

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

July 7, 2006

Committee
Report No.

_____ 06-76

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

Chair and Members:

Your Committee of the Whole, having met on June 20, 2006, makes reference to County Communication No. 06-99, from the Director of Public Works and Environmental Management, transmitting 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 SETTLEMENT OF ALLEGED VIOLATIONS OF THE CENTRAL MAUI AND LANAI LANDFILLS". The purpose of the proposed bill is to authorize an intergovernmental agreement with the State of Hawaii in settlement of alleged violations regarding the Central Maui Landfill, Phases I, II, and IV, and the Lanai Landfill, through the performance of corrective actions and the payment of \$200,000, a part of which may be satisfied through supplemental environmental projects.

By correspondence dated June 15, 2006, the Chair of your Committee requested the presence of the Chief or representative of the Solid and Hazardous Waste Branch, Environmental Management Division, State Department of Health, at your Committee's June 20, 2006 meeting.

At its meeting, your Committee met with the Deputy Director of Public Works and Environmental Management; the Chief, Solid Waste Division, Department of Public Works and Environmental Management; the First Deputy Corporation Counsel; and a Deputy Corporation Counsel.

There was no public testimony.

Your Committee noted that no representative was available from the Solid and Hazardous Waste Branch, Environmental Management Division, State Department of Health.

Your Committee received an overview of the dispute between the County and the State of Hawaii regarding alleged violations involving the Central Maui Landfill, Phases I, II, and IV, and the Lanai Landfill, from the Deputy Director of Public Works and Environmental Management.

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Your Committee notes that the County's denial of all allegations in lieu of an evidential hearing on this matter has led to the proposed settlement.

The Deputy Director of Public Works and Environmental Management stated that the County is currently in compliance with all regulations related to Phase IV of the Central Maui Landfill. He further stated that documentation regarding compliance for Phases I and II of this landfill is pending submittal to the State Department of Health.

According to the Department of Public Works and Environmental Management, as part of the settlement, the County was required to obtain an additional bulldozer for the Lanai Landfill for the purposes of the daily coverage of waste. Funds for a bulldozer for the Lanai Landfill were included in the County's Fiscal Year 2006 Budget, and the bulldozer is scheduled to be delivered to the County in early 2007.

Part of the settlement also involves the submittal of a design schedule for plans to upgrade the drainage system for the Lanai Landfill to the State Department of Health to prevent offsite runoff flowing onto the landfill. The Department of Public Works and Environmental Management said that these plans are also pending submittal to the State.

The Department of Public Works and Environmental Management indicated that landfill hours were extended in the past, and ongoing recruitment to fill various positions at the landfill are occurring in order to promote compliance with State regulations. The Solid Waste Division Chief said that unscheduled visits from representatives of the State Department of Health are anticipated and the Department of Public Works and Environmental Management will develop inspection checklists and will begin to conduct periodic compliance inspections in order to further promote compliance.

Your Committee notes that the proposed settlement includes a provision that allows the County to participate in one or more Supplemental Environmental Projects (SEP) in an amount equal to \$100,000 in lieu of a cash payment to the State. The Department of Public Works and Environmental Management indicated they prefer to participate in one SEP in lieu of a cash payment to the State of Hawaii because an SEP would directly benefit the Central Maui Landfill. One of the projects under consideration is an onsite truck wash to keep mud and dirt from being carried by truck tires onto the roadway upon exiting the landfill.

In response to your Committee's inquiry regarding whether participation in an SEP would require a budget amendment to accommodate the SEP as a capital

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improvement project, the Solid Waste Division Chief stated that a decision on implementing a particular SEP would have to be made by the Department of Public Works and Environmental Management and approved by the State of Hawaii prior to a budget amendment being submitted to the Council for approval.

Your Committee discussed whether the potential impact of demolition of large portions of hotel buildings for rebuilding, remodeling, renovation, and conversions has been considered with respect to shortened landfill life expectancy. The Department of Public Works and Waste Management indicated that most of the waste from these projects does not enter the residential landfill and is required to be reused.

Based on the recommendation of the Department of the Corporation Counsel, your Committee agreed to recommend revising the proposed bill to correct language in Section 2 to indicate that \$100,000 “may” be used to implement a SEP rather than “shall” be used for that purpose.

Your Committee voted to recommend passage of the revised proposed bill on first reading and filing of the communication.

Your Committee is in receipt of a revised proposed bill.

Your Committee of the Whole **RECOMMENDS** the following:

1. That Bill No. _____, as revised herein and attached hereto, 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 SETTLEMENT OF ALLEGED VIOLATIONS OF THE CENTRAL MAUI AND LANAI LANDFILLS” be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 06-99 be FILED.

Adoption of this report is respectfully requested.

