

BOARD OF WATER SUPPLY  
County of Maui  
Special Meeting  
Thursday, June 12, 2007  
9:00 a.m.  
Department of Water Supply  
Planning Division Conference Room  
Hokama Building, 2<sup>nd</sup> Floor  
10 Kinipopo Street  
Wailuku, HI 96793

I. Call to Order

Chair Kenneth Okamura called the June 12, 2007 Board of Water Supply Special Meeting to order at 9:05 a.m.

II. Attendance

Board Members Present:

Phyllis Robinson  
Michael Howden  
Marion Haller  
Carl Holmberg  
Lee Aldridge, Vice Chair  
Kenneth Okamura, Chair

Also Present:

Jeffrey Eng, Director  
Eric Yamashige, Deputy Director  
Edward Kushi, Deputy Corporation Counsel  
Alva Nakamura, Engineering Program Manager  
Paul Seitz, WTF Program Manager  
George Andrade, Assistant Fiscal Officer  
Al Perez, staff planner  
Gaye Hayashida, Commission Support Clerk

Others:

Kim Willenbrink, Council Services  
Warren Watanabe, President, Maui County Farm Bureau  
Garrett Hew, HC&S  
Harry Eager, The Maui News

III. Testimony from the Public

Warren Watanabe, President of the Maui County Farm Bureau (MCFB), on behalf of the farmers and ranchers on Maui, urged the Board to request the Mayor declare Maui a drought disaster area. Though they ask that farmers be allowed a 60-day period to harvest crops already in the ground, they also urge the Board to take immediate steps towards a drought declaration. Maui has met the conditions at the federal level to request a Secretarial Declaration of a Drought Disaster Area. Such a

declaration would allow the farmers and ranchers to get low interest loans and this can only be done after county and state declarations.

A copy of Mr. Watanabe testimony is attached and made a part of these minutes.

Member Howden asked if the MCFB represents HC&S as well. Mr. Watanabe replied yes, they do.

Alan and Fran Nago submitted written testimony expressing their concern on how the Maui County Council and other county officials have chosen to handle the Upcountry water situation. Their letter stated that they were alarmed when the Maui County Council had the Hamakuapoko Wells capped, as these were Upcountry's only backup during times of drought. Not having a backup water supply during times of drought is very irresponsible as it jeopardizes the health and well-being of the community especially the farmers. Mandatory cutbacks would mean a hardship for all Upcountry residents but for farmers it means a loss of income for months afterwards. They asked that the Board seriously consider their testimony and treat the Maui County farmers fairly and respectfully.

A copy of their letter is attached and made a part of these minutes.

IV. Discussion of Drought Conditions Upcountry and Proposal to Declare Drought.

At this time the Director Eng reviewed his letter to the Board regarding Discussion of Drought Conditions Upcountry and Proposal to Declare Drought.

Since May 10, 2007, the water levels in the Upcountry storage facilities and the Wailoa ditch have steadily declined. Also adding to the strain is East Maui Irrigation's maintenance of the Wailoa ditch. Dry weather conditions in Maui and across the state have resulted in increased consumption in the Upcountry service areas which placed an additional burden on the system.

The Kamole Water Treatment Plant (WTP) is operating at its capacity. Though there are some problems in the ability to pump the water from the Wailoa ditch into the treatment plant. Another limitation is their ability to adjust the pH level of that water.

There are concerns about the levels of the Piiholo Reservoir because of some problems in supplying the water treatment plant when the reservoir is at very low levels. The reservoir has experienced a severe decline in capacity.

On May 1<sup>st</sup> they started with 34 million gallons (mg) at Piiholo Reservoir but as of June 6<sup>th</sup> there is only 18 mg and at this point they are having some difficulties in feeding the water treatment plants. The Department has been trying to limit what is drawn from the reservoir and supplementing it with water pumped from Kamole to serve the lower Kula system.

