

# MINUTES

## PUBLIC WORKS AND FACILITIES COMMITTEE

Council of the County of Maui

Council Chamber

September 5, 2007

**CONVENE:** 9:07 a.m.

**PRESENT:** Councilmember Michael P. Victorino, Co-Chair  
Councilmember G. Riki Hokama, Member (arr. at 9:18 a.m.)  
Councilmember Danny A. Mateo, Member  
Councilmember Joseph Pontanilla, Member

**EXCUSED:** Councilmember Bill Kauakea Medeiros, Co-Chair

**STAFF:** David Raatz, Legislative Attorney  
Kirstin Hamman, Legislative Attorney  
Pauline Martins, Committee Secretary

Stephanie Ohigashi, Executive Assistant to Councilmember Victorino

**ADMIN.:** Cindy Young, Deputy Corporation Counsel, Department of the Corporation Counsel  
David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel  
Brian Moto, Corporation Counsel, Department of the Corporation Counsel (Item No. 39)  
Milton Arakawa, Director, Department of Public Works (Item Nos. 44 & 45)  
Cheryl Okuma, Director, Department of Environmental Management (Item No. 39)  
Tracy Takamine, Solid Waste Division Chief, Department of Environmental Management (Item No. 39)

**OTHERS:** Three (3) people

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

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CO-CHAIR VICTORINO: . . . (*gavel*) . . . Good morning.

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COUNCILMEMBER PONTANILLA: Good morning.

CO-CHAIR VICTORINO: The Public Works and Facilities Committee will come to order. Today, Members present: Members, Vice-Chair Danny Mateo; Budget and Finance Chair Joe Pontanilla; soon to join us, Chair Riki Hokama. And unfortunately, today, our Co-Chair Bill Medeiros, who was injured over this past weekend in Hana doing his great duty for the Hana Softball Tournament, we wish him nothing but speedy recovery. We do miss him and . . . um . . . Bill, if you're watching, get well. We'll see you next week. Also myself, Co-Chair Mike Victorino. From the Corporation Counsel, we have Cindy Young representing the Corporation Counsel; and David Galazin. From the Department, we have, you know, I'm sorry. I forgot your name.

MS. HAMMAN: Kirstin Hamman.

CO-CHAIR VICTORINO: Kirstin Hamman. Thank you. You're new; so I apologize. Okay. And also Pauline Martins, our Secretary, is here. Members, we have three items today on the agenda; and hopefully, we will move along very quickly. But before we start, let me go over the three items that are on the agenda. Today, we have PWF-44, which is a requirement to clean and maintain sidewalks; PWF-45, which is accepting a dedication of road widening lot for the partial [*sic*] of Hui Kuai Aina O Peahi Subdivision, in Haiku; and the last one would be PWF-39, which going be a presentation . . . um . . . on our Central Maui Landfill. It'd be more for informational purposes but I think something that--both for us and the public--would be a good update. Members, at this time, I would look to see if we have any public testimony. Public testimony will be accepted on . . . for each of the items on the agenda. Any member of the public not able to stay until the item is heard, may provide testimony at this time. Pauline, do we have any signed?

MS. MARTINS: No.

CO-CHAIR VICTORINO: Looking in the gallery, do we have anyone that would like to give public testimony? Seeing none, I will ask for your indulgence to close testimony first on PWF-44; and as we get to each item, I will again ask for public testimony and close public testimony at that time. So Members, is there no objections to closing public testimony on PWF-44?

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR VICTORINO: Thank you, gentlemen.

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**PWF-44    REQUIREMENTS FOR CLEANING AND MAINTENANCE OF SIDEWALKS**  
(C.C. No. 07-191)

CO-CHAIR VICTORINO: Members, I draw your attention to revised bill dated August 8, 2007. This is in relationship to the requirements for cleaning and maintenance of sidewalks. The Committee is in receipt of the following: County Communication No. 07-191, from the Director of Public Works and Enviro..., Public Works and Environmental? Okay. I think we should scratch that. And I'm gonna try to make the changes, whenever come up. We should be saying from the Public Works Department [*sic*]. Yeah? And transmitting a proposed bill that requires owners of agricultural lots of 15 acres or less to clean and maintain the sidewalk area in front of their property. Correspondence dated August 8, 2007, from the Director of Public Works, transmitting the revised bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.02, MAUI COUNTY CODE, PERTAINING TO CLEANING AND MAINTAINING SIDEWALKS". The purposes of the revised proposed bill is . . . are to: 1) require owners of agricultural lots of 15 acres or less to clean and maintain sidewalks fronting their property; and 2) amend the penalty provisions of the violations of this requirement. At this time, I will ask if our Director, Milton Arakawa, would like to give an opening summation of the revised bill?

MR. ARAKAWA: Sure. Thank you, Mr. Chair. As you noted, the purpose of the proposed bill is to require owners of agricultural lots of 15 acres or less in size to be responsible for cleaning and maintaining the sidewalk area in front of their property. The Committee first discussed this item on July 5, 2007. The sidewalk area is defined in Chapter 12.02, Maui County Code, as "the portion of the street between the curb line or pavement of a road and the adjacent property line". The County of Maui currently maintains sidewalks on agricultural lots, which exceed 2 acres, by trimming overgrown vegetation so that the roads are safe for public use. However, in recent years, we have seen an increasing number of residential homes being erected on smaller agricultural lots. Thus, the emphasis has shifted from using flail mowers and brush cutters to control weeds and vegetation to manicured landscaping along the sidewalk, much like you would see in more urbanized areas. Since homeowners within the urban and rural district are responsible for maintaining the sidewalk area along their frontage, the proposed bill would also require that owners of agricultural lots of 15 acres or less would have that same responsibility. As far as the reason why 15 acres was chosen as the cutoff, we basically used the agricultural allocation formula in the County agricultural district zoning as a guide. In Section 19.30A.030.G of the Code, there is a category of 2-acre minimum lot size, which defines the maximum number of lots which can be created in a subdivision. The next higher category is a 15-acre minimum lot size, which further restricts the number of new lots created; and as the Chair mentioned, by letter dated August 8, 2007, we have transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.02, MAUI COUNTY CODE, PERTAINING TO CLEANING AND MAINTAINING SIDEWALKS". The purpose of the revised bill is to incorporate provisions on Administrative enforcement consistent with Section 19.530.030 of the Maui County Code. Because Section 19.530.030 is utilized for enforcement of provisions of Title 12, 14, 16, 18,

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19, and 20, the revised bill would update enforcement provisions in Chapter 12.02. So we have the revised bill, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.02, MAUI COUNTY CODE, PERTAINING TO CLEANING AND MAINTAINING SIDEWALKS". This has been drafted and it's in your binders; and we request the Committee's favorable consideration on the revised bill.

CO-CHAIR VICTORINO: Thank you, Director Arakawa. At this time, I will open the floor for questions from the Members. Member Pontanilla?

COUNCILMEMBER MATEO: Joe, you had.

CO-CHAIR VICTORINO: Member Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you, Chair. Thank you, Mr. Mateo. . . . *(chuckled)* . . . The question that I have is in regards to enforcement. How do we enforce this ordinance to have people, you know, especially those with the 2-acre through 15-acres because when you look Upcountry, there's a lot of Ag lots and some of these Ag lots are, you know, although they abut the County roadway, some of 'em are probably, you know, the elevation is higher than the grade level. In other words, they come to an embankment and they come down and then there's a road. So how do we enforce that type of situation? Or any situation in regards to these big lots?

MR. ARAKAWA: The bill that you have before you would basically--if it's passed--would require owners of Ag lots between 2 acres and 15 acres to maintain their roadway frontage. And actually, many of those as we've mentioned are already home sites. Whereas, if you compare it to what existed 20-30 years ago when this ordinance was originally passed, we were looking at large plantation agriculture, you know, very large agricultural lots, where the purpose of the provision was basically to ensure that the roads were passable. Whereas, now it's become more . . . uh . . . with home sites being, agricultural subdivisions on smaller lots being, being fairly pervasive in the County, we've gotten more manicured type of landscaping along the frontage. And actually, a lot of these agricultural smaller lots have been taking care of their frontages already. So basically, if it came to an enforcement issue, what occurs is that we will send a letter out to the offending owner and give them a period of time in which to correct the situation. If they don't, then--if the ordinance is passed--we would levy Administrative fines.

COUNCILMEMBER PONTANILLA: Okay. Question. You know when we have a storm and you have a lot of runoffs, it causes erosion between the property line and the roadway . . . or even from the sidewalk going in towards the property. Is it the owner's responsibility to go fix those stuff--the erosion that's caused by a storm?

