

## **SOLID WASTE RESOURCE ADVISORY COMMITTEE (SWRAC)**

**August 2, 2007**

**1:00-4:00 PM**

### Present:

**Members Present:** Greg Apa, Eve Clute, Stuart Funke-d'Egnuff, Jack Freitas, David Galazin, Robert Hoonan, Debra Kelly, Kuhea Paracuelles, Steve Perkins, Victor Reyes, Susie Thieman, Terry Vencl, Rick Woodford, and Councilmembers Mike Victorino and Bill Medeiros

**Members Not Present:** Mauricio Avila, Darlene Endrina

**Staff Present:** Cheryl Okuma, Lane Otsu with the State, Diane Petropulos, Gregg Kresge, Hana Steel, Tracy Takamine, Chace Anderson, Frank Bernheisel, Stacia Bobikevich, Kim Compoc, Irene Cordell, and Patience Gaia, David Galazin, George Correia

### **Call To Order**

Meeting was called to order at 1 PM

Hana Steel welcomed everyone and announced that next meeting's topic will be Construction and Demolition waste & Food and Green Waste processing. Please do reading in Section 2 & 3.

Diane passed around articles regarding plastic bags, landfill, food waste and reviewed agenda. She explained that the public will introduce themselves at the beginning of the meeting, but the public comments portion will be at the end.

Introductions from the public: Lane Otsu, Solid Waste, State Department of Health. Says he will send a department representative to the meetings to serve as a resource to the SWRAC.

### **Approval of Minutes**

**Meeting notes:** Approved with one correction – Stacia Bobikevich works for County of Maui Recycling

### **Address to Committee by the Director**

Cheryl Okuma greeted the SWRAC, thanking them for the important work to set County of Maui on a course for the future. Cheryl started as the first Environmental Management Director on July 1. She had a meeting with the Mayor and announced that the committee does not need to feel driven by the November timeline or budget constraints that were announced previously. In today's meeting SWRAC can take some time to discuss ways to organize, make improvements, change meeting time, etc. so that the SWRAC can do its best work. However, this process has to move forward as there is a statutory requirement. The 1993 statute said the County must do an update every five years. Maui cannot get behind like other counties have.

The Director explained that the EM Department is meant to be a resource to the committee. Greg Kresge, Deputy of EMD, had gone on the tour but will be stepping down from committee because the Director did not want any appearance of a conflict.

The Director conveyed her desire to see the committee continue to work at this important issue of waste management. When available, she will be sitting in on these meetings while her staff will be attending each and every one.

The Director also noted to the SWRAC that she has invited Corp. Counsel to address the questions that have come up. She promised to follow up on whether a representative from Corp. Counsel can attend each meeting.

### **Corporation Counsel To Explain Sunshine Law presentation by David Galazin,**

*[See handout for substance of the presentation: Law and its objective, Board agendas, Executive Meetings, Member Interaction Outside of the meeting.]*

- David explained that Sunshine law exists to make sure board business is conducted in plain view of the public. Board meetings have to post their agenda in advance and stick to agenda and can't stray from the agenda. The idea is to try to avoid deals done behind public view. Board actions can be voided if violated.
- Question regarding is it OK to talk with public? Yes, especially as an individual, that's the purpose of the SWRAC. But you cannot talk amongst yourselves about issues to be addressed by board. If you think you'll have advisory power over that topic in the future, then don't do it.
- Question regarding quorum requirements. For boards, according to Robert's Rules, quorum is 50%. So for 16 members, 8 is quorum.
- Question: If a member were to meet with each person on the committee, would that violate the spirit of the sunshine law? David will follow up next time. This is a concern for Council members on the SWRAC who might meet with other members as part of their job.
- Concern expressed that this is repetitive to previous handout on Sunshine law.
- Note: the Sunshine law allows 2 committee members to have a discussion but not more than 2; however, if the meeting was scheduled and posted according to the notice requirements, then 2 or more members can meet.
- Question re: what constitutes notice? 2 requirements: agenda must be posted with the County Clerk's Office seven days before the meeting date. As an addition but not a requirement, the agendas are posted on SWD's website.
- Question re: ability to vote. According to Robert's Rules, not OK to vote with less than quorum number but OK to meet so long as proper notice given.