The Olinda WTP is able to handle the Upper Kula system; however there have been relatively no in-flow into the Waikamoi and Kahakapao reservoirs according to the Department's interpretation of the data. As of this morning there is only 46 mg as compared to May 1<sup>st</sup> when there was 100 mg. They are losing about 2% capacity per day.

The Haiku Well operates at roughly 400,000 gallons per day. Kapakalua Well has been out of service since April 5<sup>th</sup> due to bearing failures. They are hoping to get the pump and motor back in operation within a couple of weeks. Fortunately, the Pookela Well is in operation at full production of 1.3 million gallons per day (mgd) though Hamakuapoko Well is not available for operation.

The Director ended by asking for the Board's serious consideration of declaration of a drought warning at this time.

Member Howden asked when is Kamole expected to have new filters.

Director Eng stated that it is in the fiscal 2008 capital budget. They will retrofit those membranes to the new PEDF type of membrane. In theory, they could get more production out of that, up to 25% more but again it is based on ditch levels too.

Member Howden stated that he went back to the April 13, 2000 agreement with EMI/HC&S and he calculated that it gives us the right to pull close to 9 mgd from the Wailoa ditch but we are only pulling 5.6 at present. It does seem to him that the drought situation is a result of failure on planning by the County.

Director Eng agreed and stated that it is not in the lack of recent planning but in planning over the years.

Member Howden stated that even under these conditions we can be pulling up to 9 mgd. If you put Hamakuapoko online to supply HC&S we could pull another million. We could trade tainted agricultural water which is of no concern to HC&S and pull another million from Wailoa. Member Howden said he is concerned with the April 13, 2000 agreement. It is a little disproportionate in terms of the advantages that HC&S draws. It is the Kula farmers who suffer and not HC&S.

In terms of preparing for a drought we really need to re-visit the April 13, 2000 agreement and tighten that up a bit. The future of East Maui water is going to be a cooperative endeavor between HC&S and the County. But it seems so disproportionately in favor of HC&S's interest even though this is public water.

Director Eng stated that the relationship between the County and EMI goes well beyond the scope of this agreement. In fact, Garrett Hew and he have talked about looking into exchanging water by using the Hamakuapoko wells and discharging it

into their ditch and in turn the County could get more water out of Wailoa for treatment.

If things got really difficult, HC&S has assured him that they will step forward and they will really cut back to make sure that the community is served with potable water. He feels very fortunate that they have a good understanding and working relationship that really goes beyond the language of these agreements. This Department intends to maintain that kind of working relationship.

Member Howden stated that there was a land board order for EMI to release water to the East Maui farmers and nothing has happened. EMI is certainly capable of releasing water to the East Maui farmers.

Chair Okamura stated that maybe the board should not discuss this because it is a separate issue.

Vice Chair Aldridge stated that he also supports Member Howden's comments about reviewing the EMI agreements because they seem to be contradictory from one agreement to the other.

He stated he believed the filtration capacity at the Kamole Weir treatment plant is somewhere around 8 or 10 mgd currently and asked if this is correct.

Paul Seitz stated that currently, the maximum you could get out of that plant is 7 mgd as far as production. One of the limitations is the caustic feed system and the other limitation is the 4 high lift pumps that pump the water up to the Pookela tank. They have a 700 hp, a 600 hp and two 400 hp pumps. All 4 pumps are constant speed pumps so we can only produce at those combinations of pumps.

Vice Chair Aldridge stated he believed that this board had absolutely no authority to declare a drought, so why is the Department asking us to declare a drought if the director can simply declare one?

Edward Kushi stated that because of the charter change this board is advisory, however, the rule as it exists reads that the board shall declare a drought. If his office is asked, can the department on its own declare a drought, they would say yes. However, his office did ask the Department to call a special meeting to at least review it with the board. If they didn't, there would be more fuel to the fire, with no water to put it out.

