy in, be supportive, or we're gonna say, no, we're going in a different direction 'cause doesn't make sense what you're proposing to us. But there's all these plans, I would agree, that the State has, has a lot of direction, reasons why that for the neighbor-island counties, we're being to look for certain other contributions to the overall state's betterment. Nobody talks about it. I don't know how many people even aware of the State Plan, but those documents exist. And now, for us to come up with, now, another bunch of studies to come up with this one, I share the old Governor's frustration. We're gonna spin our wheels, get everybody excited, throw a lot of money down a empty pothole, and what are we gonna get at the end of the day? I have more confidence in what the County's doing through its General Plan and community plan updates than through one State sustainability project for us. So that's just where I am, Chair. I think our people have

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a little bit more sophistication. I think they take their responsibilities very seriously, and I think this County can move forward on what we know we can offer to pay. So I'll just leave it at that, thank you.

CHAIR COCHRAN: Thank you, Mr. Hokama. And, yes, I agree. That makes complete sense. And I agree, Mr. Guzman brought up some good points and, as Mr. Parsons has stated, the Hawaii Green Growth. All these state, as you mentioned, too, Mr. Hokama, plans and strategies and what have you. And I think we, as the County, to push forward this statewide initiative on our behalf is key and important. But we need to decide, I suppose, with the Charter amendment and in regards to this whole sustainability coordinator person or what have you. But, as Mr. Ginoza mentioned, they already do guide and do these efforts. So, you know, I think this is just the start of our discussion; but, hopefully, we can come up with a budgetary idea that will help enhance and make sure that this comes to fruition. But I think it's overarching, as Mr. Ginoza mentioned, too, that it's about natural resources people and economics. So it's not just about environmental-type issues. Yes, it's totally key and I think very, very high priority and mainstream to everything, but it all works hand, it's all connected. So, Members, I wasn't looking for a decision today in regards to this topic, but to get the discussion going and I think we've had quite a bit. And I think the mission about advocacy or action, obviously it's both dependent upon, you know, whether it's about aquatic resources, as Ms. Crivello mentioned. We have DAR, DLNR, we have an energy specialist, we already have our waste-reduction program and things in place; so I think it's a combination of things. But, again, Members, do we have any further discussion or closing remarks or anything at this point? Without...if there's no objections, I will defer this matter so we may discuss it further. Mr. Ginoza, thank you for bringing –

MR. GINOZA: Thank you.

CHAIR COCHRAN: --up your PowerPoint and being thrilled about it, because it's nice to have you thrilled about things that we wanna talk about. So, without objections, I shall defer this item.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (Excused: MW)

ACTION: DEFER pending further discussion.

CHAIR COCHRAN: Thank you very much, Members, so ordered.

**ITEM NO. 50: EVALUATION OF THE WAIKO ROAD SUBDIVISION
SEWER SYSTEM PROJECT (WAILUKU) (MISC)**

CHAIR COCHRAN: And our next item we have is IEM-50, and this is about Evaluation of the Waiko Road Subdivision Sewer System Project. And this one is County...let's see,

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Miscellaneous Communication, dated May 28, 2014, from Deputy County Clerk, transmitting the matter relating to an evaluation of the Waiko Road Subdivision—thank you, Mr. Parsons—sewer system project in Wailuku, including community outreach regarding costs and impacts to homeowners. And, Mr. Ginoza, you have some opening remarks in regards to this? It was referred from our Budget Session.

MR. GINOZA: Sure.

CHAIR COCHRAN: And, Members, we have distributed some information, also, Members, it should be on your desks that came from Budget that relates to this proposed project. And it's supposed to, I guess, expand the public sewer system within the Waiko Road Subdivision to allow residents in the area to receive sewer service. And the Department proposed this project in both FY '14 and FY '15. Both times, the Budget Committee recommended deleting the project because of concerns that community hasn't been well informed as to exactly what's going on and the fact that they'll be mandated to connect to a public sewer system at the expense ranging from \$3,000 to \$15,000 per homeowner. So that's why I've scheduled this matter; and, hopefully, Mr. Ginoza, you can shed more light on this. The floor is yours.

