WATER RESOURCES COMMITTEE
Council of the County of Maui

MINUTES

September 1, 2009

Council Chamber

CONVENE: 9:03 a.m.

PRESENT: VOTING MEMBERS:
  Councilmember Michael P. Victorino, Chair
  Councilmember Joseph Pontanilla, Vice-Chair
  Councilmember Gladys C. Baisa (in 9:05 a.m.)
  Councilmember Sol P. Kaho‘ohalahala
  Councilmember Bill Kauakea Medeiros (in 9:13 a.m.)
  Councilmember Michael J. Molina

  NON-VOTING MEMBERS:
  Councilmember Wayne K. Nishiki

EXCUSED: Councilmember Danny A. Mateo

STAFF:
  Kimberley Willenbrink, Legislative Analyst
  Tammy M. Frias, Committee Secretary
  Scott Kaneshina, Legislative Analyst
  Kathy Kaohu, Executive Assistant to Councilmember Sol P. Kaho‘ohalahala
  Miki Yokouchi, Executive Assistant to Councilmember Michael P. Victorino

ADMIN.: Jeffrey Eng, Director, Department of Water Supply
  Edward S. Kushi Jr., Deputy Corporation Counsel, Department of the Corporation Counsel

In the gallery:
  Peter DeLima, Officer, Department of Police
  Stephen Orikasa, Sergeant, Department of Police

OTHERS:
  Lionel Santos
  Rosemary Robbins
  Edward Smith, Upcountry Water Advisory Committee
  Ryder Swatek
  Thomas Cook
  Cassandra Fraser
  Sylvia Kerr
  Warren Watanabe, Executive Director, Maui County Farm Bureau
  Richard H. Pohle, Acting President, Upcountry Meter List Association
  Dick Mayer, Kula Community Association
CHAIR VICTORINO: ... (gavel)... Good morning. The Water Resource Committee meeting for September 1, 2009 will come to order. I would like to say good morning to everyone here. I'd like to introduce our Voting Members that are present and the Non-Voting Members that are also present to assist us in this BILL FOR AN ORDINANCE TO CHANGE MAUI COUNTY CODE RELATING TO THE USE OF THE H-HAMAPOKO [sic] WELLS. Okay, so first of all this morning, our Voting Members, Vice-Chair Joseph Pontanilla.

VICE-CHAIR PONTANILLA: Good morning.

CHAIR VICTORINO: Good morning. Also, Member Sol P. Kahoʻohalahala.

COUNCILMEMBER KAHOʻOHALAHALA: Good morning, Chair.

CHAIR VICTORINO: Good morning. And Member Michael J. Molina.

COUNCILMEMBER MOLINA: Good morning, Chair.

CHAIR VICTORINO: Members who'll be joining us a little bit later is Gladys Baisa and Bill Medeiros. Excused today will be Council Chair Danny Mateo, who is returning from the mainland. And also present, the Chair Mike Victorino, myself. Thank you. Administration that is present today, our Director for the Department of Water Supply, Jeffrey Eng, and Deputy Corporate [sic] Counsel Edward Kushi.

MR. KUSHI: Good morning.

CHAIR VICTORINO: Committee Staff—good morning—Committee Staff that is with us today is our Legislative Analyst, Ms. Kim Willenbrink and also our Committee Secretary, Tammy Frias. Our Non-Voting Member that is present today is Mr. Wayne Nishiki. Thank you, Mr. Nishiki--
COUNCILMEMBER NISHIKI: Good morning.

CHAIR VICTORINO: --for being here this morning.

ITEM NO. 22: HAMAKUAPOKO WELLS (C.C. No. 05-356)

CHAIR VICTORINO: Okay, today before the...the Committee takes up--it has only one item to take up--and today we have a bill proposed entitled, A BILL FOR AN ORDINANCE AMENDING SECTION 14.01.050, MAUI COUNTY CODE, RELATING TO THE USE OF WATER FROM H-HAMAPOKO [sic] WELLS. The purpose of the proposed bill is to...allow water from the H-Hamapoko [sic] Wells No. 1 and 2 to be used to provide water services to customers in the Upcountry water service area when the Director of the Department of Water Supply issues a drought declaration for the area, requiring mandatory water use reduction of at least 10 percent.

