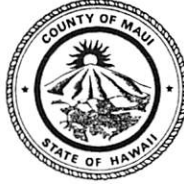


ALAN M. ARAKAWA
Mayor

STEWART STANT
Director

MICHAEL MIYAMOTO
Deputy Director



MICHAEL RATTE
Solid Waste Division
ERIC NAKAGAWA, P.E.
Wastewater Reclamation Division

RECEIVED

2017 NOV 21 AM 9:43

OFFICE OF THE MAYOR

COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
2050 MAIN STREET, SUITE 2B
WAILUKU, MAUI, HAWAII 96793

OFFICE OF THE
COUNTY CLERK

2017 NOV 22 AM 9:27

RECEIVED

November 9, 2017

From:

Mayor Alan M. Arakawa
County of Maui
200 S. High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Alan Arakawa 11/22/17
Mayor Date

For transmittal to:

Council Chair Mike White and Members of the Maui County Council
County of Maui
200 S. High Street
Wailuku, Hawaii 96793

RE: Proposed ordinances 1) amending chapter 3.54, Maui County Code, relating to the Solid Waste Management Fund, and 2) establishing a new chapter 3.55, Maui County Code, creating the Environmental Protection and Sustainability Fund

Dear Council Chair White:

The Department of Environmental Management hereby requests that the attached proposed bills for ordinances be referred to the appropriate Council committee at your earliest convenience:

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.54,
MAUI COUNTY CODE, RELATING TO THE SOLID WASTE
MANAGEMENT FUND

COUNTY COMMUNICATION NO. 17-470

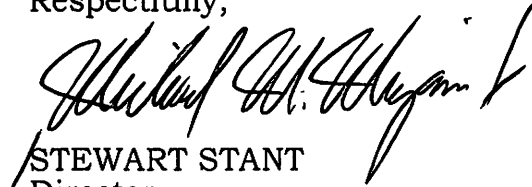
Mayor Alan Arakawa
For transmittal to Council Chair Mike White
November 9, 2017
Page 2

A BILL FOR AN ORDINANCE ESTABLISHING A NEW
CHAPTER 3.55, MAUI COUNTY CODE, CREATING THE
ENVIRONMENTAL PROTECTION AND SUSTAINABILITY
FUND

As you are aware, the Charter of the County of Maui (1983) was amended in 2012 to add the following powers, duties, and functions to the department of environmental management: guide efforts to optimize opportunities for environmental, natural resource protection, sustainability, conservation, and restoration. Thereafter, the environmental sustainability and protection division was established. In order for the efficient management and funding of this new division, it is now desirable and necessary to establish a dedicated environmental protection and sustainability fund and to amend the solid waste management fund in order appropriately allocate monies between these funds.

Thank you for your consideration and should you have any questions or concerns, please do not hesitate to contact me.

Respectfully,


STEWART STANT
Director

Attachments

ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.54,
MAUI COUNTY CODE, RELATING TO THE
SOLID WASTE MANAGEMENT FUND

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

SECTION 1. The Revised Charter of the County of Maui (1983), as amended, was amended in 2012 to add the following powers, duties, and functions to the director of environmental management: guide efforts to optimize opportunities for environmental, natural resource protection, sustainability, conservation, and restoration. Thereafter, the director of environmental management established the environmental protection and sustainability division, which oversees and carries out these new duties and functions, and in 2017, submitted a proposed bill for an ordinance establishing a new environmental protection and sustainability fund. Concurrent with the creation of the EPS fund, it is now desirable and necessary to amend the solid waste management fund to reflect these changes within the department of environmental management.

SECTION 2. Section 3.54.020, Maui County Code, is amended to read as follows:

“3.54.020 Purpose. A. The solid waste management fund is established for the purpose of paying for the personnel, equipment, operating, and capital expenses of the solid waste [management] division of the department of environmental management [and of landfill diversion].

B. There shall be deposited into the solid waste management fund all [refuse] solid waste collection charges and landfill disposal charges received pursuant to [sections 8.04.060 and 8.04.076] chapter 8.04 of this code, or such appropriations as set forth in the annual budget ordinance that are not otherwise reserved for deposit to the environmental protection and sustainability fund pursuant to subsection 3.55.040(B) of this title, and such supplemental transfers as may be provided by law.

C. Moneys in the solid waste management fund may be expended to pay for:

1. [Refuse] Solid waste collection[;] and disposal and associated expenses.

2. Landfill operation[;].

3. Acquisition of real property to be used as landfills [or for recycling facilities;].

4. Planning, design, and construction of landfills [and recycling facilities;].

5. The cost of personnel[;].

6. The cost of equipment[;].

[7. Landfill diversion; and

8. Other expenses related to collection, and disposal of solid waste.]

7. Grants or loans to nonprofit or for-profit organizations for the purposes identified in this section made in accordance with the requirements of chapter 3.36 of this title.

