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Director of Council Services
David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

March 31, 2024

Mr. Shayne Agawa, Director
Department of Environmental Management
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Agawa:

SUBJECT: FISCAL YEAR ("FY") 2025 BUDGET (BFED-1) (EM-3)

By Ordinance 5636, effective March 25, 2024, the Council established an Ash Debris Transportation Fund and an ash debris transportation fee. With respect to the ash debris transportation fee, Section 3.60.040, Maui County Code, provides:

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.

"Ash debris" is defined under Section 3.60.030, Maui County Code, as "debris taken from Lahaina following the August 8, 2023, wildfires to the wildfire temporary debris storage site."

May I please request the following:

1. Please propose an ash debris transportation fee structure and fee amount so that the BFED Committee can consider inserting the new fee into Appendix B to Bill 60 (2024), the Schedule of Fees, Rates, Assessments and Taxes for FY 2025.
2. Please estimate the anticipated revenues the ash debris transportation fee will yield for FY 2025, for possible insertion into

Mr. Shayne Agawa
March 31, 2024
Page 2

Appendix A, Part II, to Bill 60 (2024), the Schedule of Revolving/Special Funds for FY 2025.

May I further request your written response by **April 5, 2024**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Thank you for your attention to this request. Should you have any questions, please contact me or the Committee staff (James Krueger at ext. 7761, Kasie Apo Takayama at ext. 7665, or Yvette Bouthillier at ext. 7758).

Sincerely,



YUKI LEI K. SUGIMURA, Chair
Budget, Finance, and Economic
Development Committee

bfed:2025bgt:240331aem01:cmn

cc: Mayor Richard T. Bissen, Jr.
Acting Budget Director

BFED Committee

From: BFED Committee
Sent: Sunday, March 31, 2024 2:04 PM
To: Shayne Agawa
Cc: BFED Committee; Robert Schmidt; Nadine Orikasa; Michelle Santos; Zeke Kalua; Lesley Milner; Kristina Cabbat
Subject: PLEASE READ attached letter re: FISCAL YEAR ("FY") 2025 BUDGET (BFED 1); (EM-3)
Attachments: (EM-3) Correspondence to Environmental Management 03-31-2024.pdf

Mr. Agawa: Please refer to the attached letter from the Budget, Finance, and Economic Development (BFED) Committee Chair, dated March 31, 2024. Please respond by **April 5, 2024**.

Mayor's Office (attention: Michelle Santos and Zeke Kalua): Please forward the attached letter to Mayor Bissen for his information.

Ms. Milner: FYI

Thank you,
Yvette Bouthillier, Senior Secretary
BFED Committee

RICHARD T. BISSEN, JR.
Mayor

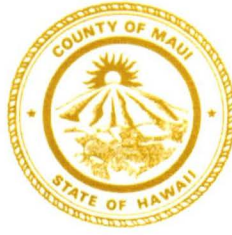
SHAYNE R. AGAWA, P.E.
Director

ROBERT SCHMIDT
Deputy Director

MICHAEL KEHANO, P.E.
Solid Waste Division


ERIC A. NAKAGAWA, P.E.
Wastewater Reclamation Division

Environmental Protection &
Sustainability Division



COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
2145 KAOHU STREET, SUITE 102
WAILUKU, MAUI, HAWAII 96793

April 5, 2024

Ms. Lesley Milner 
Acting Budget Director, County of Maui
200 S. High Street
Wailuku, HI 96793

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, HI 96793

For Transmittal to:

Honorable Yuki Lei K. Sugimura
Chair, Budget, Finance and Economic Development Committee
Maui County Council
200 South High Street
Wailuku, HI 96793

Dear Chair Sugimura,

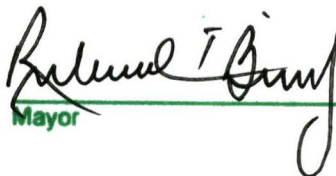
SUBJECT: FISCAL YEAR ("FY") 2025 BUDGET (BFED-1) (EM-3)

In response to your request for information dated March 31, 2024, your request and the corresponding answers are provided below by the Department of Environmental Management (DEM).

- 1. Please propose an ash debris transportation fee structure and fee amount so that the BFED Committee can consider inserting the new fee into Appendix B to Bill 60 (2024), the Schedule of Fees, Rates, Assessments and Taxes for FY 2025.**

Please see attached an example of a new rate and fee schedule with a Wildfire Debris rate of \$0.50/ton as the Ash Debris Transportation Fee added to the normal MSW rate that would be accounted to the Ash Debris Transportation Fund.