MR. GINOZA: Sure, thank you, Chair. When we looked at this...the genesis of this project is to see if we could incorporate individual wastewater systems so areas where are not...that are not sewer-ed into our sewer-user base, so those that are on cesspool or septic tanks. And so one such area is a location along Waiko Road in Waikapu. So what we proposed was to incorporate, I believe it was, roughly 75 residences into the sewer system to eliminate the use of individual wastewater systems: cesspools and septic tanks. But, as you can imagine, to lay the piping, in order to accommodate these properties, is quite an exorbitant community expense, and that's only part of the expense. The other part, as Chair Cochran mentioned, is we only construct up to the County side of the lateral. And the homeowner is responsible to connect to that lateral from his or her residence. And so there is an expense of anywhere from 3,000—we've actually looked at it a little bit more—and it could be up to 20,000 if we had to put a deep lateral or a pump station to serve a particular home. And so it is a considerable expense, but we bring it up in case, you know, there is the need to utilize less of these individual wastewater systems and get the sewer user base more revenue, basically. And so we recognize that you folks as...or the Budget Committee, as a body, was not supportive; so we are not incorporating it anymore into our fiscal year budgets. But these types of projects are those that we present to you as a measure to try to get people on the sewer system; so it's something that, you know, it is a County function, to get people on the system, but there is a considerable expense. And so if you look at it, to connect up 75 homes, we as a community, or as a County, would have invested over \$2 million. But, yet, we wanted to bring it to your attention if in case that's something that you would want to contemplate. So we've got the direction loud and clear; so we're not proposing it in the next budget. But I'm here to answer any questions you may have.

CHAIR COCHRAN: Thank you, Director. Yes, Mr. Hokama?

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VICE-CHAIR HOKAMA: Since there is a sewer system within close proximity of this subdivision, is there any State or Federal legislation that requires that property owner to connect or is it still a optional decision of the property owner?

MR. GINOZA: Because...oh, may I?

CHAIR COCHRAN: Yes, go ahead, Director.

MR. GINOZA: Because we don't have a line directly in front of the property, there is no requirement to connect.

VICE-CHAIR HOKAMA: Okay.

MR. GINOZA: But if we do have the line directly in front of the property, it's, I believe, Chapter 2-point-something of the County Code that requires a homeowner to connect, or I think there's like a...they have like 180 days to connect or we can assess \$1,000 daily fine. But it's something where if it's right in front of the residence.

VICE-CHAIR HOKAMA: Uh-huh.

MR. GINOZA: So it's my understanding is, there's no State or Federal law that requires if there's sewer service in the general vicinity, are you mandated to connect. So it is just a County Code requirement if we do install something fronting the property, they're obligated to connect.

VICE-CHAIR HOKAMA: Okay. So let's say I live on Waiko Road. Currently, there is no sewer line on Waiko Road, but maybe on Honoapiilani, I wouldn't be...I not required to connect at this time. The County puts in a sewer main in front of...on Waiko Road, which is across or perpendicular to my lateral, then I would be required to connect within a certain timeframe?

MR. GINOZA: Yes. If we do provide the service in front of you, you're required to connect.

VICE-CHAIR HOKAMA: Okay. But at this time, I'm not paying any so-called sewer anything, right? I just pay my water bill --

MR. GINOZA: If you're the homeowner?

VICE-CHAIR HOKAMA: --yeah --

MR. GINOZA: Yes. You're basically...

VICE-CHAIR HOKAMA: --and whatever septic tank bills I may have, expenses...

MR. GINOZA: Yeah, you'd hire a private contractor to pump it out every, you know, once a year or whatever frequency to prevent blockage, but you're not on the...you don't pay sewer at all, because you don't get the benefits of the service.

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VICE-CHAIR HOKAMA: Is one of the concerns from the Department side, the concern of the integrities of those septic tanks and the ability to pump more frequently than less is one of the things that have us consider these projects?

MR. GINOZA: Not so much. It's more a matter of, you know, we...although we get a lot of heat for it, we treat the effluent, the wastewater, to a high degree of treatment, much higher than septic tank or cesspool --

VICE-CHAIR HOKAMA: Right.

MR. GINOZA: --and so from an environmental protection perspective, you know, we look at evaluating projects that we could put on to our system and basically realize higher treatment levels from an environmental protection perspective. So, for instance, one project that this body did approve is the Maluhia Beach Lots' incorporation, which was a lot more critical from the perspective of, you know, on Maluhia...I forget what you call it...I think it's Maui...Oceanview Estates, that area, is along the coastline. And so by bringing those units off of cesspool and septic tank, there would be...cause it would be a bigger effect of bringing that into the advanced treatment of the wastewater system. Whereas this one is obviously a lot more mauka, so I can understand your concern about doing that investment.