Today we will be taking public testimony. I will ask all testifiers to limit their comments to the agenda item. You can sign up outside at the table before you...testify. You'll be limited to three minutes with one minute to conclude. Please state your name and if you're representing...any organization, please...do that. I will also...also ask everyone if you’d please turn off any cell phones, pagers or anything that will make noise because decorum will be followed in the Chamber. And before we start, I’d like to recognize Member from Upcountry, Ms. Gladys Baisa. Good morning.

COUNCILMEMBER BAISA: Good morning, Chair, and I apologize for being late.

CHAIR VICTORINO: That’s okay.

COUNCILMEMBER BAISA: It’s been a crazy morning.

CHAIR VICTORINO: That’s okay, Ms. Baisa. We understand. We all have those mornings. Okay, at this time I would like to start public testimony. And, again, if you would like to testify, the table is outside. Please sign up so that we can call your name and recognize you. First testifier will be Mr. Lionel Santos. Mr. Santos. And he will be followed by Rosemary Robbins. Okay, thank you.

...BEGIN PUBLIC TESTIMONY...

MR. SANTOS: Good morning. I’m Lionel Santos, testifying on my own behalf. I cannot see why you guys cannot pump that water from H’Poko 1 and 2 up to the ditch up above and make some deal with HC&S where you can draw that much more of their clean water and have that water going back mixing up with their regular water and to irrigate cane and what have you. It’s very simple and otherwise I think that...that Kamole Plant is capable of having some kind of treatment plant to clean that...contaminants out from the...from that water. And if...if they didn’t...can’t be
done, put something in there that can. And for the Upcountry water, you tell me why when Craddick had dug the Pookela Well, they had for an exterior pump to...pump that water. When we went to the meetings, he told us how much water he could get out of there with an exterior pump. When Alan Arakawa got in, he changed it to a submerged pump. Half of the water...they can't...the submerged pump can't pull out the water that is supposed to be pulled out of that...that...that well. Take the thing, throw 'em away. Put one exterior pump and we have enough water to...serve all...Upcountry. And otherwise, block off some gulches...during...when there's rain, what have you. Let 'em down, put different elevation, different...let loose water, where you can release the water and clean 'em out. I see no reason for us to be waiting ten years for a water meter and every day you see one County truck going around with a whole roll of...of copper pipe. Then when you look again, eh, the roller getting smaller. It's getting--what the guy doing, cutting 'em and taking 'em...to...sell to the gadgets or what have you? Gotta be putting in water meters with people not on the list.

CHAIR VICTORINO: Mr. Santos, I going stop you here. I would like you to stay on the subject of the wells. You know, no offense to you, sir.

MR. SANTOS: Okay.

CHAIR VICTORINO: Thank you a lot.

MR. SANTOS: Okay.

CHAIR VICTORINO: When you go off on that area, I have to stop you, please.

MR. SANTOS: Okay.

CHAIR VICTORINO: Thank you, Mr. Santos. I appreciate it.

MR. SANTOS: Yep, I understand.

CHAIR VICTORINO: Thank you, sir.

MR. SANTOS: Okay.

CHAIR VICTORINO: You have any, anything thing else or would you like questions from the--

MR. SANTOS: No, that's all...

CHAIR VICTORINO: Oh, thank you, Mr. Santos. Questions for Mr. Santos from the Committee? Seeing none, thank you, Mr. Santos.

MR. SANTOS: Yep.
CHAIR VICTORINO: Next testifier is Rosemary Robinson...Robbins, I should say. And followed by Edward Smith.

UNIDENTIFIED SPEAKER: . . .(inaudible)... . .