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MR. ARAKAWA: We've assisted with, you know, especially if it's not the owner's fault and then the drainage comes from offsite or other places and it's eroded along their frontage, we've assisted in restoring the property to what it was before. But as far as the landscaping itself, the owner would be responsible for restoring the landscaping; but we would put back whatever fill soil that may have washed away as a result of the storm.

COUNCILMEMBER PONTANILLA: Thank you. Thank you, Chair.

CO-CHAIR VICTORINO: Thank . . . you're welcome. Councilmember Mateo?

COUNCILMEMBER MATEO: Chairman, thank you very much. Mr. Arakawa, in 12.02.020, it references every property owner whose lands abut would be responsible for cleaning. Yeah? Why was it important to reference, on . . . under definitions (12.02.010) why was it important to reference 15 acres as non-applicable to the definition of owner?

MR. ARAKAWA: If you look at the definitions in 12.02.010, it . . . the current Code basically excludes all of the owners within the agricultural district. So we would only enforce this portion of the Code on owners within the urban and the rural district. So our proposal basically is to expand this portion of the Code to include owners in the agricultural district between 2 and 15 acres in size.

COUNCILMEMBER MATEO: Okay. But the term "every property owner" encompasses everybody, whether you're on a 5-acre or a 15-acre. Or it could even be a 30 or 40-acre parcel because the reference is "every property owner". So I don't know why we needed to reference the 15 acres, if 020 indicates it's applicable to "every property owner".

MR. ARAKAWA: Maybe I can get Corp. Counsel to opine on it but the intent here was that every property owner, and "owner" is defined in 12.02.010. An "owner" basically means just those owners within the urban and the rural district, and those owners of agricultural lots between 2 acres and 15 acres. That was the intent of the amendment, and maybe Corp. Counsel can add to that.

CO-CHAIR VICTORINO: Corp. Counsel, please.

MS. YOUNG: Thank you, Mr. Chairman. Yes, that's correct. The term "property owner", or and then the term "owner" actually is clarified in Section 12.02.010 to be limited to owners, and within the Ag district, it would be owners whose property is 15 acres or less. And so it basically gives you an exemption if you're . . . from the requirements of this, of 12.02.020, if . . . if you are an Ag property owner whose property exceeds 15 acres.

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COUNCILMEMBER MATEO: Okay. If you take a look at 010 then, where in this definition does it specifically reference "Ag"? It references real property, management, lessor, lessee, et cetera. Where does it reference agricultural properties?

MS. YOUNG: The last three lines read "provided however that this term shall not include owners of real property within agricultural districts, whose lots exceed". Currently, it reads "2 acres"; the proposed bill would read "15 acres".

COUNCILMEMBER MATEO: Okay. That it excludes, or it includes the owners of real property; but then the same question comes up. We're referencing "up to 15 acres" but on the 020, it references "every property owner". So every property owner would be indicative of "up to 15 acres" or "more than 15 acres". So it seems--well, to me--there's . . . it's kinda contradictory where one applies to 15 acres and the other just applies to everybody.

MS. YOUNG: Uh-huh. What we could do to address your concerns is to take the exemption basically out of the definition, which probably would be easier for readers actually, and put it as a substantive provision of . . . um . . . the Code itself.

COUNCILMEMBER MATEO: Okay. Then . . . follow up with one more question then. If these, property . . . if every property owner now is responsible for the cleaning of the sidewalks, where would liability come in? Because you are responsible to clean it, are you also liable for pedestrian's use of the sidewalks because you are the person charged with that responsibility?

MS. YOUNG: Maybe if I can just clarify that there is also a provision under 12.02.050 that "Any property owner who fails to comply with' 12.02 'shall indemnify and save harmless the county, its officers and agents, from any claims, demands,' et cetera 'which may be brought against the county for or on account of any injuries or damages to any person or property resulting from the failure of the owner to properly maintain" that . . . um . . . frontage area, basically.

COUNCILMEMBER MATEO: Thank you. Thank you, Chairman.

CO-CHAIR VICTORINO: Okay. Thank you, Mr. Mateo. Member Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. You know when these lots are being sold, are the future property owners notified? Or . . . are aware that their responsible to take care between the property line and the sidewalk, or property line to the curb? Because you're placing a lot of responsibility on the property owner; such that, he may be liable to lawsuits.

CO-CHAIR VICTORINO: Director Arakawa, would you like to take that on?

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MR. ARAKAWA: Councilmember Pontanilla, no. We don't specifically notify any prospective owners of what they have to comply with. I mean it's in a public document and it's available for any prospective buyer to review prior to purchase; but you know, we don't notify them overtly.

COUNCILMEMBER PONTANILLA: So even the developers don't notify property, future property owners?

MR. ARAKAWA: I don't know if there's any requirement to do so although . . . um . . . perhaps in the, you know, the purchase documents, they . . . would, between the developer and the buyer, they may note that; but it's not a requirement of the County to insure that buyers are aware of this specific provision.

COUNCILMEMBER PONTANILLA: Thank you. Thank you, Chair.

CO-CHAIR VICTORINO: Thank you. . . . *(chuckled)* . . . Before we go on, I'd like to recognize the presence of our Council Chair, Riki Hokama. Thank you for being here, Council Chair Hokama.

COUNCILMEMBER HOKAMA: Question.

CO-CHAIR VICTORINO: Go ahead, Council Chair Hokama.

COUNCILMEMBER HOKAMA: And my apologies for being a little late for this meeting, Chairman. The intent of placing the violations portion more under Chapter 19 is because? Why, why are we shifting reference of the violations from the 06.02 now Chapter 19?

MR. ARAKAWA: Councilmember Hokama, maybe I can answer that. The existing provision in 12.02 is somewhat outdated actually. The provision that we're attempting to reference actually already includes Title 12, includes a number of titles actually, which are able to do . . . um . . . or fall under this provision to do Administrative enforcement. 19.530.030 actually is currently utilized for enforcement of Titles 12, 14, 16, 18, 19, and 20, already. So it just provides an easier way in which to enforce the provisions of the Code, and it brings it into compliance with the rest of, you know, these other titles that I just mentioned.

COUNCILMEMBER HOKAMA: And is the . . . uh . . . the level of violation or penalty different?

MR. ARAKAWA: We have Rules that have been enacted to carry out 19.530.030 and what it does is that it establishes a fine, fine level for maintaining sidewalks. It's basically \$50 and if the violation continues, it's \$50 per day, which could be, you know, basically, you know, tacked on on a daily basis.

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COUNCILMEMBER HOKAMA: So of course our . . . uh . . . this Committee's question would be why is it different from what is on the ordinance now. The ordinance says \$100 and imprisonment not exceeding 30 days or both for each violation.

MR. ARAKAWA: Under 12.02--and maybe Corp. Counsel could help me too--but here we'd have to go to court because it'll . . . uh . . . the violation, we'd have to do . . . uh . . . get a conviction, and then we can impose the fine. Or as the existing provision states, imprisonment for a period not exceeding 30 days for each violation. So it would be more difficult and more cumbersome to go after violators under the existing provision.

COUNCILMEMBER HOKAMA: The chief enforcement group for this portion of the Code is really who? Your inspectors? The Police Department?

MR. ARAKAWA: No, we would . . . uh . . . it would be our inspectors who would uncover any violations and issue the "notice of violation" and start that procedure.

COUNCILMEMBER HOKAMA: Okay. We have issues on Lanai, Mr. Director, you're aware of them. Is there anything we should be viewing to make the enforcement more manageable?

MR. ARAKAWA: No. I think the bill before you would make it more manageable since it would be an Administrative procedure.

COUNCILMEMBER HOKAMA: Okay. I can appreciate, you know, my Members questions, our Committee Members questions. But I know this law has been on the books decades, more than decades, scores of years, so this is not a new law for the County. But I would again though, should say, Chairman, that if we're gonna revise laws, then let's take care the follow-up and the enforcement. I'm done, Chairman. Thank you.

CO-CHAIR VICTORINO: Thank you, Member Hokama. Any other questions? Member Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you. As I read the proposal here, it says vegetation, mostly vegetation on the . . . um . . . between the property line and the sidewalk. What about other things like abandoned vehicles fronting the property?

MR. ARAKAWA: Well, if the vehicle is abandoned there, then that would be a separate procedure. We'd, you know, we'd have to have the Police basically come out and either declare it abandoned or derelict; and then we'd have to have someone (our Solid Waste Division) basically tow it away.

COUNCILMEMBER PONTANILLA: So it's not the responsibility of the property owner, then?

MR. ARAKAWA: Not at the present time. No.

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COUNCILMEMBER PONTANILLA: Okay, thank you. Thank you, Chair.

CO-CHAIR VICTORINO: Thank you, Member Pontanilla. Any other questions from our Members?