VICE-CHAIR HOKAMA: Would you know and could you tell us this afternoon, is the lower portion the lower Waikapu Road sewerred already? I know this is for the upper.

MR. GINOZA: I believe it is. You mean Waiko Road?

VICE-CHAIR HOKAMA: Yeah.

MR. GINOZA: I believe it is.

VICE-CHAIR HOKAMA: The bottom side? Okay, okay. Okay, thank you very much, Mr. Director. Thank you, Chair.

CHAIR COCHRAN: Okay. Thank you, Mr. Hokama. Members, any further discussion needed? I have a question, Mr. Ginoza. This was brought up at the time...I mean was there a certain concern in the area or relating to this project being proposed? Was it supposed to intend...was it intended to address some type of concern, currently or...

MR. GINOZA: No, it was...we identified areas where there were no sewer services from the County and just express, these are opportunities to get them on the sewer system like the Maluhia Beach Lots. So there wasn't...it wasn't like we were experiencing dysfunction of cesspools or septic tanks; so they were looking...the residents were looking to us to connect them or anything. It was really a Department effort to try to incorporate these residences for environmental protection.

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CHAIR COCHRAN: And you did this countywide? You went around our entire...Wahikuli, in Lahaina perhaps...

MR. GINOZA: So we've identified...like Wahikuli, the Maluhia Beach Lots, this one, we looked at Maui Meadows, but just based on the size of the lots and the blue rock, we just...I mean it's just so exorbitant. So we looked at areas where we might be able to incorporate them into the sewer-user base. Unfortunately, because a lot of these homeowners already have functioning systems, we do expect resistance from a lot of homeowners that why am I required to connect when my system is functioning. And so we realize that there is a community impact and rather than, kind of, alert them too early...and that's why we didn't get any community feedback on this project, yet, because we wanna see, is it feasible from a design perspective and such. Oh, yeah, to my knowledge, there was no impending danger or concern, which is why this area. I mean it's just one area we know is not sewerred.

CHAIR COCHRAN: Right, okay. And with the I think it was coming down from the State level where people sold properties, and that's when the realtors came onboard, just you would have to tie in if you're gonna sell and within, a what, 180 days or something, to that effect.

MR. GINOZA: The State is trying to get rid of cesspools completely; and so they're trying to find a mechanism by which they could get that to be realized. You know, if they just mandated within 90 days, you need to go from cesspool to septic, you can imagine the alarm of the community. So they just proposed one method of when you saw the house, hopefully you'd have some equity to be able to do that. You know, by no...and I had a lot of discussions with them. By no means did they think that was the absolute way to go, but they were looking for ways to realize the phasing out of injection well...I mean, sorry, sorry...phasing out of cesspools. So that, yeah.

CHAIR COCHRAN: Okay, thank you.

MR. GINOZA: I should stop.

CHAIR COCHRAN: We got injection wells on your mind. Yes, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. I got dragged into the cesspool rules that they tried to pull on us; and, fortunately, we were made aware of it, and there was a huge, huge, huge outcry not just here on Maui, but throughout the State. Wherever people had cesspools and little septic tanks and they had to pull back. And lot of the considerations first of all was cost, number one. And it's interesting to see that the costs are very much in line with the testimony that we heard, which was like at least 20,000 for one. And there was talk about making a loan fund available; but, you know, that was neither here nor there. And, also, the idea of cesspools being closer to the ocean or to bodies of, you know, water where there might be contamination and no so much up in Kula way up on the hill three, four, five thousand feet, I mean who...that's not bothering the ocean. And so they were not

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successful in pulling that off. But I suspect we're gonna hear about it again, and I think it'd be very good for us to pay attention.

CHAIR COCHRAN: Yeah. Thank you, Ms. Baisa. Members, any further need for discussion? Seeing none, then, without objections, I shall defer this matter.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (Excused: MW)

ACTION: DEFER pending further discussion.

CHAIR COCHRAN: Okay. Thank you very much. And Director –

MR. GINOZA: Thank you.

CHAIR COCHRAN: --thank you for being here, Ms. Thomson and everyone. So, without further business scheduled, this meeting is adjourned. . . .(gavel). . .

ADJOURN: 4:09 p.m.

APPROVED:



ELLE COCHRAN, Chair
Infrastructure and Environmental
Management Committee

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Transcribed by: Raynette Yap