CHAIR VICTORINO: Yeah.

MS. ROBBINS: Aloha. I appreciate the opportunity to talk to you folks again today. I'm--

CHAIR VICTORINO: Good morning.

MS. ROBBINS: --Rosemary Robbins, a very concerned citizen and a member of the Oversight and Advisory Committee that was required by the EPA before it...would release $475,000 to the County of Maui to clean up the water that the Upcountry people are using. That grant for $475,000 was sought not by the Department of Water, not by the Safe Drinking Water Division of the Department of Health, but by concerned citizens. So we know that getting money to get the job done can happen. So...I just would like to all of us remind--I couldn't remember the rest of the words--what we get on our water bill, by water all things --

COUNCILMEMBER BAISA: Find life.

MS. ROBBINS: --live something.

COUNCILMEMBER BAISA: Find life.

MS. ROBBINS: One more time.

COUNCILMEMBER BAISA: Find life.

MS. ROBBINS: Okay, yeah. So my question is, how do we deal with the quality of that? We talk about water. We talk about quantity. We talk about quality. No matter how much quantity we have, if the quality of the water is not health supporting, it's part of the problem. So I would like to just bring to everybody's attention, the EPA, which was...one of their members was a member, a non-voting member, of this Oversight EPA-required committee that worked from '04 forward. And they issued, they came here, they actually walked the walk, read the records that were available. They were concerned that recordkeeping hadn't been done well. But they stuck it out and they issued this report in February of '08. So this is horse's mouth right here coming in. And when the County Council was at the Tavares Center earlier this year to gain information from citizens about the budget coming in, four of the people from that Oversight and Advisory Committee testified and we handed out to people written documentation, all highlighted and everything so it'd be an easier read. And one of the things that we asked was that the Council Members would read especially the introduction and the executive summary of that. So I have a few points from that on the introduction. This is now the Oversight Committee's sharing with you the introduction of the report written by the EPA and published on...in...in '09, February.
Microbial and chemical problems are in the distribution system. So, and for years we kept hearing the whole problem was within our own houses. The EPA saw that differently because they went out and checked those systems. The...okay, that was first paragraph, first introduction stage.

Then we get over to the summary things in here. And I’m reading, again, this is from Page 40. Although disinfectant by-product goals are not being met at all locations especially in the Lower Kula distribution system, which is where I live. And before I came to be part of this group, I was at home with ovarian cancer, one of the things that is a by-product and the chemotherapy and the surgery, et cetera, that went along with it. This...this is real stuff that’s happening. This is not just a case of getting a rash. So people who have caught that phrase have only caught a very small portion of what was being told. You know, it’s kinda like the little kid that went to confession. Bless me, Father, I stole a rope. Never mentioned the cow at the end of the rope. We’ve got herds of cows in this thing. And we really need to look at it. So it says in here--

CHAIR VICTORINO: Ms. Robinson, can you...Ms. Robbins, can you conclude in the next 30 seconds, please?

MS. ROBBINS: Okay. One more time, I’m asking everybody, this public document talks all about the disinfection by-products. There were problems by way of chemicals that have been put into our land. That’s one problem. Second problem, how do we remediate that? When we put in disinfections, we get disinfection by-products which produces a third problem. And the EPA was not satisfied that we were optimally working on it. So getting the H’Poko Wells that were condemned because the documentation had been brought by specialists who had come in to check that out. Letting that water...water loose in the community, especially since those are interacting systems Upcountry, Upper Kula, Lower Kula and the Makawao-Pukalani system, this is...this is a disaster already proven.

CHAIR VICTORINO: Thank you, Ms. Robbins.

MS. ROBBINS: Yeah.

CHAIR VICTORINO: Questions for the testifier?

COUNCILMEMBER NISHIKI: Question.