In any event, his office advised the department as well as the Mayor's office to bring this matter before this board. The Department is prepared to issue the letters and do the publication tomorrow.

Vice Chair Aldridge asked what exactly does a declaration of drought mean? What does it authorize the Department to do? What impact will it have on the users?

At this time Mr. Kushi distributed copies of a 1998 Board of Water Supply resolution regarding establishing Upcountry drought guidelines.

Director Eng directed the Board to look at the second page of this hand-out. He stated that the Department is requesting the Board's recommendation to declare a drought warning at this time.

Mr. Kushi stated that Resolution 98-18 was adopted in August of 1998 when the Board was a semi-autonomous body. This was the Board's procedures in directing the Department, upon meeting the various triggers, to take action. His office suggested that the Department, in consultation with the Board of Water Supply, declare a drought and then issue a drought warning.

The triggers on the left side column apparently have been met, so now we go to the action steps on the right side column. The procedure is first a Drought Watch. The action is mainly a request for voluntary cut-backs. Though, action number 6, "Postpone all mainline tie-ins using Upcountry water for disinfection and flushing" may pose a problem with the Department because they have a flushing program. But we are now past that stage.

Next is the Drought Warning which would impose a mandatory 10% cut-back on all customers in the Upcountry system with a provision for 30-day extension for ag users. Other measures include shutting off temporary water meters.

When this resolution was adopted the Board had the full authority to adopt it. It is a matter of record. There is nothing else to guide the Department.

Member Howden asked if this means the Department will be using the Hamakuapoko waters as well? Mr. Kushi stated no. By ordinance we cannot use it.

Chair Okamura stated that the last time the Board discussed the drought someone mentioned that this resolution was rescinded. Is that correct?

Mr. Kushi stated that he doesn't recall this was rescinded.

Director Eng stated that it is still in effect. Last year the Department was looking at some of the triggers/numbers and is planning to propose some adjustments to the reservoir levels. Apparently it hasn't been adopted by any body, so the Department is now referring back to this 1998 resolution. We could fine tune the trigger points in the future but for now we can live them.

Mr. Kushi stated that the Council is reviewing of all the rules of the Department and the Board of Water Supply. Their intent is to codify those rules into ordinance. It is before the Council as Chapter 14.07, Water Conservation During a Drought, which goes over this existing rule. The whole procedure on who declares a drought and the action steps may change if the Council takes this on. They haven't done it yet, so we are stuck with the existing situation.

Member Haller asked for clarification on Director's letter regarding the capacity of Kamole Treatment Plant is limited by the pH feed. If you lowered the pH to 7 would that increase the capacity?

Mr. Seitz stated that we cannot lower the pH because we are bound by the conditions of our permit with the DOH for the Lead and Copper Rule. However, even if we did, because of the combinations of the pumps, we wouldn't realize anything out of it.

Member Haller stated that it seems to her that what would be appropriate is a comprehensive look at what we need to do to get out of going into a drought every 12 months. It seems to happen over and over again and she assumes it would beg a conversation with EMI in adjusting whatever we need to do, making that a priority. Do you have such an idea to make it a priority? How do we not end up here?

Director Eng stated that unfortunately, probably next year we will be back discussing the same topic. We do know that reservoir capacity is the key and that is something that we are seriously looking into. Funding will be a greater key to that. Who will be paying for it? We could use 4 new groundwater sources right now. That could be another \$12 million. The frustrating thing is we need \$20 million every where. Who wants to pay for that? He knows there has been criticism about these joint deals with developers and that is not something he prefers at all but it is just a fact of life. It brings on some source quicker than the Department can develop. As long as the Department feels that the community is given a fair share and not making too many compromises, then he can live with it.

He agreed that this is always foremost in his mind, the frustrations on how to deal with Upcountry. We are making a start now. He does want to look into that additional 300 million gallon reservoir for the Piiholo Lower Kula system. We have to continue to look at new groundwater sources. But again we are limited by funding.

