

ORDINANCE NO. _____

BILL NO. 46 (2024)

A BILL FOR AN ORDINANCE ESTABLISHING AN ASH DEBRIS
TRANSPORTATION FUND

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The August 8, 2023, wildfires in Lahaina, Maui, destroyed or damaged numerous properties. To clear the area and allow for the area to be rebuilt, various materials, including ash debris, need to be removed. A wildfire temporary debris storage site at Olowalu is being constructed to allow for the receipt of ash debris from ravaged areas of Lahaina while the County works on identifying a permanent disposition site. Once a permanent disposition site is identified and built to required specifications, the ash debris will be moved from Olowalu to that site. This Ordinance's purpose is to provide a safeguard to facilitate response to any accidental release of ash debris stored at the wildfire temporary debris storage site during transport of the debris to the permanent disposition site and assist with repairs and maintenance of the roads and highways used during transport.

SECTION 2. Title 3, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

“Chapter 3.60

ASH DEBRIS TRANSPORTATION FUND

Sections:

3.60.010	Fund established.
3.60.020	Purpose and uses.
3.60.030	Definitions.
3.60.040	Ash debris transportation fee.
3.60.050	Deposits to the fund.
3.60.060	Expenditures from the fund.
3.60.070	Administration.
3.60.080	Administrative rules.

3.60.010 Fund established. A fund known as the “ash debris transportation fund” is established.

3.60.020 Purposes and uses. A. The ash debris transportation fund’s purposes are to facilitate response to any accidental release of ash debris stored at the wildfire temporary debris storage site during transport of the debris to the permanent disposition site and assist with repairs and maintenance of the roads and highways used during transport.

B. The fund may be used for:

1. Identification and training of personnel who would respond to an accidental release of ash debris during transport of the debris.

2. Supplies and equipment, including personal protective equipment and other safety equipment, needed to respond to an accidental release.

3. Personnel and other clean-up costs associated with the accidental release.

4. Repair and maintenance of the segment of roads and highways used by ash debris transport vehicles, between the wildfire temporary debris storage site and the permanent disposition site, with priority given to roads owned by the County.

5. Other expenses related to the purposes identified in this section.

3.60.030 Definitions. Unless otherwise stated, whenever used in this chapter the meanings of the following terms are:

“Ash debris” means debris taken from Lahaina following the August 8, 2023, wildfires to the wildfire temporary debris storage site.

“Department” means the department of environmental management.

“Director” means the director of environmental management.

“Permanent disposition site” means the site designated by the director as the permanent ash debris disposition site.

“Wildfire temporary debris storage site” means the site identified for real property tax purposes as tax map keys (2) 4-8-003:007 and a 0.7-acre portion of (2) 4-8-003:008 in Olowalu, Maui, for which the mayor was authorized to enter into a management right-of-entry by ordinance 5596 (2023), effective January 21, 2024.

3.60.040 Ash debris transportation fee. In addition to other applicable landfill disposal fees, a per-ton fee as set in the annual budget must be charged for transporting to and disposing of ash debris at the permanent disposition site. The department must calculate and collect the fee at the permanent disposition site when the ash debris is delivered to the permanent disposition site.

3.60.050 Deposits to the fund. The following must be deposited into the ash debris transportation fund:

- A. Fees as set in the annual budget, including the ash debris transportation fee.
- B. Supplemental transfers as set in the annual budget.
- C. Council appropriations to the fund.
- D. Grants and donations to the fund.

3.60.060 Expenditures from the fund. Expenditures from the fund must be through appropriations in the annual budget or an amendment to the annual budget ordinance. Any balance remaining in the fund at the end of the fiscal year must not lapse, but must remain in the fund accumulating from year to year.

3.60.070 Administration. A. The director of finance must establish a separate account to record revenues and supplemental transfers credited to and expenses incurred by the fund.

B. The revenues in the fund must not be used for any purpose except the purposes listed in section 3.60.020; except that if this chapter is repealed any unencumbered funds remaining in the ash debris transportation fund must be transferred to the highway fund.

C. Once all ash debris has been transported from the wildfire temporary debris storage site to the permanent disposition site and the director has determined any expenses related to the purposes stated in section 3.60.020 have been satisfied, the director must within thirty days request the council’s repeal of this chapter.

With the request, the director must submit a report to the council stating:

1. The bases for the director's determination.
2. Any accidental releases, road and highway repairs, or other authorized expenses addressed by the fund.
3. The amount, if any, being transferred to the highway fund.

3.60.080 Administrative rules. The director may adopt administrative rules to carry out this chapter's purposes."

SECTION 3. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



KRISTINA C. TOSHIKIYO
Department of the Corporation Counsel
County of Maui

paf:cmn:24-013c

INTRODUCED BY:

Tamara A. M. Paltin

TAMARA PALTIN

DIGEST

ORDINANCE NO. _____
BILL NO. 46 (2024)

A BILL FOR AN ORDINANCE ESTABLISHING AN ASH DEBRIS
TRANSPORTATION FUND

This bill proposes to amend the Maui County Code, by adding a new Chapter 3.60, Ash Debris Transportation Fund, to provide a safeguard to facilitate response to any accidental release of ash debris stored at the wildfire temporary debris storage site during transport of the debris to the permanent disposition site and assist with repairs and maintenance of the roads and highways used during transport.

I, MOANA M. LUTEY, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 46 (2024) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 8th day of March, 2024, by the following vote:

AYES: Councilmembers Tom Cook, Gabriel Johnson, Natalie A. Kama, Keani N. W. Rawlins-Fernandez, Tamara A. M. Paltin, Shane M. Sinenci, Nohelani U'u-Hodgins, Vice-Chair Yuki Lei K. Sugimura, and Chair Alice L. Lee.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 11th of March, 2024.



MOANA M. LUTEY, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.