CHAIR VICTORINO: Hang on. Before I recognize Non-Voting Committee Members, any Voting Committee Member has a question? Seeing none, Mr. Nishiki. And, Mr. Nishiki, before you start, Ms. Robbins, do you have a copy of that for which I can give and all the Committee Members can have a copy of that? Your report?

MS. ROBBINS: All I have is phrases on the EPA report.
CHAIR VICTORINO: Well, even with that. Yeah, even with that, I'd like to get copies of that to...to distribute so if you would have our...Legislative Analyst make copies. We’ll return it to you today.

MS. ROBBINS: Okay. Just clarify for me, what is it that you want? The whole...the whole EPA thing?

CHAIR VICTORINO: Yes.

MS. ROBBINS: You’ve got it.

CHAIR VICTORINO: No, no. Those highlighted ones that you have. The issues you just brought up. I want...I would like copies of that. Yes, yes.

MS. ROBBINS: They’re penciled phrases.

CHAIR VICTORINO: Oh, okay, okay. Thank you.

MS. ROBBINS:...{chuckle}...

CHAIR VICTORINO: Okay, Mr. Nishiki, go ahead.

COUNCILMEMBER NISHIKI: Thank you, Mr. Chairman. The 475...$475,000 that you mentioned...

MS. ROBBINS: Uh-huh.

COUNCILMEMBER NISHIKI: ...that was in regards to the problems you people Upcountry were experiencing with the water and how we were dealing with different chemicals and treating certain concerns, itches and the gamut. Was that how...

MS. ROBBINS: Yeah, the itch was a minor--you know, somebody comes in and they’re gonna be triaged in the emergency room. They’re not gonna go after a hangnail first. They’re gonna go after the more serious problems, and we have them. I mean, we know that the disinfection applications were causing disinfection by-products, and the identification of what those by-products are has all been laid out which is why we went after the H’Pokol Wells to begin with. We’ve been through the grief. We didn’t want other people going through the grief. And at that point, that water was slated for Paia.

COUNCILMEMBER NISHIKI: Okay. And...and in regards to what you were going through with your own self, does...or did the water that you people were...were getting, just because...Hamoapoko [sic] Well has six highly toxic chemicals. One was DBCP...

MS. ROBBINS: Uh-huh.

COUNCILMEMBER NISHIKI: ...EDP, TCP, Atrazine, Bromacil, and also nitrates.
MS. ROBBINS: Uh-huh.

COUNCILMEMBER NISHIKI: Does this exist in any of the water now that this community consumes?

MS. ROBBINS: How do we know?

COUNCILMEMBER NISHIKI: Okay. So this was never tested in...when you people were dealing with the water source?

MS. ROBBINS: Yes, it was, then. What I--I thought you was asking if it’s in...if those critters are still in there now. And--

COUNCILMEMBER NISHIKI: Yes.

MS. ROBBINS: --we don’t know.

COUNCILMEMBER NISHIKI: Okay. Thank you.

MS. ROBBINS: Part...part of the problem from the EPA was that the recordkeeping was fuzzy.

COUNCILMEMBER NISHIKI: Okay. Thank you.

CHAIR VICTORINO: Thank you, Mr. Nishiki. Mr. Pontanilla?

VICE-CHAIR PONTANILLA: Thank you. Good morning, Ms. Robbins.

MS. ROBBINS: Good morning, Joe.

VICE-CHAIR PONTANILLA: Nice to see you.

MS. ROBBINS: Likewise.

VICE-CHAIR PONTANILLA: You...you mentioned about three things that...in regards to H’Poko Well. One...one was that because of the products that, chemically, that was being used to support agriculture and then the by-products to clean out that water. What was the third item that you said we didn’t do?

MS. ROBBINS: Ask that one more time, Joe.

VICE-CHAIR PONTANILLA: Yeah, you mentioned about, you know, the...the chemicals in the ground, the by-products to clean out the chemical; the first step of the chemical in the ground,
the second step was the by-products to clean the...the water. And you said that we didn’t do the third step so I’m trying to...

