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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](http://www.MauiCounty.us)

April 21, 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-6)

May I please request clarification on the following Department fees in Appendix B to Bill 60 (2024), the Schedule of Fees, Rates, Assessments and Taxes for FY 2025. References below are to the pages in the Ramseyered version.

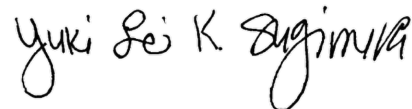
1. At the bottom of page 5, under Late Fees, the Department lists a service charge for late payments, citing Sections 14.31.010 and 14.31.020, Maui County Code. But those sections do not appear to authorize late fees. Could you please provide the citations you are relying upon?
2. On page 8, under Fees - Landfill Disposal, there is a reference to the Department's ability to waive disposal charges for nonprofit organizations and organizations participating in a County-sponsored event under certain circumstances. Would you please provide the citation for the waiver so that it can be added to Appendix B?
3. Section 20.42.060, Maui County Code, authorizes penalties for violations of the sunscreen prohibition. Would you please advise if your Department imposes a set civil fine for a violation of this prohibition? Please explain.

Mr. Shayne Agawa  
April 21, 2024  
Page 2

May I further request your written response by **April 24, 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:240420aem01:cmn

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

## BFED Committee

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**From:** BFED Committee  
**Sent:** Sunday, April 21, 2024 10:35 AM  
**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-6); reply by 04/24/2024  
**Attachments:** (EM-6) Correspondence to Environmental Management 04-21-2024.pdf

**Mr. Agawa:** Please refer to the attached letter from the Budget, Finance, and Economic Development (BFED) Committee Chair, dated April 21, 2024. Please respond by **04/24/2024**

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

**Ms. Milner:** FYI

**RICHARD T. BISSEN, JR.**  
Mayor

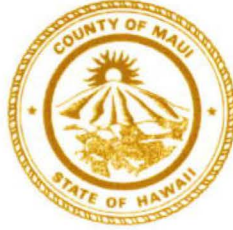
**SHAYNE R. AGAWA, P.E.**  
Director

**ROBERT SCHMIDT**  
Deputy Director

**MICHAEL KEHANO, P.E.**  
Solid Waste Division

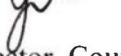
**ERIC A. NAKAGAWA, P.E.**  
Wastewater Reclamation Division

Environmental Protection &  
Sustainability Division



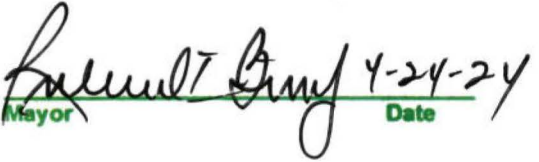
**COUNTY OF MAUI**  
**DEPARTMENT OF**  
**ENVIRONMENTAL MANAGEMENT**  
2145 KAOHU STREET, SUITE 102  
WAILUKU, MAUI, HAWAII 96793

April 24, 2024

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

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

**APPROVED FOR TRANSMITTAL**

  
**Mayor** **Date**

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-6)**

In response to your request for information dated April 22, 2024, your request and the corresponding answers are provided below by the Department of Environmental Management (DEM).

- 1. At the bottom of page 5, under Late Fees, the Department lists a service charge for late payments, citing Sections 14.31.010 and 14.31.020, Maui County Code. But those sections do not appear to authorize late fees. Could you please provide the citations you are relying upon?**

DEM apologizes for the incorrect Maui County Code. We respectfully request Council to make the following revisions shown in red:

ACCOUNT	REVENUE SOURCE	FEE, RATE, ASSESSMENT OR TAX	HRS	COUNTY CODE	ORDINANCE
	<b>MISCELLANEOUS:</b>				
3728	Late Fees	Service charge to all late payments over 30 days ..1% per month	16-7-4-(b)	14.31.070 <del>14.31.010</del> 14.32.050 <del>14.31.020</del>	

Wastewater is referencing Maui County Code 14.31.070 - Administration and Enforcement. "The Director is authorized to take any and all actions necessary to effect compliance with the provisions of this article." To be consistent with other Departments, such as the Department of Water Supply (DWS), Wastewater uses the same late fee of 1% per month as stated in the DWS, Maui County Administrative Rule, 16-7-4(b).

2. **On page 8, under Fees - Landfill Disposal, there is a reference to the Department's ability to waive disposal charges for nonprofit organizations and organizations participating in a County-sponsored event under certain circumstances. Would you please provide the citation for the waiver so that it can be added to Appendix B?**

Maui County Code 8.04.050 – Section E

3. **Section 20.42.060, Maui County Code, authorizes penalties for violations of the sunscreen prohibition. Would you please advise if your Department imposes a set civil fine for a violation of this prohibition? Please explain.**

EP&S currently doesn't impose fines; administrative enforcement is guided by Section 19.530.030, with no fines issued due to limited business violations. We determine sunscreen classification based on factors like active ingredients and marketing claims, ensuring compliance with relevant FDA regulations. However, we're developing administrative rules to address enforcement challenges, notably a specific business contesting our classification of "sunscreen" and our enforcement procedures. These administrative rules would outline enforcement and violation procedures, including the fees associated with violations."

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: 2024.04.24 08:06:11 -10'00'

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

## **BFED Committee**

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**From:** Lesley Milner <Lesley.J.Milner@co.maui.hi.us>  
**Sent:** Wednesday, April 24, 2024 9:05 PM  
**To:** BFED Committee  
**Cc:** Janina Agapay  
**Subject:** (BFED-1)(EM-6)  
**Attachments:** (BFED-1)(EM-6).pdf

Aloha,

Please see attached correspondence from the Department of Emergency Management. Thank you!

-Lesley

Lesley Milner  
Acting Budget Director  
County of Maui  
200 S. High Street  
Wailuku, HI 96793  
808-270-8239