

GREAT MEETING October 31, 2023

Government Relations, Ethics, and Transparency Committee

Testimony: Susan A. Pcola-Davis

RE: Environment: LAND

I submitted this for October 30 GREAT meeting, but it fits here better. I see the Department of Environmental Management will be there.

Resolution 23-194's purpose is to develop and facilitate, through a series of complementary ordinances and resolutions, and as authorized by each of the eight Council standing committees within their subject-matter jurisdictions, a comprehensive recovery and resiliency plan in response to the island of Maui's tragic wildfires of August 2023.

Transparency:

A question often arises, what is transparency in government? It means the right of the public to know about official offices and activities. Transparency in government inculcates the faith of people in the government. By giving access to seeking information, the government becomes accountable to the public. This ensures the efficient expenditure of public accounts.

It increases public participation and maintains the course of welfare through the regular engagement of citizens and the government.

The article provides information regarding the final site of Lahaina remains. The author writing the story, is getting the information from a source that hold a public service position.

As I have pointed out in the article, there are contradictions that need clarified.

1. What is being taken to Olowalu?
 - **nonhazardous fire debris**
 - **will mostly contain ash and smaller pieces of steel and concrete**
 - **a place for toxic debris to be relocated**
 - **toxic materials**
 - **Where is the soil? Ash and soil are mixed together after re entry.**
2. Is the site next to the closed Olowalu landfill or in the landfill?
 - **The suggested site is next to the closed Olowalu Landfill**
 - **The landfill will be closed and landscaped**

Aside from the article, I find it confusing as to how all 8 Council standing committees will start developing ordinances and resolutions to develop a comprehensive plan for recovery and resiliency.

Site near Olowalu landfill eyed for fire debris disposal OCT 28, 2023

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With Lahainaluna's iconic "L" in the background, a pile of metal rubble and a charred elevator shaft stand at the ruins of the four-story Kaiaulu o Kupuohi affordable rental housing complex on Oct. 18. — The Maui News / MATTHEW THAYER photo

The **final disposal of Lahaina fire debris**, which Maui County officials say **will mostly contain ash and smaller pieces of steel and concrete**, moved one step closer to being placed on a state-owned parcel in Olowalu.

On Friday, the state Board of Land and Natural Resources approved an immediate right-of-entry permit and authorized the setting aside of lands for Maui County for the disposal project on a 19.4-acre parcel which has been controlled by the state Department of Land and Natural Resources' Land Division.

The approval came even as about half a dozen testifiers expressed concerns about impacts to the nearshore waters and groundwater and expressed a need for more community outreach. Some board members, including Chairwoman Dawn Chang, also had concerns over how the site could affect the environment. Chang wanted to have monitoring gauges in the nearshore waters to detect any contaminants.

“We want to totally support what the county is doing, but at the same time our kuleana from DLNR is the protection and preservation of cultural and natural resources, including the marine resources,” Chang said.

Maui County Director of Environmental Management Shayne Agawa said that the site will exceed safety standards, describing it as the *“Cadillac of disposal sites.”*

➤ ***[remember this guy's name]***

“We are overly designing this to above standard. There is going to be redundant mitigation measures, monitoring for years to come,” he said via Zoom during the meeting, which was also held in person at the DLNR boardroom on Oahu.

Maui County Mayor Richard Bissen explained last week that the county **wants to keep nonhazardous fire debris** on island per the wishes of the Lahaina community over concerns that it may still contain remains of those who died in the fire.

➤ ***[so is it non hazardous or hazardous....read on]***

Bissen asked Gov. Josh Green in a **Sept. 20 letter** to extend his emergency proclamation to include development of the Olowalu facilities.

➤ ***[was Bissen clairvoyant]***

With the land board’s recommendation, Green would next need to issue an executive order setting aside the land to the county.

The suggested site is next to the closed Olowalu Landfill and is within 5 miles of the impact zone, a closer drive than to Maui County’s current landfill in Central Maui, which is 25 miles away from Lahaina.

Agawa said the site **would provide a place for toxic debris to be relocated** as soon as possible once it's removed from the Lahaina properties burned in the Aug. 8 wildfire.

[Is it toxic but non hazardous, I'm confused]

"It allows the ash from Lahaina that contains human remains to stay in West Maui," he added.

Larger debris such as concrete and metal will be recycled.

The ash and smaller debris will be "encapsulated" by two impermeable liners. Groundwater around the area will be monitored *"to be sure there are no leaks,"* Agawa said.

[Where is the contaminated soil, isn't it with the ash?]

[What do you do if there is a leak? Is there a plan in place]

After all the debris is collected and disposed of at the site, the landfill will be closed and landscaped and monitored for the next 30 years, he added. He said the site will be *"capped"* when debris removal is done and envisioned it as a grassy mound in the longer term.