COUNCILMEMBER MATEO: Chairman?

CO-CHAIR VICTORINO: Yes.

COUNCILMEMBER MATEO: Chairman, thank you. For clarification purposes, Mr. Chair.

CO-CHAIR VICTORINO: Go ahead.

COUNCILMEMBER MATEO: The attachment to communication dated August 8<sup>th</sup>, which is attached . . . um . . . another copy of the bill. Is that the more recent bill that we're? Is that it? Yeah?

CO-CHAIR VICTORINO: That's the updated one. Yes, correct.

COUNCILMEMBER MATEO: Then under 12.02.060, in reference to violations and penalties, is the penalty still not exceeding \$100?

CO-CHAIR VICTORINO: Corp. Counsel or . . . yeah.

MS. YOUNG: Mr. Chair, the penalty would then be subject, or be pursuant to Title 19 and specifically 19.530.030, which provides a initial fine not to exceed \$1,000; and a daily fine not to exceed \$1,000.

CO-CHAIR VICTORINO: So I'm correct in saying that you're striking 12.02.060 and saying the violation then would be incorporated under 19.530.030?

MS. YOUNG: That's correct.

CO-CHAIR VICTORINO: Member Mateo, is that . . . uh . . . I guess the question is--is that clear in you, for you as far as where they're shifting? And I think Councilmember Hokama was bringing up that subject. Yeah?

COUNCILMEMBER MATEO: Yeah. Well I think my only . . . um . . . intent of asking is because if . . . uh . . . if you don't know what 19.530.030 means and you're reading the area right above that, it's specific and clear in referencing a fine not to exceed \$100-plus. So if the bill should be clear enough where one does not have to keep running around to take a look at what the actual penalties are.

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MR. ARAKAWA: Councilmember Mateo. There are, as I mentioned, the Administrative Rules, which govern the amount of the initial fine and the daily fines. And for failure to comply with an order to maintain the sidewalk, the rules basically State that the initial fine would be \$50; and the daily fines would be \$50. So that was established by Rule.

COUNCILMEMBER MATEO: Okay. And . . . um . . . existing law then, Mr. Arakawa, in addition to imposing a fine, current law also includes potential for imprisonment as well. So the only change, at this point, is from a lesser fine. It now goes from \$100 to \$1,000. And imprisonment is still part of the potential violat..., consequence?

MR. ARAKAWA: With the proposed amendment, we would not purs..., we would not be able to pursue imprisonment.

COUNCILMEMBER MATEO: So we're just looking at a fine being enforced?

MR. ARAKAWA: Yes.

COUNCILMEMBER MATEO: Okay.

MR. ARAKAWA: For this type of violation that we are talking about--cleaning and maintaining sidewalks.

COUNCILMEMBER MATEO: Yeah. So we're not criminalizing our--

MR. ARAKAWA: No.

COUNCILMEMBER MATEO: --people in that?

MR. ARAKAWA: No.

COUNCILMEMBER MATEO: Thank you--

MR. ARAKAWA: No.

COUNCILMEMBER MATEO: --very much. Thank you, Chairman.

CO-CHAIR VICTORINO: Thank you, Councilmember Mateo. Any other questions from our Members?

MS. YOUNG: Oh!

CO-CHAIR VICTORINO: Corp. Counsel?

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MS. YOUNG: If I could just clarify also that the thousand dollars, that's just a maximum fine. There is, you know, Director has obviously discretion to impose a lesser fine; and actually all of their initial fines are provided for under their rules. So it does list out violation by violation, and there's a catchall provision; but it lists out what each violation's initial penalty would be as well as their daily fines, and it provides for doubling when the violation persists.

CO-CHAIR VICTORINO: Thank you. Any quest..., any further questions? If none, I would be . . . I would like to make a recommendation on this matter, if the Committee so desires that.

COUNCILMEMBER PONTANILLA: Okay. Recommendation?

CO-CHAIR VICTORINO: Thank you. The Chair would like to entertain a motion recommending the passage of the revised proposed bill on first reading and the filing of this matter.

COUNCILMEMBER PONTANILLA: So moved.

COUNCILMEMBER MATEO: Second.

CO-CHAIR VICTORINO: It's been moved by Member Pontanilla, seconded by Member Mateo. Any other discussion? Sensing none. All those in favor, say "aye".

COUNCIL MEMBERS VOICED AYE.

CO-CHAIR VICTORINO: Opposed?

**VOTE: AYES: Councilmembers Hokama, Mateo, and Pontanilla; and Co-Chair Victorino.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Co-Chair Medeiros.**

**MOTION CARRIED.**

**ACTION: FIRST READING OF REVISED BILL AND FILING OF COMMUNICATION.**

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CO-CHAIR VICTORINO: Let the record show, four ayes, one excused (Councilmember Mateo--I mean ah, Medeiros). Excuse me. Thank you, gentlemen.

**PWF-45 ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE PARTITION OF HUI KUAI AINA O PEAHI SUBDIVISION (HAIKU)**  
(C.C. No. 07-205)

CO-CHAIR VICTORINO: Now let's move onto PWF-45. Okay. . . .*(end of tape, start 1B at 9:36 a.m.)*. . . At this time, I'd like to draw Members' attention to the revised proposed resolutions transmitted from the Department of Corporation Counsel in correspondence dated August 10, 2007. The Committee's in receipt of the following: County Communication No. 07-205, from the Director of Public Works, transmitting the proposed resolution to accept the dedication of a road widening Lot 158-D in Haiku, Maui, TMK: (2) 2-8-06:portion of 044. The correspondence is dated August 10<sup>th</sup>, from the Department of Corporation Counsel, transmitting a revised proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE PARTITION OF HUI KUAI AINA O PEAHI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE". The purpose of the revised proposed resolution is to accept the dedication of a road widening for Lot 158-D in Haiku, Maui, along Kaupakalua Road, consisting of approximately .08 acres. On this matter, at this time, we will accept any public testimony. Pauline, do we have signed?

MS. MARTINS: No.

CO-CHAIR VICTORINO: Looking in the gallery, I see no one. If it's all right with the Committee, I will close public testimony on matter PWF-45 at this time.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR VICTORINO: Thank you, gentlemen. At this time, I would like to ask the Director of Public Works to provide an overview on this matter.

MR. ARAKAWA: Thank you, Mr. Chair. This item pertains to a proposed dedication of a road widening lot relating to the partition of Hui Kuai Aina O Peahi. The subdivision was granted final approval on June 1, 2007. The road widening lot proposed to be dedicated, along Kaupakalua Road, is .08 acre in size and 5 feet in width. As allowed under Section 18.20.040 of the Maui County Code, the subdivider has deferred roadway improvements by completing the requirements of the Three-lots-or-less Subdivision Agreement. A resolution entitled, "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE PARTITION OF HUI KUAI AINA O PEAHI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", has been drafted and is in your binder. The Committee's review and consideration of the proposed resolution is respectfully requested.

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CO-CHAIR VICTORINO: Thank you. At this time, I'll open the floor for questions to the Director or to Corp. Counsel.

COUNCILMEMBER PONTANILLA: I get one question.

CO-CHAIR VICTORINO: Councilmember Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. Mr. Arakawa, is there any future plans to do work on Kapakalua Road? I know it's a two-lane highway. Any expansion plans?

MR. ARAKAWA: The six-year CIP does not have a full . . . uh . . . widening of Kapakalua Road within it at this point; but since the subdivision has come forward along the front--this particular section of the road--we are requiring the road widening lot to be dedicated to the County.

COUNCILMEMBER PONTANILLA: Thank you. Thank you, Chair.

CO-CHAIR VICTORINO: Thank you. Other questions for the Director or Corp. Counsel?

COUNCILMEMBER HOKAMA: I have--

CO-CHAIR VICTORINO: Council Chair Hokama?

COUNCILMEMBER HOKAMA: --one question. I wish we thought about this one earlier, years ago, but . . . uh . . . the deferred improvement. How much of an impact does it have on valuation? Because if we're agreeing to defer the improvement--which means, they're not paying then their true valuation of their property--we're not getting our fair share of taxes. So what is the Administration gonna do?

MR. ARAKAWA: Councilmember Hokama, we're aware of . . . um . . . the issues relating to this deferral and I do want to emphasize, you know, these are only three-lots-or-less subdivisions. So they are very small subdivisions that are allowed this deferral, which was allowed by Code, you know, many, many years ago. But we have the bill, you know, before this Committee, in which this deferral would be eliminated. We support that, and we'd like to see that pass. It would make it a lot clearer to every subdivider, that the, you know, the frontage improvements need to be put in.