- Question regarding whether it's OK for Councilmembers to sit on committee, or will they have to recuse themselves from voting on the Council since they were part of the SWRAC? David will follow up.

### **Discussion of Options for Organizational Improvements for the Committee and Meeting Schedule and Time Period**

The Director explained that the budget and timeline pressures have been relieved, so the SWRAC can have adequate time to do good work. It is important that there be a regular schedule; however it's OK to extend hours to include lunch, or make the meetings longer to include morning too.

Cheryl passed out a handout with 3 options:

Option 1 – 9:30 to 4:00 PM

Option 2 – Meeting starts at Noon, ends between 4:30 and 5:00 (County provides lunch)

Option 3 – Keep schedule as is

Comments:

- Suggestion to add an Option 4: Start at 1pm, but end at 5pm
- Option 1 is good b/c in the morning the brain is fresh
- Cannot meet in morning because I have a business to run, OK with 5pm ending (option 4)
- OK option 3 as is
- OK with 5pm end time. Mornings are bad.
- Whole day is too long. How much could be added? What is the gain with using that option?
- Cheryl explained that it's also OK to revisit the amount of time between meetings (Is it better to meet once/month?)
- Twice a month is good. Keeping the discussion regular will help members' forgetfulness.
- 2/mo is good. Quicker is better. Cannot do all day meeting.
- First 45-60 min often spent rehashing old business. Cannot do a whole day. One hour extension is OK.
- Maybe members don't have to stay for the extra hour if they can't do it.
- The time commitment is already hard to promise.
- Lanai and Molokai members both sleep over so not a consideration for the 5pm idea.
- Don't need County to buy me lunch
- Group Voted to keep meetings at 2/month with no change to the dates.
- Votes: 1:00pm to 5:00 pm with no lunch = 9 votes, Keep schedule as is = 0, 9:30am-4:00pm = 0 votes, 12-4 = 0, Abstain = 3

### **Discussion of Roberts Rules and how decisions will be made.**

Cheryl explained that Corp Counsel will be here to answer questions next time. Members asked that the response be made in writing so as not to take up too much of the meeting next time.

- Question re: Can we follow Robert's Rules without a chair?
- Yes, with facilitator.
- There's no need for a chair as was decided before
- Before the SWRAC was more casual. Now with Corp Counsel we may have to defend our decisions. Could be useful to have a chair.
- A chair would lend creditability – would allow us to communicate with outside.
- Facilitators fulfill the role of chair because they run the meetings. Roberts' rules should be used.

- A duty of chair is the question.
- Chair can participate where a neutral facilitator cannot.
- Chair can't represent because can't speak outside the meeting anyway
- When would it be necessary to represent the committee?
- The Director explained that Department of EM would do it with council because SWRAC's work is under EM. The Dept. of EM is in charge of transmitting report to DOH and County Council
- SWRAC could choose a chair later for any presentation, as necessary. Seems cumbersome now.

**Discussion re: Consensus v. Robert's Rules.**

- Robert's Rules say committee should decide voting rules, whether 50 plus 1 majority, etc.
- A chair would be in charge of follow up on items for next time.
- The Director explained that the Department of EM will do follow up for the committee. However, she cannot be the Chair.
- Vote = No need for chair = 6, Need a chair = 4, Abstain = 2
- Might need to be revisited b/c vote close and people need info from Corp Counsel to vote

**Consultant's Presentation of the Research Tour by Chace Anderson.**

Chace handed out an evaluation survey. Chace will tabulate and give results next time.

Chace explained that on the survey, the term "Maui" refers to County of Maui.