MS. ROBBINS: Okay. You have a problem with contaminated water. You address it by applying disinfections. Problem water, application of the disinfection and what that produces are disinfection by-products. Those are all of the ones that...your compatriot there just mentioned. Okay, and those were not being acknowledged by Department of Water. And actually Department of Health in Honolulu, Safe Drinking Water Division was not really excited about getting that information out either. But...but it was there. And the epidemiologist and the specialist were able to then come in and surface those facts that weren’t being surfaced for the public that was consuming the water.

VICE-CHAIR PONTANILLA: Okay, thank you. Thank you, Chairman.

MS. ROBBINS: Yeah. I just have one other—

CHAIR VICTORINO: Ms. Baisa, you had a question.

COUNCILMEMBER BAISA: Rosemary, thank you very much for being here. I know you’ve worked hard on this Upcountry water situation. I’m trying to get up to speed and understand history here.

MS. ROBBINS: Uh-huh.

COUNCILMEMBER BAISA: Because, you know, we were not here, some of us, when this controversy raged, although we were on the fringes of it and paid close attention to it. Well, since I’ve been on the Council, you know, the consuming issue with the Upcountry residents is water.

MS. ROBBINS: Uh-huh.

COUNCILMEMBER BAISA: And I’m probably asked about that more than anything else.

MS. ROBBINS: I’m sure.

COUNCILMEMBER BAISA: I wanna understand your testimony. You mentioned that one of the problems we have, of course, is chemicals in the ground that tend to get into the well water.

MS. ROBBINS: Uh-huh.

COUNCILMEMBER BAISA: You also mentioned the fact that we use disinfectants.

MS. ROBBINS: Uh-huh.
COUNCILMEMBER BAISA: Is it the water from the well that needs the disinfectants or is it surface water--

MS. ROBBINS: Both.

COUNCILMEMBER BAISA: --that needs disinfectants?

MS. ROBBINS: Both.

COUNCILMEMBER BAISA: They both do?

MS. ROBBINS: Uh-huh.

COUNCILMEMBER BAISA: So the water coming out of the wells, not only have chemicals, but they also have some kind of bacteria or microbes or something?

MS. ROBBINS: Well, depending on what is conveying that water from underneath on up, if it's gonna be a well--

COUNCILMEMBER BAISA: Uh-huh.

MS. ROBBINS: --or if it's traveling. I don't know. There's 265-plus miles of pipes that go into the Upcountry water system. That's a whale of a lot of pipe. And the records are showing that those pipes were laid, you know, when Hector was a pup. So, you know, they've corroded over the years. So when you get the microbial problems from the corrosion in the water conveying, the pipes and the joints and all the hardware that goes with that, now you've got a combination of, by age, pipes that are producing bad chemical things in a number of the applications that are put on the...the biological growth, you know, the food growth in there. They combine to make a lousy cocktail and it's just...well, so you've got microbial and bac..., both bacterial and viral difficulties in there. So those are the living critters. And then you also have the...the lead, certainly, that was found in some of those places. And, you know, something can be labeled lead-free and still have up to 8 percent lead in it.

COUNCILMEMBER BAISA: Okay, okay. You know what, I'm not gonna pursue this until I get to the Director of the Water and I'll try to have him explain the chemistry. Thank you very much.

MS. ROBBINS: Okay. One of--

CHAIR VICTORINO: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Mr. Chair. Good morning, Rosemary.

MS. ROBBINS: Good morning.
COUNCILMEMBER MOLINA: Thank you for all your work in the Upcountry--

MS. ROBBINS: You’re welcome.

COUNCILMEMBER MOLINA: --water group. I’m just gonna try to cut through the chase. If you can just give me...an answer without, you know, you don’t have to go into full detail. But my question will be simply what is on the agenda. The purpose of the bill, again, is to allow water from this well, or these two wells, to be used in times of drought. Are the wells safe?

MS. ROBBINS: No.

COUNCILMEMBER MOLINA: Absolutely not. And you base that on what studies?