COUNCILMEMBER HOKAMA: Thank you, Mr. Director. We have never calculated, though. Yeah? Potential versus actual?

MR. ARAKAWA: I'm not aware of any such analysis.



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CO-CHAIR VICTORINO: Let the record show four-four. One excused, Councilmember Medeiros. At this time, we will call for a short recess to prepare for a PowerPoint presentation from our Solid Waste Division. This Committee stands in recess. . . . (*gavel*) . . .

**RECESS:**            9:43 a.m.

**RECONVENE:**    9:52 a.m. . . .(*end of tape, start 2A*). . .

CO-CHAIR VICTORINO: . . . (*gavel*) . . . The meeting for the Public Works and Facilities Committee will re . . . , . . . uh . . . readjourn.

**PWF-39    CENTRAL MAUI LANDFILL (C.C. No. 05-281)**

CO-CHAIR VICTORINO: At this time, we will be taking up Item PWF-39. The Director has a PowerPoint that she'd like to present. In fact, at this time, I'd like to introduce the Director from the Environmental Management Division [*sic*], Cheryl Okuma, and Tracy Takamine, who is the--Tracy, what is your title?

MS. OKUMA: He's the Solid Waste Division Chief.

CO-CHAIR VICTORINO: Solid Waste Division Chief. I'm sorry, Tracy. I forgot your title. And at this time, they would like to give us a PowerPoint presentation on our solid waste . . . um . . . that this Committee is in receipt of County Communication No. 05-281, from Councilmember Joe Pontanilla, return . . . , regard . . . , relating to the matter of the Central Maui Landfill. So at this time, with no further adieu, I would like to call upon Cheryl Okuma (the Director) to give us the PowerPoint presentation. Cheryl?

. . . *BEGIN PRESENTATION* . . .

MS. OKUMA: Thank you. Good morning, Committee Chair Victorino and Committee Members. Thank you for the opportunity to be here and provide an update on the Central Maui Landfill regarding Phases I and VI, I through VI. We would like to provide an overview. And I do understand that in the past, there had been some updates, so some of this might be repetition in addition to some recent events.

What we have here is citing in terms of where the different phases are . . . in terms of Central Maui Landfill, so just to kind of point out. Right here is Phase I and II, which is . . . has, was basically closed and we had been undertaking a closure project; and we will be providing an overview with respect to that. We also have what's Phase III but it's really not part of our municipal waste landfill . . . um . . . but really it in . . . , it contains . . . uh . . . this is where EKO

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Company is cited as well as their subcontractor Pacific Biodiesel. Phase IV-A is here. Phase IV-B; and currently, we are using these . . . uh . . . this phase right here for our landfill operations. We'll go over that. And then this is our future Phase V is right here, as well as future Phase VI.

And basically, the entrance into Central Maui Landfill was changed to this location a little while ago. So this is the main entrance. Our Administration building sits here. We have our recycling/redemption area here. And basically, as you come in, we have commercial going basically to the right; and residential going basically to the left.

CO-CHAIR VICTORINO: Director Okuma, before you go on. Where is this located and--just for some people in the public that may not know; and what road do they come off of; and . . . and probably just give `em kinda quick geographical setup where this is located?

MS. OKUMA: Okay. Pule..., it's on Pulehu Road; but let me have our Division Chief provide ah, better information on that.

MR. TAKAMINE: Okay. Yeah, it's . . . this Central Maui Landfill is just off of Pulehu Road. I would say about two to three miles from Kahului Airport in Central Maui.

CO-CHAIR VICTORINO: Thank you.

MS. OKUMA: Okay. Basically, Phase I and II, which I mentioned was closed, was opened in 1987 and sits on approximately 40 acres. It was closed in December of 2005; and prior to Federal regulations, it did consist of unlined cells. It was back in 1994, that gas probes were installed as required by the Federal regulations to monitor for grass presence. And basically, the probes monitor for a variety of gases and pressure by using a calibrated infrared gas analyzer. The closure involved the placement of a final soil and vegetative cover as well as drainage improvements that covered the 42 acres. Goodfellow Brothers has been the contractor to perform that earth and construction work for the cover as well as for the drainage improvements. A-Mehr, Inc. provided the construction quality assurance services needed during construction for the closure work, as well as the associated drainage improvements; and they did that basically from June 2006 through 2007. They are still on contract to basically take care of the maintenance required for that vegetative cover, and that is expected to pretty much go through--I believe we're almost there--September of 2007. We also had Fewell Geotechnical and Hawaii Geotechnical Consulting, Inc. provide the soil close that was . . . um . . . the soil and laboratory testing services. Okay. This is some of that additional information I just went over. The final cover of the phases for I and II was basically constructed and completed from May through December of 2006. That final cover consists of a minimum of 2 feet of soil and a six-inch top layer vegetative and erosion cover. The site preparation and placement of this 2 feet final cover was done between June 2006 through November of 2006. Drainage improvements were done from July 2006 and completed April of

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2007. There was hydroseeding and maintenance of a blend of grass seed that was done from November 2006 through February of 2007. And again, as mentioned, the contractor stayed on board to maintain that vegetative cover through actually this month. This is just a detail of that final cover that was mentioned (the monolithic final cover) consisting of the soils, six inches of soil as well as the vegetative covering. Okay. I'm gonna turn this over to Tracy, who was basically here from the beginning of this closure project to the end, so he can explain what these pictures are.

MR. TAKAMINE: You have the pointer? *(NOTE: He's asking Ms. Okuma.)* Okay. This is just a view of the closed landfill right here, you see. This is a, this is looking from the new entrance facility, looking across Phase IV-B. This is the future Phase V. This is I and II. They were just placing the final cover at this time. This is . . . um . . . during construction, this is the . . . uh . . . looking out, this is on the West side of the landfill looking toward Kahului. This is the final cover here on the landfill. This is a construction of a drainage swale and a maintenance, permanent roadway. Here's another picture of that same area, almost completed. And this is the final, final product in that same . . . same view. This is an asphalt, basically an asphalt maintenance roadway and the . . . uh . . . all the runoff, storm runoff from this landfill is collected on these drainage swales that encircles the entire landfill. Goes . . . uh . . . we have culverts going down the landfill. It exits the landfill at this point here and goes into a--you can't see it right here--but there's a detention basin; and any overflow, there's an overflow channel that goes into the gulch, the nearby gulch. This is the final picture of the landfill with the final cover and grassing on the landfill. At this current time, duly, due to no rain and no irrigation, all that grass is pretty much brown but it's perennial type of grass, so it should grow back once we get rain on it again.

MS. OKUMA: Thank you. Okay. In terms of post-closure, one of the things that was required is a landfill gas collection system. And this system is planned for installation and operation by February of 2008; and basically, the purpose of this is to prevent the migration of gas from the landfill area. We also have additional probes that either have been or will be installed around the parameters in order to replace certain monitoring wells that might not be working as well and to better monitor the offsite landfill gas migration. Wells with pads will be built and there will be a flared system that's being brought in, in order to combust the methane. And one of the things is, we were trying to get this done sooner. However, because of a notice of violation, EPA had asked to look at the design of this particular system. So that kinda set us back a little bit, but we are going forward to open the bid. It should be any time, anytime this week, now. Okay. Basically, this is the Phase III area, which is our composting and biodiesel area. This is where EKO Company sits. In terms of their composting operation, and they're there accepting green waste from commercial and residential customers. Also, FOG is accepted (fats, oil, and grease) from various commercial establishments; and that is taken by Pacific Biodiesel, which is a subcontractor with EKO, which is also located at the site. And they take that FOG and produce the biodiesel fuel. It is my understanding that this operation has diverted nearly 65,000 tons of material in Fiscal Year 2007. Okay. This is basically Phase IV-A and B.

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Phase IV-A is approximately 10 acres and that was opened, as far as operations, in December of 2005. It had an estimated interim life of 1 year and on this interim basis only, it has been closed as we opened up Phase IV-B in about February of 2007; and Phase IV-B is approximately 8 acres. And the intent is that at a particular point in time, as Phase IV-B gets filled, then we will open up Phase IV-A again; and so together those two areas will be available for further landfill operations. One other thing to mention is that recently we have stopped taking C&D (construction and debris material) and I believe are working with the contractors in terms of how they deal with it; so that's now being diverted away from the landfill area. So again, Phase IV-B, the interim life is probably somewhere in the neighborhood of 3 to 5 years. And I just wanna mention that you're probably aware of the integrated solid waste management plan that we are undertaking to look at various recommendations in terms of diverting out of the waste stream. So depending on how that goes, that could certainly add to . . . uh . . . it be a factor in terms of evaluating the capacity of our landfill areas. Okay. This is just a picture of our liner detail.