*[Please refer to the PowerPoint Handout for information on the tour.]*

**Discussion of Tour**

- Monterey is not subsidized; they run off revenue they receive. Request to get annual budget, and number of employees.
- Running of facilities as businesses. Many of the sites ran on this principle. This will inform decisions.
- County should understand cost of trash they generate. Government should understand cost for throwing away your trash.
- Problem that County is running in negative. Must understand cost to County of Maui. Must get break out per island.
- High cost of EPA's mandate to enclose landfill which County of Maui had to do.
- Include the cost of monitoring of landfill, i.e. 30 years monitoring methane & other gases.
- Decision-making process in San Francisco where department heads made decision without County input. Decisions we make for Maui involve department heads.

- Costs should include Net costs.
- Under charter must include trash collection - can't go against that. Council may have to stop giving money to non-profits if costs increase.
- There are alternative solutions to this. Necessary services must be covered but not how to do it. A business point of view is useful.
- \$19.84 million on County's solid waste spending. \$11.1 revenue. Subsidizing @ \$7 million. Program is not standing alone. If this is a business, then it should close down.
- Must understand the political reality, we have to sell the public that this is a business decision.
- Monterey very impressive, the "Disneyland" of Solid Waste w/ map, mercantile, and amazing "green room." They are a model, but may not be a model for Maui in every way.
- Portland and San Francisco had heaps of garbage removed. Monterey smelled good, was better.
- Size is important to consider. Monterey is small.
- Monterey population is 225,000 and they are agriculture and hospitality industry. Yes, the Disneyland of Solid Waste.
- Integrated Waste Management should have teeth, penalties, which Hawaii doesn't have now. Incentives are important. In California they made the decision to handle infrastructure (although not including San Francisco in this). That meant landfills and transfer stations. Now 20 years later they have a well-managed system.
- Costs from 60% business, 40% residential. They are a model for Maui
- What goes in the landfill is greatly inconsistent. There's 35% solid waste coming out. Others have 100% goal. We have to reduce, 30% would be an excellent goal.
- Consistent in terms of existence of a MRF everywhere. Any integrated management system needs a MRF to keep recyclables out of landfill.
- Diversion/reduction important. Must commit to reducing plastic bags, etc. before it's created. Needs to be a plan.
- Reduce, reuse, recycle!
- They have a place to take the materials, deriving revenue from waste (ex. Paint recycling). Well-thought out business model. Monterey is self-sufficient. Revenues based on tipping fee, which gets adjusted as needed.

- Outreach is important, education. People will catch on and comply. Can build entrepreneurship. Takes time and money.
- Frank explained that all California systems have a state statute regulating the environment. All jurisdictions will divert 50% recyclables banned from Landfill. 75% diverting is new goal. Set of laws with teeth. Business community all have to comply.
- Can GBB make recommendations for laws with teeth? County of Maui can take leadership in the state.
- Outreach, education and legislation – must understand reduce, reuse, recycle not free. No one takes care of it for you (i.e. plantation mentality.)
- Methane gas = ongoing revenue source. In Davis, utilize raw material to produce electricity. Look at it like each revenue source. Carbon can be dealt with in environmentally responsible manner. Can lessen impact on general fund. Also, Covanto waste to burn (mature technology) exceeds EPA requirement.
- Option of going into the Landfill for waste for use in a ‘waste to energy plant’ material. Can save fossil fuel and save oil too.
- Hana asked the DOH representative whether LF mining is allowable in our requirements? DOH will follow up.
- Ash is toxic. Ash can take a lot of space, as much space as Maui’s landfill.
- Biogas, anaerobic, many technologies. We should go with what’s proven.
- Leachate – EPA has limits on way it’s used. Ash is a big budget item and gas comes off of it. Also, algae in West Maui increases as Ocean temp goes up. Algae bloom b/c nightshades in water. If leachate got in waste = algae bloom impact big.
- Frank explained he will bring data to make clear LF ash leachate issue.
- Waste to energy important. Maui is a petroleum-dependent County in a petroleum-dependent state. We owe it to the County to examine the energy we consume, and to use Waste to Energy at every opportunity.
- If we divert more, it won’t be economically feasible. We have a plan for only 2 grades of plastic on Maui.
- Amount generated may not be feasible, must examine practicality of plan.
- Enforcement is important
- Covento facility good, Monterey better, clean, efficient.