MS. ROBBINS: All the documentation that was done when that ordinance went in that said, don’t do it, don’t use that water.

COUNCILMEMBER MOLINA: And that was from? The...that was from the EPA or some scientific...

MS. ROBBINS: Both.

COUNCILMEMBER MOLINA: EPA, also that--

MS. ROBBINS: The EPA had not been...the EPA didn’t come out here for this optimization study until ’09. But the EPA had been working with reports that they had. And plus the reports were coming in from somebody that’s...oh, including Dr. Mark Edwards from Virginia Tech that the County had hired earlier in the 2000s. So you...that documentation is somewhere here.

COUNCILMEMBER MOLINA: So even with just the disinfection, I guess the disinfectants, I guess, if you will, it’s still not acceptable...at an acceptable level for human consumption?

MS. ROBBINS: No, because it’s producing disinfection by-products.

COUNCILMEMBER MOLINA: By-products.

MS. ROBBINS: Those are killers. I mean they’re using terms, carcinogens. So it just would leave you with a picture worth a thousand words. This is water that one of the educators at Kula Elementary gave to me. Rust is a big thing. I mentioned the old pipes, okay. This is dreadful. Dr. Pang took a look at this and said, “Oh, my god,” right, and wanted all of those schools tested.

COUNCILMEMBER MOLINA: Okay, Rose. One...one last question. So, I really...the farmers up in the area had asked years ago about if...if these...the water would be acceptable for agriculture use. Can you comment on that?
MS. ROBBINS: I like to eat. I’m glad that the farmers are producing stuff. I don’t think that the farmers, for the most part anyway, are epidemiologists. So, you know, if you need brain surgery, you don’t go to a podiatrist.

COUNCILMEMBER MOLINA: Uh-huh.

MS. ROBBINS: So, they…it’s the specialists in the epidemiology that are the ones that we need to…including from the American Water Works Association. They’re publishing it.

COUNCILMEMBER MOLINA: Okay. Okay. I appreciate your comments and, you know, having grown up in the Upcountry area, I know those wells were used for many, many years as backup and, you know, both for agriculture, for consumption and people have lived for years. But, I don’t know. You know, I guess everybody has their own interpretation of the, you know, what the wells are totally about.

MS. ROBBINS: Yeah. I think we need to listen to the pros. And I’m glad you thrived.

COUNCILMEMBER MOLINA: Yeah, yeah. Thank you. I’m glad…I’m glad, too.

MS. ROBBINS: …(chuckle)…

COUNCILMEMBER MOLINA: Anyway, thank you for your comments, Rosemary. Thank you, Chair.

MS. ROBBINS: You’re welcome.

CHAIR VICTORINO: Thank you. Thank you, Ms. Robbins. Next per…next testifier is Edward Smith, better known as Smitty.

MR. SMITH: Good morning.

CHAIR VICTORINO: Good morning, sir. And…following that is Ryder Strek…Swatek [sic]?

UNIDENTIFIED SPEAKER: Swatek. Swatek.

CHAIR VICTORINO: Swatek. Okay, thank you. Sorry, I don’t pronounce everyone right, sorry.

MR. SMITH: Good morning, everybody. I’m Smitty from Pukalani. I’m with…I’m here to represent myself and Upcountry Water Advisory Committee. Hi, Jeff, good morning. I believe…I believe some of the issues that were just bought up here by my comrade here is…the main issues, or our main concerns, primarily because we don’t have a biological engineer working for the County of Maui. That’s the biggest problem. We get welders, mechanics and everything else. But…when it concerns this problem with our water, nobody here can tell the Water Department how to change directions. So it forces us as Upcountry Advisory Committee members to seek Federal assistance and guidelines to…come in here and let you folks know what is…what is
going...what is going on, what is wrong here. Now, we’re talking about well and surface water. Regardless if it’s mixed or not, that’s...and as...as time goes by, the world gets old. As the world gets old, the conditions change on the surface, you know, atmosphere and within the earth, our planet Earth itself. Because mankind is stupid enough, ignorant enough, to destroy the planet Earth with their chemicals, their warfare and everything else.