MR. TAKAMINE: I just wanted to show you this to . . . (*inaudible*) . . . so you can relate to the cost of this landfill. But this is the liner for all landfills that we construct in the future--currently and in the future--but you have 2 feet of . . . uh . . . you see here 2 feet of compacted soil. We have a leachate collection system, drainage system there. You have a 16-mil HTPE liner that's placed on top the 2 feet of compacted soil. You have one foot of drainage layer. This is going across the entire landfill, you know, entire basin landfill; and then on top of that, we have 2 feet of an operations layer. On the side of the, side slopes, we don't have as thick a base, but we don't have the drainage layer because we don't have that collection system on the slopes. And on top of this, we're required to put--prior to starting our actual placement of waste--we have to put a fluff layer; and basically, it's about a 6 to 15-foot layer of select waste. DOH requires us to ensure that there's nothing greater than 3 feet in length in any of that first fluff layer so it doesn't penetrate this liner system. This is a view on the East side of Phase IV-A. This is like our interim cover. Because we're not using this landfill for another . . . uh . . . possibly another year or so, we have to provide additional cover. In addition to the six inches, we put a one-foot layer of intermediate cover to protect the landfill from erosion. This is the drainage system that we've completed, that'll show you in the next slide, and a storm water collection system. This is that same view. This is the final product. This is a maintenance road and storm water collection system. It's sloped in toward the landfill. So all the runoff comes off the landfill onto this roadway, and it's diverted to a detention basin. This is a view of Phase IV-B. I'm stand, we're standing on Phase IV-A, looking toward the . . . um . . . entrance facility. This is the initial grading and grubbing and excavation. This is another view, looking toward Haleakala. This is a picture of the liner installation. This is that 2 feet of cover. This is the liner on the slopes. This is a picture of the sump area that we have in the Phase IV-B landfill. This area here will hold the--I forget the exact number--a few hundred thousand gallons of leachate, so all the leachate is sloping from top to bottom because the low point. This sump well is designed and sized to accommodate all the leachate from Phase IV-A, I mean IV-B, Phase V back here, and Phase VI. This is the final . . . uh . . . everything's been brought up to

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grade and this is the pump station. So this thing goes down about, I think it was 12 feet. Here you see a picture of the drainage layer, that 1-foot of drainage layer. This thing would be spread over the entire floor of the Phase IV-B landfill. Again, here's another picture of it being spread out further. And then this is a picture of a, it's a geomembrane on a drainage layer and the 2 feet of operations layer being placed.

MS. OKUMA: Okay. And in anticipation of future need, we do have a future Phase V that we're looking at, estimated at 50 acres and currently under negotiations with A&B Properties. We're anticipating an estimated operational date of December 2009. And basically, I believe these are just photos of that future phase, which is right next to Phase IV-B, again. And we are also anticipating a future Phase VI in terms of expansion, with a projected date needed by 2017; and our best estimate right now would be about 10 years.

So in conclusion, I'd just like to say that there's a lot of requirements as far as these landfill operations. One thing to keep in mind is although Phase I and II have been closed, by Federal requirement, we do have an obligation to monitor in accordance with State and Federal requirements for the next 30 years. In addition to the requirements that we have under existing permits for our solid waste operations. And I'll just mention that we did recently receive our solid waste permit for Phase IV-A and B, and that is a permit that is good for 5 years. So there's a lot of things that are required in terms of the monitoring that we have to do and the reporting that we have had to do; and this area has become very, very complex over the last several years, and will probably continue to be complex. Thank you very much.

**... END OF PRESENTATION ...**

CO-CHAIR VICTORINO: Thank you, Director Okuma. Before we recess and pull the screen up, is there any questions, Members, that we would want the screen to still be there so that the PowerPoint can be utilized?

COUNCILMEMBER PONTANILLA: No.

CO-CHAIR VICTORINO: No? Then I will ask for a three-minute recess while we re-setup and reconvene our meeting. Meeting stands in recess. ... *(gavel)* ...

**RECESS: 10:11 a.m.**

**RECONVENE: 10:12 a.m.**

CO-CHAIR VICTORINO: ... *(gavel)* ... This Public Works and Facilities Committee meeting of August 15, 2007 [*sic*]--which I failed to mention earlier and I do apologize to the public. Just for public information, this was a meeting that was canceled in August 15<sup>th</sup> due to some

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unforeseen circumstances. So this agenda was posted for August 15<sup>th</sup>, so I want it noted in the record that this is the meeting of August 15, 2007 [*sic*], even though it's held on September 5, 2007. At this time, I will open the floor to questions to the Director or anyone else. Council members? Councilmember Mateo.

COUNCILMEMBER MATEO: Chairman, thank you. Ms. Okuma, good morning.

MS. OKUMA: Good morning.

COUNCILMEMBER MATEO: I wanted to follow up on Phase IV-B, I believe. The . . . what you showed was the life that is being projected of this area is in the area of 3 years?

MS. OKUMA: About three, about a range. I'd say 3 to 5 years is--

COUNCILMEMBER MATEO: 3 to 5 years?

MS. OKUMA: --what we're talking about. Yes.

COUNCILMEMBER MATEO: And that is based on the dropping off of--is it still 400 tons per day? Or has . . . are you using the 700 tons per day? Or has that number increased?

MS. OKUMA: It's 650,000 . . . uh . . . 650 tons per day on average.

COUNCILMEMBER MATEO: Okay. And that is an average that the Department is using in projecting the life of these cells?

MS. OKUMA: Yes.

COUNCILMEMBER MATEO: And 700 . . . uh . . . the 650 number, because initially, it was 400 tons per day that the Department projected and it had just escalated to the larger number, is 650 a realistic number in utilizing to be sure that this, the life of this cell does in fact reach the 3 to 5 year projected date?

MS. OKUMA: I'm gonna turn that technical question over to Tracy in a minute; but one thing I'll just mention is that we are in the midst of that integrated solid waste management--

COUNCILMEMBER MATEO: Right.

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MS. OKUMA: --plan, which is undertaken every 5 years. So we're looking at recommendations with the objective of trying to divert what we can out of the waste stream. So I don't know. I can't guess how much of a factor that will be; but hopefully, it will be some factor, and will help in terms of what we're looking at as far as tonnage per day that's actually ending up in the landfill. But why don't I turn it over to Tracy in terms of your specific question.

COUNCILMEMBER MATEO: Thank you.

MR. TAKAMINE: And thank you. In reference to your question, the 400 tons per day, I believe, was used to design Phase IV-A; and I think it was projected to last 2 years. But when we moved into Phase IV-A and the new entrance facility, you know, we started weighing everything. So we're pretty confident on the 650 tons per day because now we weigh everything, even the residential. We . . . uh . . . in the past, the residents were . . . uh . . . drove right onto the landfill working phase and, you know, discharged their refuse. Now it goes into a bin and prior to our operators taking that bin to the landfill, they drive around and they go across the scale and we weigh everything that's going in. So we're confident on the 650 tons per day average--

COUNCILMEMBER MATEO: Yeah.

MR. TAKAMINE: --number.

COUNCILMEMBER MATEO: Yeah. Mr. Takamine, the . . . uh . . . the growth from the 400 TPD to the 650, that occurred within what period of time?

MR. TAKAMINE: You know, I can't tell you when it occurred. All I can tell you is they used the 400 to design the landfill, you know, 3 or 4 years, maybe back before it was even built. So . . . and then you know, it stood empty for a while. So I would say, when they first designed the landfill, it was back in to nineties, maybe '96-'97 time frame. So it could have been inaccurate back then, and whether it was inaccurate or there was a drastic growth, you know, I mean an increase in tonnage at the landfill, I can't really say. All I know is that they used 400 to design it and we're looking at 650 now.

COUNCILMEMBER MATEO: Okay. Yeah, it just seems that the projection is continued growth. So I get a little worried when the life of a cell is 1 year, 2 years, 3 years, because of the initial investment. So I'll, you know, I'm just worried that the projected numbers or the projected capacity of tons per day perhaps is too low, where we're just, you know, like spinning wheels and constantly trying to catch up. But to close a landfill as well as to open a landfill, that takes millions; so my worry is we're planning adequately so that as we need the cells, they're big enough and deep enough to accommodate the increase in volume that goes into the landfill. So that was my only concern at this point. Thank you both.

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CO-CHAIR VICTORINO: Thank you, Member Mateo. But before I recscanin..., recognize Member Pontanilla, I wanted to ask one real quick question--if I may, Committee? You mentioned earlier, Ms. Okuma, that we have now started to divert all the construction material. Would you expound on that a little more on . . . on that diversion?

MS. OKUMA: Okay. Yeah. That's a recent activity that has occurred, but I think Tracy can specifically address that, if that's okay.