- Maui may not be ready, may not be feasible
- Problem with ash with Waste to Energy (toxicity)
- Take advantage of MECO's proximity to the landfill
- Why does Oahu ship trash to Mainland? DOH says the cost. Waste to Energy burner not being used because cheaper elsewhere
- Hana explained that Oahu has no intention of shutting down the H power plan.
- Getting full, may tap out the landfill, Capacity problems
- Summary: Diane said the main themes/summary points of the discussion have been statute, enforcement, MRF, business model, and education/ outreach. Note: these aren't goals for recommendations, just a framing/ summarizing of main areas of discussion.

#### **Comments from the Staff/ Resource people**

- Gregg – 70% of waste stream is commercial. (i.e. resorts). Please keep in mind. 70% is what County does not pick up. Landscape is a problem - We are dependent on space/capacity issue. Cart is leading the horse. Nobody wants Landfill on their land. Also, there is income stream from Waste to Energy.
- Tracy – space is important, we aren't like Monterey. We're so tight in our daily operations. Will need to acquire land for facilities. SWRAC is coming in at a good point for County because we need direction. Also, consider how all decisions impact each other.
- Hana - I love double fee for uncovered loads. Must modify behavior based on money incentive. Have household hazardous waste items for giveaway, ex. bleach. Regarding the ash toxicity issue – pebbles are a new technology to consider alleviating that.
- Frank explained that Rotterdam has this already.
- Hana – San Francisco has a sustainable vision, and I hope our EM agrees. Love the fantastic 3, especially commercial sector in 3 streams. Waste to Energy shouldn't be in competition with recyclables, they are to compete with landfill. Also, business model is good. Must thank GBB for advocating for the tour, which they made no money on. Also, love food compost b/c can make money on this too.

## OLD BUSINESS

### **Resume Discussion of Last Meeting's Topic on Waste and Recycling Collection**

#### **DISCUSSION**

- Legislation doesn't require automated pick up. For ex. Gated community is not paying for their portion of automated pick up. No large sum of money to pay for it all. On tour, collection process was important, they weren't given a choice.
- Frank explained that the Mainland has ordinances to dictate the standard of service. System fees, regulatory part, education (including gated communities) that help pay for system costs.
- Gated communities actually are paying for their share
- Frank will address Eve Clute's comments from the written portion of the notes in the next meeting.
- Pay as you throw needs discussion.
- Private collection is still only 1/3 of waste stream. Commercial is 2/3. It's a feel good measure but volume is coming from commercial.
- Frank explained that it's hard to determine who generates what waste. (For example, condos, gated communities are counted as commercial). Terms are fuzzy. Thinks the ratio is closer to 50/50 residential/commercial.
- Important that costs are covered to keep the program going.
- Pay as you throw very smart. Reuse/Recycle not free. As a society we must face this.
- Frank explained collection at side of the road most expensive to deal with. People will undersize the carts they need. There are problems with contaminating the recycle bin. Penalties are important.
- Chace explained that the cost is double between 64 and 96 gallons carts in some communities.
- There was a Bottle bill in all counties on tour.
- Monterey has poor container for street recycling.
- SF has part of top for recyclables so people can redeem.
- Does it decrease litter? How far will people carry recyclables instead of trashing it?
- Frank – next steps are to look at options and cost scenarios and get input from SWRAC implementation and budget.

- Question re: is the committee done with tour talk? Group decided that yes, as far as it being a specific agenda item.

**Public Comment**

None.

**Next meeting:**

Construction & Demolition

Food and yard waste

Please Read homework.