

**COUNCIL OF THE COUNTY OF MAUI**  
**COMMITTEE OF THE WHOLE**

July 7, 2006

**Committee**  
**Report No.**

\_\_\_\_\_ 06-77

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. 06-149, 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 AT THE LANAI LANDFILL". The purpose of the proposed bill is to authorize an intergovernmental agreement with the State of Hawaii in settlement of alleged violations regarding the Lanai Landfill through the performance of corrective actions and/or the payment of up to \$81,625, 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; 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, Department of Health, State of Hawaii.

Your Committee further noted that the violations at the Lanai Landfill included the absence of a bulldozer for the purposes of the daily coverage of waste. The Department of Public Works and Environmental Management indicated that the County had an agreement with the Lanai Company to borrow a bulldozer as backup equipment when the County's bulldozer was not in service, but this bulldozer was not always

**COUNCIL OF THE COUNTY OF MAUI**  
**COMMITTEE OF THE WHOLE**

July 7, 2006  
Page 2

**Committee**  
**Report No.**      06-77

available for the stated purposes. The County is required to obtain an additional bulldozer for the Lanai Landfill. Funds for a bulldozer for the Lanai Landfill were included in the County's Fiscal Year 2006 Budget and the bulldozer is to be delivered to the County in early 2007.

Your Committee discussed the importance of protecting the public's interest when arranging for partnerships with private entities that may have their own interests to protect.

Your Committee noted the Department of Public Works and Environmental Management's willingness to accept responsibility for possible past violations as well as their willingness to ensure future compliance.

Based on the information received, your Committee voted to recommend passage of the proposed bill on first reading and filing of the communication.

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

1. That Bill No. \_\_\_\_\_, 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 AT THE LANAI LANDFILL" be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 06-149 be FILED.

Adoption of this report is respectfully requested.