CO-CHAIR VICTORINO: Okay. Then, Tracy, Mr. Takamine, please?

MR. TAKAMINE: Yeah. I want to kinda clarify that. Actually, we have not been taking C&D waste for quite a while because C&D waste goes to the private landfill owned by Chick DeCoite. What we have done is, because the landfill started filling up faster than we projected, we started enforcing, from our staff, if a commercial hauler comes in with one of those big bins from a, from a commercial business, you know, whatever--hotel. And when they open those back doors up, if we see a lot of C&D waste in there, we will tell them they cannot dump, that they have to take that offsite and take it to the C&D landfill. Prior to that, you know, once they came through the scale and they claimed they were commercial, they dumped; and by then, it was too late. You know, 50 percent of that might have been C&D; 70 percent might be C&D. They just haul it from whoever their commercial account is. So what we've done, like I said, is we've kind of instigated our spotters or attendants are being more cognizant now of when they open that door, what's in there? If it looks like C&D waste, we will not let them discharge that waste there.

CO-CHAIR VICTORINO: So . . . so and, so what you're saying is--it's really not a change. It's just more of an enforcement mechanism and more awareness from your staff as far as the construction material is concerned?

MR. TAKAMINE: That's correct. And we're trying to also instill on the commercial hauler, you know, that if we're starting to push him away, then he needs to go back to his business that he's getting this bin from and try to educate them also that, you know, they need to be more aware of what's going inside these bins, instead of just getting it hauled away because it's gonna cost them more money.

CO-CHAIR VICTORINO: Thank you, Mr. Takamine. Councilmember Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. That was a very good presentation. I thought we had copies of that, but I guess not. I was kinda interested in having copies of your presentation this morning. Basically, what we got, I think the numbers are missing. On the integrated solid waste plan that is being done at this time, when do you expect this thing to be completed?

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MS. OKUMA: That's a good question. I know that has been asked before. Let me just preface it by saying that the timeline is being driven to a large extent by the statute; and there's certain things that are not within our control. For example, part of the process is to send the . . . uh . . . what we do have as far as the plan to the State Department of Health. And there's no telling how long the, it would, it would take for them to review it; and there's no requirement that they get it out back in a certain time, as well as a public hearing process. So there are elements that aren't in our control; and as we looked at the process, and we have been looking at the process. I'm working with our consultant on that. Our process is slightly modified from the statute, which is okay. We've already been in discussions with Department of Health on that. And in terms of best guesstimate, I don't believe that we're gonna see it in the first calendar year quarter just because of some of the timelines upfront. I would think that it would come out possibly sometime towards the end perhaps of the second quarter calendar year. That's kind of our best guess. And we are working in terms of looking at the process to see how we can manage that as well too; but as I said, there are certain timelines and certain things that are elements outside of our control, which we don't control that.

COUNCILMEMBER PONTANILLA: So once the study is completed by whoever is doing this, then the State reviews the study?

MS. OKUMA: Correct. The State does review that as well too; and they can . . . um . . . and one of the things they can do, is to see whether or not this is a substantial revision or not of the prior plan. Just a little bit of background. This is now the second round in terms of undertaking this plan. It has to be done approximately every 5 years. All the other counties have been in the process; no one has been on schedule. But there's two different processes created by statute. One is if you're in the original plan process; and the second process is if you're now undertaking a revision. And one of the things the State can do is look at that plan to determine whether the changes from the first plan is substantial or not, which then might trigger some additional things in terms of the process. So yes, the State does take a look at it and it does go through that process.

COUNCILMEMBER PONTANILLA: My . . . uh . . . you know, you showed some numbers in regards to the gas, gas and collection in the cost for the year 2008. It was kinda substantial. I think I saw like \$8 million. So when we do this plan (this integrated solid waste study) they need to be approved by the Department of Health. The numbers that are shown for future years, will that change because of . . . um . . . let's say, the Department of Health says the plan needs to be adjusted?

MS. OKUMA: Okay. Let me just clarify that. That collection system, that's all part of our gas collection system, which is a requirement under our permit; and actually EPA is overseeing this right now as I understand. So that's separate from the recommendations out of the integrated. This is more of a gas collection to prevent gas migration required under Federal, I guess, our permit. But in terms of the process in DOH's role, ultimately . . .(end of tape, start 2B at

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10:27 a.m.) . . . ultimately, this plan will come to this Council and this Council will then have the opportunity to weigh in on that plan. So DOH is not there to tell us that we must do the recommendations that have come out in the plan. That's not what they do. It's gonna be up, basically, up to the Council in terms of what you want to do with the plan and then the ensuing process that involves the Budget and this kind of thing.

COUNCILMEMBER PONTANILLA: Thank you for that information. And through your presentation, you know when you talk about landfill, you see a lot of rubbish. Yeah? The presentation, basically, when I saw, you know, what was presented to us, it was kind of surprising how clean the landfill was. So thank you for doing a good job at our landfill. Thank you, Chair.

CO-CHAIR VICTORINO: Thank you. You're welcome. Any other questions? Councilmember Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. You have an assessment that whatever gas is being flared off is insufficient for us to consider any other use of that gas?

MS. OKUMA: You know, that's a . . . that's a good point. I think those are some things that may be considered as we go through this plan process; but I believe that that could be an option in the future with respect to this flared system, to combust for use of energy.

COUNCILMEMBER HOKAMA: Okay. I think what would be helpful for us to receive, Director, and so that we can budget accordingly is your anticipated costs the life of the monitoring period. How much we're gonna have to ante up?

MS. OKUMA: The life of the monitoring period for Phase I and II (the 30 years)? Okay.

COUNCILMEMBER HOKAMA: Thirty years. And you know, every year, we're gonna budget so much money. Even though it's officially closed, we are still expending funds to ensure, I guess, whatever items of concern to mitigate is addressed as well as I think people need to know what we're asking them to pay as we prepare for rate increases to take care of the new obligations. I think that would be helpful.

MS. OKUMA: Okay.

COUNCILMEMBER HOKAMA: Particularly, if we cannot derive revenue from any potential, you know, beneficial byproduct, whether it be the gas. And again, if we can just do a project onsite to take care Mr. Takamine's electrical requirements onsite, that would be a benefit of recycling that potential use of methane gases. I think we brought that up in another meeting yesterday. Yeah, Mr. Chairman? And I guess that was another way for bio-fuels.

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CO-CHAIR VICTORINO: That's correct.

COUNCILMEMBER HOKAMA: Yeah. So again, whether or not we have an opportunity here, that needs to be investigated and then appropriate decisions made; but I would ask that that be--is that part of the new integrated plan?

MS. OKUMA: Um . . .

COUNCILMEMBER HOKAMA: Coming up with recommendations or options on how to . . . *(inaudible)* . . .

MS. OKUMA: That could certainly be covered. But I also want to have Tracy address the study that we're undertaking on the issue.

MR. TAKAMINE: Yeah, thank you. Actually, your question pertaining to landfill gas . . . uh . . . waste to energy, gas to energy, we are looking at that. We've done a, our consultant has already done a study. So we have like a master plan. It looks at how much gas is currently in the landfill projected and it's an estimate in what we can obtain out to Phase VI. So based on that study, right now, we're landfill . . . uh . . . what we're gonna do with the 48 wells that we're gonna be constructing and routing it to the flare. If it went to a generator system, we could get about a mega . . . one megawatt of power out of that system. I think the peak with . . . looking at would be three megawatts of power, and that would be--I forget when it was now--2017, somewhere around there. So based on that, we did come to the Council last year; and in our '08 Budget, we do have 200,000--I believe it is--to hire a consultant to evaluate how we can put together in some kind of RFP, to go out and get somebody to put in a generation, a generator system; and where we can . . . uh . . . then capture the gas and create energy versus flaring it off. So that is in the works. We will be hiring somebody this year. And based on that, putting out some type of RFP; and it's all gonna tie in, has to tie into the integrated waste solid master, management plan also because it, you know, depends on what we do with the landfill. Because when you put one of these together, from what I understand, you know, the . . . uh . . . the private company that comes in to build one of these, they want a commitment for like 20 years; so we gotta guarantee them that they're gonna get gas for 20 years because they're gonna upfront the money for the capital costs, the operation, give us some royalties, and . . . uh . . . in my free power, you know, to run the landfill.

COUNCILMEMBER HOKAMA: Well that's good news for us again by your restating what we've, I guess, have decided to at least do our due diligence on . . . to see whether it makes sense financially or not. The other thing I wanted to ask regarding the Central Maui Landfill and the solid waste plan you're currently working on is . . . uh . . . my concern again of this State statute requirements. The requirement is just for us to present them with our final study, and they have an opportunity to comment, but that's it, by statute?