8. Uses or programs related to the purposes identified in this section.”

SECTION 3. Section 3.54.025, Maui County Code, is amended to read as follows:

“3.54.025 Definitions. Unless otherwise expressly stated, whenever used in this chapter the following terms shall be taken to have the following meanings:

“Landfill” means the same as the term is defined in section 8.04.010 of this code.

["Landfill diversion" means any act that would separate wastes from the waste stream for the purpose of reducing, recycling or reusing.

"Recycling" means the same as the term is defined in section 342G-1 of the Hawaii Revised Statutes.]

"Solid waste" means the same as the term is defined in section 340A-1, [of the] Hawaii Revised Statutes."

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



RICHELLE THOMSON
Deputy Corporation Counsel
County of Maui
LF 2017-1209
2017-10-26 Ordinance

ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.55,
MAUI COUNTY CODE, CREATING THE ENVIRONMENTAL
PROTECTION AND SUSTAINABILITY FUND

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

SECTION 1. The Revised Charter of the County of Maui (1983), as amended, was amended in 2012 to add the following powers, duties, and functions to the director of environmental management: guide efforts to optimize opportunities for environmental, natural resource protection, sustainability, conservation, and restoration. Thereafter, the director of environmental management established the environmental sustainability and protection division. In order for the efficient management and funding of this new division, it is now desirable and necessary to establish a dedicated fund.

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

“Chapter 3.55

ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FUND

Sections:

- 3.55.010 Fund established.**
- 3.55.020 Purpose and uses.**
- 3.55.030 Definitions.**
- 3.55.040 Deposits to the fund.**
- 3.55.050 Administration.**

3.55.010 Fund established. There is established and created a fund to be known as the “environmental protection and sustainability fund.”

3.55.020 Purpose and uses. The environmental protection and sustainability fund is established for the purpose of funding the personnel, equipment, operating, programmatic, administrative, and capital expenses of the environmental protection and sustainability division of the department of environmental management, including:

1. Uses or programs related to environmental or natural resources protection, sustainability, conservation, and restoration.
2. Energy security or sustainability.
3. Landfill diversion, including uses or programs identified in or compatible with the County’s integrated solid waste management plan, as amended, established pursuant to chapter 342G, Hawaii Revised Statutes.
4. Recycling programs.
5. Abandoned vehicles and metals programs.
6. The cost of personnel.
7. The cost of equipment.
8. Acquisition of real property to be used for the purposes identified in this section.
9. Planning, design, and construction of facilities related to the purposes identified in this section.
10. Grants or loans to nonprofit or for-profit organizations for the purposes identified in this section, made in accordance with the requirements of chapter 3.36 of this title.
11. Leveraging funds provided by federal, state, nonprofit or for-profit organizations, and other non-County entities to further the purposes identified in this section.
12. Other expenses related to the purposes identified in this section.

3.55.030 Definitions. Unless otherwise expressly stated, whenever used in this chapter the following terms shall have the following meanings:

“Grease waste” or “grease trap waste” means the same as the term is defined in section 14.19A.040 of this code.

“Green waste” means the same as the term is defined in section 342G-1, Hawaii Revised Statutes.

“Landfill diversion” means separation of wastes from the waste stream for the purpose of reducing, recycling, reusing, or otherwise diverting waste from disposal in a landfill.

“Recycling” means the same as the term is defined in section 342G-1, Hawaii Revised Statutes.

“Sewage sludge” or “biosolids” means the same as the term is defined in section 342D-1, Hawaii Revised Statutes.

3.55.040 Deposits to the fund. There shall be deposited into the environmental protection and sustainability fund:

1. Monies transferred from the wastewater reclamation division of the department of environmental management related to the processing, handling, or disposal of sewage sludge or biosolids.

2. As set forth in the annual budget ordinance, such portion of fees related to the recycling surcharge or disposal of commodities such as green waste, sewage sludge or biosolids, grease waste, and contaminated cooking oil that are not otherwise reserved for deposit into the solid waste management fund pursuant to chapter 3.54 of this title.

3. Such supplemental transfers as may be provided by law.

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

B. Any proposed appropriation shall be submitted to the council for approval as a budget appropriation in either the annual budget or a proposed amendment to the budget ordinance. In adopting each fiscal year’s budget and capital program, the council may make appropriations to the fund.

C. The revenues in this fund shall not be used for any purpose except the purposes listed in section 3.55.020.

D. The director of environmental management may adopt administrative rules necessary to carry out the purposes of this chapter.”

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



RICHELLE M. THOMSON
Department of the Corporation Counsel
County of Maui
LF2017-1036
Ordinance 11-16-2017