Member Howden stated that we don't look at the long term. We are not looking at planning. We have allowed tremendous amounts of development in Upcountry without any emphasis on water storage. This administration might want to look at making mandatory substantial water storage for any future developments.

He asked how much water is used for ag in terms of the total water used in Upcountry. Does anybody know?

Chair Okamura stated that usually Holly (Perdido) answers that question.

Member Howden stated that the previous director, David Craddick, would occasionally make an exemption for agriculture users and not impose these restrictions on them. Are exemptions still made? Can we make that part of our proposal?

Director Eng stated that the Board could make that kind of proposal, but right now he has these guidelines to follow. Generally, it is safer and conservative that we follow these established guidelines. On a personal level, he is supportive of allowing exemptions beyond what is provided in the drought warning guidelines, but at this time he doesn't believe that is his call.

Member Haller stated that discussions about trading water was mentioned and asked how that was going.

Director Eng stated that hopefully Mr. Hew and he could meet shortly and continue those discussions.

Vice Chair Aldridge was curious as to where we may end up this summer and asked if there were any data on historic low flow at Wailoa ditch.

Mr. Hew replied that the lowest recorded flow was in October 1984 at 10 mgd. We are flowing at 28 mgd right now and that ditch has been in operation since 1923.

Chair Okamura asked Mr. Watanabe to explain about the Secretarial Declaration of a Drought Disaster Area.

Mr. Watanabe stated that last year the County Emergency Board, chaired by James Robello, applied for a federal declaration which was made on behalf of Maui by the governor to the secretary of agriculture. It was granted last year and this gave the farmers and ranchers the opportunity to get federal loans. Mr. Robello has stated that Maui does qualify again. A committee will send a request to the governor to ask the secretary of agriculture to declare an emergency declaration.

Chair Okamura asked would it help if the Board declared a drought warning.

Mr. Watanabe replied yes, it would help their case with the governor.

Mr. Watanabe stated that he wants to clear up the perception that Upcountry farmers suffer more than HC&S. When you are in this situation, HC&S cuts back on its operations. With the EMI agreement, most of the Upcountry farmers who are on the County's system are getting that water to irrigate their crops. He wants to also emphasize that most of the farmers use drip irrigation to conserve water. As Maui's

farm bureau they try to support all agriculture. HC&S is not getting the credit it deserves. Frankly, without that system we would not have agriculture in this county.

Member Howden commented that in 1923 when the ditch was built, the plantations worked for their own benefit. But the waters are public waters and that is an underlying issue we need to address. He doesn't mean to make HC&S the bad guy but he does have some other concerns about them. What we really need to address is the issue of public waters and the right to those waters.

Mr. Watanabe stated he agreed with that but for him in his position he doesn't want it to be big ag versus small ag. We all support each other and that's the way it has got to be for this county and state. He does agree with Member Howden on the long range planning for Piiholo reservoir. He would like to see the County make this the number one priority for the Water Department because federal funding for this has been removed by President Bush from the federal budget. It is a concern that on the federal level funds are being depleted.

Mr. Kushi stated regarding Hamakuapoko wells, our hands are tied based on the ordinance that we are not to use that source for potable water consumption. However, if things get worse and we go into an emergency situation, the governor might step in. The governor has the power to declare a disaster emergency situation and based on that declaration she may suspend all county ordinances, laws and regulations. Because of these conditions, Hamakuapoko wells may be put back into service. But until that happens Hamakuapoko is a non-issue.

At this time the Chair recognized the attendance of Member Holmberg.

Member Haller asked if it would require this Board to meet again if it went in the reverse, from warning to watch.

Mr. Kushi stated that it is his understanding that this resolution is automatic, based on the triggers. If it gets better then we can go back. He would advise the Department to call another special meeting if it goes to the emergency situation.

Member Haller asked how quickly does the water table of the aquifer become affected by drought.