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MS. OKUMA: Yeah, I . . .

COUNCILMEMBER HOKAMA: We don't need their approval is what I'm asking.

MS. OKUMA: I don't look at it as an approval, in the sense that their approval means that we must now do it. I don't know exactly the details of what they look at. All I know is that by looking at the statute, they have some role. And by the way, we have invited the State Representative--who will be overseeing this--to sit in on the meetings as a resource person, so that they understand everything that's going on. And we view it as an opportunity to talk to them and make sure that we're within the parameters of whatever is concerning to them.

COUNCILMEMBER HOKAMA: Is this study sent to a specific branch or division of the Department of Health?

MS. OKUMA: It's within the Solid Waste Division, which is a branch of the Department of Health.

COUNCILMEMBER HOKAMA: And their basic task is to ensure EPA and State statute compliances?

MS. OKUMA: You know, I can't speak to whether that office looks at compliance issues because that's not how it's set out in the statute. So as we sit here, I don't know that we know what specific details they're looking at. I think they just want to see what's happening in the process, and certainly to make sure that whatever's coming out has relevancy and \_\_\_\_\_.

COUNCILMEMBER HOKAMA: Well, I just was concerned. You mentioned that they've, possibly taken longer than we would appreciate and, therefore, there is, I guess, our sister counties have entailed delays in the processing.

MS. OKUMA: No, I don't know that they have. I guess the only point was that we don't control that part of the process. And because, one of the reasons why we have them involved in our meetings as far as sitting there and being a resource person is so that that will help in terms of facilitating their review. So obviously, if they know what's happening--theoretically anyway--it should help the review, I believe. So we saw that as a good thing to do. So we're hoping, we'll be working with them to ensure that it continues to move through the process; and I know that, I think they have the same interest as well.

COUNCILMEMBER HOKAMA: Well, we don't want a Oahu situation of Waimanalo people and Nanakuli people getting all upset with the situation that they are dealing with on Oahu. So it's . . . I would say of this Committee's concern what role the State plays? And how that impacts our ability to move forward? Because from what we've heard, you're already missing one full budget cycle, just by timing; so you know, for Mr. Takamine, he's 1 year behind . . . minimum. And we're trying to project big high-priced CIP projects for the County in the short term down

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the road. And I'm looking at hundreds of millions of County CIP and you know, we would need to be able to forecast and budget appropriately. And so things like this project, which I'm gonna confidently say will take a lot of millions to implement and monitor, is something that the sooner we have a sense of financial requirements, it will assist this Committee to make the appropriate recommendations.

MS. OKUMA: And let me just say that even though we do have the integrated plan moving in its process, our operations continues; and so if we do something, even at this preliminary stage, that looks like it's gonna make sense, we will go forward with that, even if the plan's not completed, you know. So I just want to say that.

COUNCILMEMBER HOKAMA: I am assuming the general intent--and Chairman--if you don't mind? Please.

CO-CHAIR VICTORINO: Please.

COUNCILMEMBER HOKAMA: And again, with my colleagues' patience. I believe we were shown something about a 50-acre expansion that is being considered with--

MS. OKUMA: In the future.

COUNCILMEMBER HOKAMA: --with the property's owners, nego..., discussion--

MS. OKUMA: Right.

COUNCILMEMBER HOKAMA: --with you and your people, Director.

MS. OKUMA: Yes.

COUNCILMEMBER HOKAMA: So can we take it that the intent is we are gonna stay in the general vicinity for the long term and all we will be looking at is expanding the Central Maui program?

MS. OKUMA: As far as . . .

COUNCILMEMBER HOKAMA: Is that a good understanding?

MS. OKUMA: As far as I can tell, as I sit here today, that's what it's looking like. Yes.

COUNCILMEMBER HOKAMA: Okay. Is there a cap or a maximum that we should be looking at? That the landfill should be no more than 250 acres in totality? That at a certain point, we should look at alternatives . . . or a new site? Or is that our answer for . . . for 50 years?

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MS. OKUMA: Well, I think if you, if we take a look at the range in terms of capacity, I mean . . . uh . . . we look Phase V and then future Phase VI, which is as far out as we go, that has the estimated life of about--I mean this is our best estimate--2028. That could change, depending on what happens between now and then; but I think that's one thing we would need to look at as we are looking at master planning for this area. I mean how much capacity are we talking about in terms of this overall acreage--Phase I through VI. Right?

COUNCILMEMBER HOKAMA: Uh-huh.

MS. OKUMA: Yeah.

COUNCILMEMBER HOKAMA: And my last question is . . . it's a great job that Mr. Takamine, his people did with the Phases I and II, the grassing and whatnot. Is there potential for other County-based uses on closed landfill sites?

MS. OKUMA: You know, that's a good question. I think there would probably be some things that we would need to look at in terms of whether that would be allowed because those are basically unlined cells in terms of Phase I and II, at a time when we didn't have the requirements we have today; and there's no way to tell what went in there. So that would be a concern because of whatever stuff we have in there that's a big unknown. I think we'd look at it, but I think we have to be very careful about that; but we can certainly take a look at that. Yeah?

COUNCILMEMBER HOKAMA: I mean whether or not there's potential park activity use, you know?

MS. OKUMA: Yeah.

COUNCILMEMBER HOKAMA: Whether or not it's maybe a potential new site for Public Works and Waste Management--

MS. OKUMA: Right.

COUNCILMEMBER HOKAMA: --operational center \_\_\_\_\_?

MS. OKUMA: We could . . .

COUNCILMEMBER HOKAMA: You know?

MS. OKUMA: Yeah. We could look at that. But again, that was . . . those are landfills under the old rules. That might be something more practical in terms of now in the future because we are in . . . uh . . . we are, we do have the Federal regs that we're trying to comply with, and should

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have a better handle on what's going into our landfill as far as control. I think there'd be some safety issues in terms of these older landfills; but we think about that too, you know, whether there's any other use for it. We can look at that with the caution that these are landfills that came into operation under . . . at a time we didn't have these regulations.

COUNCILMEMBER HOKAMA: Right. Right.

MS. OKUMA: Yeah.

COUNCILMEMBER HOKAMA: Yeah.

MS. OKUMA: But we can look at it. Yeah.

COUNCILMEMBER HOKAMA: We understand that. Is there a component of your integrated study that your consultant is performing on your behalf? Looking at a component in the report to us, eventually to us that will address a comment regarding potential impact on the potable water cells or ducts that are underneath the landfill area, and whether or not there's potential benefits or issues that we need to be aware of?

MS. OKUMA: I'm sorry. Is the . . . of ducts underneath that sit . . . ?

COUNCILMEMBER HOKAMA: I mean dikes--not ducts--dikes! I used the wrong word.

MS. OKUMA: Oh. Potable . . .

COUNCILMEMBER HOKAMA: I was thinking of lunch, already. . . . *(chuckled)* . . .

MS. OKUMA: Okay. . . . *(chuckled)* . . .

COUNCILMEMBER HOKAMA: But you know, again, yeah. How we deal with our own island geology.

MS. OKUMA: Right.

COUNCILMEMBER HOKAMA: Our water cells, the dike formations, whether or not it's artesian or not, is there a component that tries to make a . . . uh . . . educated statement regarding whether or not there is any impact? And if there is, whether it's good or bad, regarding the water that sits underneath our landfill?

MS. OKUMA: I don't believe the scope of this work entails that, but I can ask. I don't believe . . .

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MR. TAKAMINE: And under this project, they're not gonna be looking at that; but we do groundwater monitoring on a quarterly basis in, as per our permit requirements. So we monitor the groundwater and we do testing and submit it to Department of Health on a regular basis at all the landfills.

COUNCILMEMBER HOKAMA: Has there been any types of reports of concern that we need to be aware of, whether it be a potential contamination, leaching into the thin basal lenses underneath. I mean, you know for many of us, normally, you don't think Kahului has an aquifer; but there it is. Although thin and wide, there is a Kahului aquifer; so I would assume that our landfill is over some sort of aquifer, and whether or not it should be a concern for us.

MR. TAKAMINE: So far, as far as I know, all the testing has not shown any type of leaching into the groundwater that's below the landfill at this time.

COUNCILMEMBER HOKAMA: Okay. Thank you very much.