The work to turn the cinder pit into a disposal site will take six to eight months. In the meantime a temporary site will be set up next to it.

Mark Caldwell of the U.S. Army Corps of Engineers and a debris expert assigned to the Maui wildfire operation **said containers will be brought to the fire sites in Lahaina to pick up the debris.** The container will be lined with plastic. Debris will be put into the container with the *"wrap between it and the container."*

[What type of container, there are 300,000-500,000 Tons!]

The cleaning of the debris will take place after the U.S. Environmental Protection Agency removes hazardous household material from the burned properties and after residents are able to visit their homes.

When the container is full, Caldwell described the debris being wrapped like a “burrito” and sealed, then “tarped” for trucking from the property to the disposal site.

[Like one container for that many tons, huh? Joking right?]

As for the temporary staging site, Caldwell said the property will also be lined and the wrapped debris will be placed on the liner. He acknowledged that the wrap could come off, which is why the liner is in place.

Agawa said there is also a leachate monitoring and mitigation system. Leachate is formed when rainwater filters through waste in a landfill, according to the EPA.

In response to concerns raised about leakage into the nearshore waters, Sage Kiyonaga, an engineer with the Environmental Management Department’s Solid Waste Division, said there are double liners to protect from leakage when normally only one is used.

There are also groundwater monitors that will be between the landfill and the ocean, so issues will be detected before matter reaches the ocean, Kiyonaga said. And, if there are issues with the groundwater, then nearshore water monitors could be put into place.

➤ [Just asking, do you have a Plan B?]

As for dust and debris entering the ocean, Kiyonaga said there will be air quality monitors in place when disposal is happening.

“If these air quality monitors detect any issues, we can adjust our operations to mitigate that,” Kiyonaga said.

He said they will try to control the dust when the debris arrives on site.

“As soon as it hits the ground here at the temporary disposal site, at the landfill itself, we will be using wet sprays to try and arrest the dust as much as possible,” he said. *“It is part of the typical operational control for this type of operation.”*

[Ok am I dumb, how does this work? If it is wrapped then why would there be dust?]

But some in the community are concerned about the disposal site and potential impacts on the environment.

Scott Crawford, the Maui Nui marine director for The Nature Conservancy, Hawaii and Palmyra, said the organization has not taken a position on the proposal but wanted to “*highlight the very high value and sensitivity of the Olowalu reef complex,*” as well as raise important questions to consider.

Crawford said the Olowalu reef “*plays a vital role in West Maui’s ecology and community and economy.*” The reef has a diversity of coral, harbors the largest manta ray population in the U.S. and is a primary source of coral larvae for the reefs of Lanai, Molokai and West Maui.

“*This expansive reef reduces wave energy reaching the shoreline, moderating flooding along the coast and protecting the Olowalu community and the only major road currently connecting West Maui with the rest of the island,*” Crawford said.

The organization fears that the suggested site is next to the closed Olowalu Landfill near the shoreline could add another stressor to the reef. But Crawford added that they do not want the toxic materials to be carried into the environment from the burned Lahaina properties.

➤ [Toxic but not hazardous, huh?]

“*We understand the urgency of this,*” he said, adding that if the disposal site moves forward, they want all the protective measures in place.

Marti Townsend of Earthjustice said the nonprofit law organization is doing its best to review the matter and cannot take a position yet. However, she was concerned that not many people know about the proposal and said there should be “*high quality community consultations*” to share with the public the actions and associated risks.

Other concerns include having the landfill near the shoreline, possible impact to groundwater and what will actually be disposed of in the location, Townsend said.

Other testifiers also said more outreach is needed, especially for those who live in or have ties to Olowalu.

Mahina Martin, chief of communications and public affairs under Bissen's office who attended the meeting in person, said they did some outreach, but *"I will say there is more to be done."* She said more will be shared in open house formats.

Agawa said they have a plan to get the community involved but that the county wasn't ready yet to share details as things were still fluid and could change quickly.

Getting emotional, Agawa expressed how much he cares for Lahaina, where he was born and raised and is now raising his family.

"This is my community," he said.

His children now attend Wailuku Elementary after their school, King Kamehameha III Elementary, burned.

"I'm not just the director of Environmental Management — I'm from Lahaina," he said, showing his driver's license with the Lahaina zip code.

Agawa now lives on Olowalu Village Road, and he said in response to concerns that *"I challenge anybody on here to know more about Olowalu than I."*

He said he and his children also drink from the aquifer that folks worry may get contaminated by the disposal site.

"We not trying to pull the wool over everybody's eyes when we say we doing the best for the environment," he said. ***"I say this as a resident."***

➤ ***[Remember his name]***

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