APPROVED FOR TRANSMITTAL


Mayor 4-5-24 **Date**

2. Please estimate the anticipated revenues the ash debris transportation fee will yield for FY 2025, for possible insertion into Appendix A, Part II, to Bill 60 (2024), the Schedule of Revolving/Special Funds for FY 2025.

Based on estimated completion date for the PDS of March 2025, the example of a \$0.50 Ash Debris Transportation Fee would generate approximately \$100,000 revenue for the proposed fund in FY25 and another \$100,000 in FY26.

Please note: The Department does not support the Ash Debris Transportation Fee for two reasons.

1. A logical basis to create this fee is difficult to quantify. Public Works is not able to calculate an estimate of cost of roadway degradation from this additional traffic on the roads. Fire is also not able to offer an estimate of potential numbers of incidents or of costs to mitigate potential spill events.
2. The Department reached out to FEMA to gauge their reaction to this fee. Federal Regulations, specifically the Public Assistance Program and Policy Guide (PAPPG) restricts what FEMA is eligible to fund. The following is excerpts from the PAPPG.

- A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the Applicant makes the decision to incur the cost.
- FEMA determines reasonableness by evaluating whether the:
 - Cost is of a type generally recognized as ordinary and necessary for the type of facility or work.
 - Applicant deviated from its established practices and policies. FEMA generally considers the Applicant's own labor, equipment, and supply costs reasonable provided the costs are consistent with the entity's policies including, but not limited to, pay rates, labor policies, and cost schedules utilized during its normal operations.
 - Cost is comparable to the current market price for similar goods or services in the same geographical area.

Based on these conditions FEMA would be unable to pay this additional fee (specific to them) in addition to the standard landfill tipping fee.

DEM was not prior consulted regarding the establishment of Bill 46. Because FEMA would be unable to pay this fee, the fund would have no revenue to support it. Therefore, DEM recommends that Bill 46 be repealed. If Council does not wish to repeal Bill 46 and feels that the establishment of this fund should stand, DEM would be able to manage the fund. A landfill per ton rate could be adopted to support the fund or alternatively, a general fund allocation could be committed.

Honorable Yuki Lei K. Sugimura
April 5, 2024
Page 3 of 3

Thank you for the opportunity to provide you with information on this matter. Should you have any questions or concerns, please feel free to transmit them to the Department of Environmental Management via transmittal through the Office of the Mayor.

Sincerely,



Digitally signed by Shayne R. Agawa, P.E.
DN: cn=Shayne R. Agawa, P.E., o=County
of Maui, ou=Director of Environmental
Management,
email=shayne.agawa@co.maui.hi.us,
c=US
Date: 2024.04.05 12:23:13 -10'00'

SHAYNE R. AGAWA, P.E.
Director of Environmental Management

COUNTY OF MAUI
REVENUES - FEES, RATES, ASSESSMENTS AND TAXES

ACCOUNT	REVENUE SOURCE	FEE, RATE, ASSESSMENT OR TAX	HRS	COUNTY CODE	ORDINANCE
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT SOLID WASTE MANAGEMENT FUND					
3429	LICENSES & PERMITS: Fees - Refuse Disposal Permit	Permit fee..... \$25		8.04.040	
3429	Fees - Special Handling	\$22.50..... per load (less than one ton). \$45.00..... per load (one ton up to less than five tons). \$90.00..... per load (five tons and above).		8.04.050	
3429	Fees - Landfill Disposal Fee	Unit Charge: \$106..... per ton for Municipal Solid Waste (MSW). \$106.50..... per ton for Wildfire Debris from the Wildfire Temporary Debris Storage 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. \$0..... per ton for clean earthen material/concrete rubble/milled asphalt 2½" minus (no re-bar). (No Recycling Surcharge assessed) \$10..... per ton for all non-HIS, non ADF subsidized, crushed glass 2½" minus (clean & non-contaminated). \$4..... per truck/vehicle for residential refuse hauling for light trucks or other vehicles with a gross weight of less than 10,000 pounds at Central Maui Landfill only. All other facilities, no charge.		8.04.050	
<p>Disposal charges may be waived by the director for non-profit organizations and organizations participating in a county-sponsored event if the organization:</p> <ol style="list-style-type: none"> 1. Has recycling operating permit; or 2. Submits, and the director approves, information provided on the department's form which documents the organization's recycling efforts. <p>Interim Fee Schedule - applicable at County landfills where there are no scales or when scales are inoperable.</p> <p>Category I: Light trucks or other vehicles with a gross vehicle weight of less than 10,000 pounds: \$89 per truck load.</p> <p>Category II: Medium trucks or other vehicles with a gross vehicle weight from 10,000 to 19,999: \$175.50 per truck load.</p> <p>Category III: Large trucks or other vehicles with a gross vehicle weight from 20,000 to 25,999 pounds: \$257.50 per truck load.</p>					