Director Eng stated that it would take many, many years by the time the water percolates down that far. If it continues like this, those water levels would potentially be lowered. But the immediate problem is more surface water related.

The Chair stated that item 10 under Drought Emergency states "Press release of emergency drought notice to news media." There is nothing like that under Drought Warning. He also noticed that there was a press release about the low levels and wondered how the public be notified if the Board declared a drought warning today.



Mr. Kushi stated that although the resolution doesn't call for a press release, the board's existing rules does. He referred to 4-1(a) which states "The declaration of drought shall be published in a newspaper of general circulation in the county of Maui at least once a month during the period of the drought."

Director Eng stated that they are prepared to send notices out in the mail, though not everyone Upcountry will be receiving a letter. Only those who exceed 400 gallons per day of consumption based on the previous 2 years or the last March billing will have triggered a letter.

Member Howden asked Director Eng if he was asking for a drought warning or a drought emergency.

Director Eng replied that he is asking for a drought warning.

Motion: By Member Howden to declare a drought warning and he would amend it so that agricultural users in the Upcountry area who would be severely, adversely affected by this can apply for an exemption with the director.

Member Howden asked Mr. Watanabe if he was okay with this.

Mr. Watanabe replied that he would have preferred an emergency declaration at this point. It would be better for the agriculture community to be at that level because it would set the wheels in motion for a federal declaration.

Member Haller questioned Item 4 of the Drought Warning which states "10% mandatory reduction..." So there must be some consequence even under warning conditions. Her concern is where it states "If the 2 wells at Hamakuapoko, Haiku or Kapukalua are not available" then a 10% mandatory reduction applies to the Ag water rates." So how does that apply here since these wells are out.

Director Eng stated that the last phrase applies to ag with a 30-day reprieve.

Member Howden stated that 30 days is not enough and we should give them a minimum of 60 days and allow for exemptions on a case by case basis.

Member Holmberg stated that in the past when the Board declared a drought warning, the consumption goes up. Since that has happened in the past, he would be in favor to consider going straight to a drought emergency. Because in essence by declaring a warning we are going to create an emergency.

Chair Okamura stated that we have not met the triggers for a drought emergency. He suggested going into a drought warning and have the situation monitored and if the triggers are met then go into a drought emergency.

Mr. Seitz stated that as far as the triggers for a drought emergency, you need 4 of the triggers to be met. Currently we only meet 3. A fourth one would be the water inventory at Kahakapao at  $\leq 40$  mg. It was at 41 this morning.

Director Eng stated that to deal with the drought they will be meeting quite regularly so personally he could live with a drought warning at this time. The Department is monitoring the Upcountry system daily. He further stated that he is willing to follow the guidelines and the triggers as much as possible even though he would like to make some adjustments.

Member Howden stated that we are so close, only a million gallons away from the fourth trigger and he suggested that the Board deal with it today.

Motion: By Member Howden to declare a drought emergency with a 60-day exemption for agricultural users Upcountry and the potential for the Department to exempt other agricultural uses if it would severely or negatively affect how they function.

Director Eng stated that he has some concerns about the reaction from the public. By declaring a drought warning with a 10% reduction requirement he thinks that those at 400 gallons per day can cut-back 10%. But for those at 400 gallons per day to cut-back 25% it would be a hardship.

Motion: By Member Howden to declare a drought warning with a 60-day exemption for agricultural users Upcountry and a further exemption for those agricultural users Upcountry who would be severely adversely affected by this restriction.

Second: By Vice Chair Aldridge.

The Chair stated that the motion is to declare a drought warning and ag users severely affected apply for an exemption with the director.

Discussion: None.

Vote: Unanimous. Motion carried.

## V. Adjournment

The June 12, 2007 Board of Water Supply special meeting was adjourned at 10:21 a.m.

Prepared and submitted by:

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Gaye Hayashida  
Commission Support Clerk

Approved on: \_\_\_\_\_