CO-CHAIR VICTORINO: Thank you, Mr. Chair. Before I recognize Member Mateo, I'd like to make a couple of comments. First of all, I was selected and have been a member of this commission that has been studying this integrated resource study. I've been very impressed with the people that we have with us: their diligence, their real concern, their honest effort to present a plan that we--and I referring to the Council--will be sent as soon as it's completed and, and . . . and, and gone through the process, that we'll be taking. And many of the people there are looking at the next 25 to 50 years out; we're just not looking for the next 5 or 10 years. I think we all realize this is a crucial point in Maui County's future. And whatever we do; and whatever we bring out; and whatever we (as the Council) accepts; will set precedence for the next, hopefully, 25 to 50 years. We have to do it that way. Our landfill is not of an infinite nature. We know there is a drop date. No matter how many more times we expand, or how many more acres we take up, there will be a point where one day we will have no more room. Fifty years, 100 years, I don't know. And maybe some of us won't be around to worry about it; but I think what we do today is very important, and one of the chief components of this study is diversion. We truly believe that right now we are probably diverting--and Tracy, you can correct me--somewhere between 20 and 25 percent of our total refuse is being diverted into recycling: what is plastics, and cardboards, and all that. And there are areas in the mainland; such as, San Francisco and other areas, that are up to 60-65 percent and moving further up the ladder. And that's what we need to do here on . . . in Maui and Maui County, is divert as much as we can from our landfill because that is really the true solution. Secondly and alternatively, as Member Hokama mentioned, garbage to energy or some other means of taking that and producing energy and you recycling that in that manner. So there are a number of ways we can do it; but I think this . . . this study is not only because the law has required it and we need to do it, it's really being fore, taking that foresight and looking 25 to 50 years down the road because what we do today will set the precedence for us. And when it comes to you (the full Council) for your review and, and, and . . . um . . . consideration, it is my

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hope (between myself and Co-Chair Medeiros, who sits on this Committee) that we have given enough emphasis and, and, and ideas from our side to make it a litable *[sic]* pailable *[sic]* for you folks and . . . uh . . . for the community at large. So I wanna thank Cheryl and Tracy and all the people that been working super hard, Greg. They put a lot of time and effort in this and I'm really confident when this comes forward, gentlemen, you'll be very, very surprised how comprehensive this plan. The key then is making sure that we, as Councilmember Hokama mentioned, have the funding and be prepared to put the funding in to do these necessary changes. Okay. Sorry. Councilmember Mateo, I'm sorry.

COUNCILMEMBER MATEO: Chairman, thank you very much. As a matter of fact, that was where I was going. Ms. Okuma, in addition to the capture of gases and for us to realize the necessity of diversion out of our landfill, is part of the Department's plans the inclusion of incineration as well?

MS. OKUMA: I think that's something that could certainly come out of the plan. So I guess at this point, I mean when we . . . we're looking at what recommendations I think we're considering that whole spectrum of what's out there, and then looking at, you know, what's . . . what would be feasible. What's relevant for the community here . . . because while something may make sense somewhere else, it might not necessarily make sense here; but we're not closing the doors on anything. We're looking at everything and then seeing what's possible.

COUNCILMEMBER MATEO: Because of the projected tonnage that's dumped everyday, Mr. Takamine, is there a viable potential that would keep an incineration plant active?

MR. TAKAMINE: From the trip that we just went on, actually, I think the numbers I heard, were--you can probably have a plant like that at 600 tons per day. So you know, we have, yeah, enough, I guess, trash to maintain something like that; but then as Cheryl mentioned, you know, we need to look at what's the feasibility because these things are not cheap, you know. They run in the hundreds of millions of dollars. And I believe also, another key factor that would come into play is the tipping fee. The numbers I hear is over \$100 a ton versus ours--which is ah, what is it--\$60 or \$70 a ton now. So you know, who's gonna pay for that? All that's gonna have to be looked at--the pros and the cons--and determine again if it's something that we wanna do? Or do we want to, you know, continue the landfill? I mean this plan will give us that analysis; and give us the options; and tie into that what the cost's gonna be; and how we're gonna fund it. And based on that, you know, we're gonna come to you and I guess we'll try to get a decision on where we want to go as a County.

COUNCILMEMBER MATEO: The plan you referenced, that is the integrated plan?

MR. TAKAMINE: Yes.

COUNCILMEMBER MATEO: Or is that the plan that your consultant will be addressing?

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MR. TAKAMINE: That's the integrated solid waste management plan.

COUNCILMEMBER MATEO: And the consultant's work will be charged in addressing primarily what? The use of gases or . . .

MR. TAKAMINE: They'll look at alternative--

COUNCILMEMBER MATEO: Alternatives.

MR. TAKAMINE: --landfill disposal methods and, and, and that might . . . it'll probably be one of 'em, is waste to energy. You know, what, what's . . . what, what's out there; what's being used; how is it applied here in Maui County; if, you know, if at all; and then what impacts it would have if we want to go that route again.

COUNCILMEMBER MATEO: Okay.

MR. TAKAMINE: Cost-wise, staffing-wise, land and so forth.

COUNCILMEMBER MATEO: Thank you. Thank you, Chairman.

CO-CHAIR VICTORINO: You're welcome, Member Mateo. Member Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. You know, at our NACo meeting or conference that we had this past summer, or this summer, I've had the opportunity to go visit one landfill area; and adjacent to the landfill, they had this private power company in, you know, utilization of methane gas was really, really successful. The only thing, their landfill compared to ours, you know, in size, their landfill was about 240 acres big. But it does work; methane does work. The question that I have for the Department . . . um . . . because we're looking at 2028 as the date that, the projection that the Phase VI would be, I guess, full capacity, does the Department have any plans in regards to a MRF facility?

MR. TAKAMINE: Did you say MRF?

COUNCILMEMBER PONTANILLA: Yeah, MRF facility.

MR. TAKAMINE: Again, the . . . um . . . if we want to look at doing any type of recycling, we're probably gonna need a MRF. And again, the integrated waste solid waste management plan should steer us in that direction. We will probably, again, I think in my budget this year, we had budgeted--and I can't recall how much it was--some funds to do a preliminary engineering report on a materials recovery facility. So I believe, even if we stay at the current landfill, no matter what we do, we're looking at probably having to construct some kind of a MRF.

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COUNCILMEMBER PONTANILLA: So if we have a MRF facility, then we can take . . . um . . . it almost can tell us that we're gonna go beyond 2028 to fill up Phase VI?

MR. TAKAMINE: Right. If we go to, if we increase our recycling percentage, it will definitely save in the landfill capacity and extend the life of the landfill.

COUNCILMEMBER PONTANILLA: Okay. And the plan will tell us that?

MR. TAKAMINE: Yes.

COUNCILMEMBER PONTANILLA: Okay, good. Thank you.

CO-CHAIR VICTORINO: Thank you, Member Mateo--I mean--Pontanilla. Any other questions for the Department? Okay. Sensing none, before I make my recommendation, I'd like to again thank Cheryl and Tracy for being here today. I thought the presentation was an excellent one. I would like to ask if we could get copies of that; and not only for the Committee Members, but for all the Members of the Council. If that could be distributed to their offices, I think this is something that is good information to have. I'd appreciate that, Cheryl.

Secondly, I would like to say that, again, the plan that we're working on right now with that committee, the commission that we are . . . have put together, I think, really brings a real good, real solid diversified group of people; and they bring a lot of great ideas to the table. And again, our tour, which was last . . . uh . . . was July, yeah, Tracy? Whoa, this is September. Wow, time has fled! It was very informative. One of the things I was really taken was the paint recovery that Portland had, and I thought that was one of those very, very--not applicable to Maui yet because we're a little bit too small but--they were able to recover paints from many construction as well as individuals and then take it into this recycling plant and work it out so that they would actually turn around and have quality paint that they sold both back to the municipality and to other construction companies. And you know, talk about recycling, taking it out of the landfill and making good use of it; and that was just one of many that we saw when on this tour. And Councilmember Pontanilla, I think I agree with you that what you saw up in Virginia also brings a lot of importance as far as methane gas and some of the other reclaimed facilities, yeah? So at this time, with no objections, I would like to make a recommendation to, for the, this item to be deferred.

**COUNCIL MEMBERS VOICED NO OBJECTIONS. (PRESENT: HOKAMA, MATEO, PONTANILLA, AND VICTORINO)**

**ACTION: DEFER.**

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CO-CHAIR VICTORINO: No objections? With no objections, I . . . uh . . . well, this item will be deferred. And . . . any announcements at this time? None? Well, if no are, there are no announcements, this meeting, this August 15<sup>th</sup> [*sic*] meeting of the Public Works and Facilities Committee is now adjourned. . . . (*gavel*) . . .

**ADJOURN: 10:53 a.m.**

APPROVED BY:



BILL KAUAKEA MEDEIROS, Co-Chair  
Public Works and Facilities Committee

APPROVED BY:



MICHAEL P. VICTORINO, Co-Chair  
Public Works and Facilities Committee

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Transcribed by: Pauline Martins