I know personally. I have...I have a...my family is...I have a...a relationship through the family, the members that have been in the Marine Corps, et cetera, et cetera, that have been stationed on this island. And I’ve been told horrible stories about what has been kept underground when the Marines left the island of Maui. We’re talking about cyanide and a lot of other chemicals, diesel, fuel, et cetera, et cetera, ammunition. Not dynamite in itself but the...the powder that they put in the...the bullets, et cetera, and bombs. This was left here, left underground. I believe couple of years back, they...they found howitzer shells on the...on a ridge out in Haiku. We had to call in the demolition squad from Oahu to come in and blow it up.

Now, like I said, as the world gets older, the water that was probably safe in one area, sooner or later will work its way underground and all that metal and with all that chemicals in it, gets corroded and rotten, it mixes with our water. So you’re pumping it up from under the ground. In the old days when it only was plantation, you might have just what the plantation use. But I hear stories about what they use to dump in the toilets also. But now with all this...this stored stuff under the ground, the water...those...those containers are rotten. And whenever you treat the water, whenever you treat the water, this where the problem came from. That’s when--what the guy that was the Director before with the Water Department...the last Director anyway?

CHAIR VICTORINO: Tengan.

MR. SMITH: No, not Tengan.

COUNCILMEMBER MOLINA: David Craddick.

CHAIR VICTORINO: David Craddick.

MR. SMITH: He was his boss--Craddick, Craddick. He decided they going treat the water because some people...I mean, the real estate people that was trying to clean up the water up in Kula so they could get a higher markup, went after Linda Lingle. Linda Lingle went after Craddick to clean up the water. It started off with...muriatic acid. Then it got worse and worse. So it creates these by-products. And this what...what caused the problems in our fire hydrants. The by-products acted as a catalyst, sitting in a fire hydrant on the top of the hot...hot...hot atmosphere. Especially this summer now, this is the worst, dangerous month now with this heat. That fire been acting like a catalyst. It...it multiplies 10,000 times over one bacteria that comes out of the ground in a fire hydrant, and we have a health problem. This is why Tengan when he re-opened the well when we told him--you folks, in fact you folks...but your Councilmen told ’em, the waters...the well stays closed. Tengan re-opened it, he lost his job. When Mayor Tavares came
in, she told him, you’re fired. You went against the Council rules. You went against the County ordinance not to open that well, right. So…

CHAIR VICTORINO: Mr., Mr. Smith, can you conclude in the next 30 seconds, please?

MR. SMITH: Okay, I’m gonna, I going conclude it.

CHAIR VICTORINO: Thank you, sir.

MR. SMITH: I talked to Wayne Nishiki’s daughter. Well, she came talk to us, tell her what we wanted. Okay. I don’t care what you do with that well water. You can give it to that Haiku developer as far as…as far as I’m concerned.


MR. SMITH: But make sure the line gets cut off and don’t come to me.

CHAIR VICTORINO: Okay.

MR. SMITH: They can drink it, but they gotta…they gotta declare to the buyers, you’re drinking well-contaminated water. I no care…I no care you shoot it up in the air and let it evaporate, but…his daughter came up to me and tell me what we wanted. I said, what’s wrong with swapping with the HC&S because they burn the cane before they harvest.

CHAIR VICTORINO: Yeah.

MR. SMITH: That have to eliminate…some of the problems that might affect the sugar. And give us…don’t…don’t deduct or make us cut back 10 percent during the summertime or drought months. Give us 20 percent more. That’s when we need the water more, during the summer time.

CHAIR VICTORINO: Okay.

MR. SMITH: I…I just had animals--I gotta go home and bury some animals now because the heat…heat wave and all that--

CHAIR VICTORINO: Okay.

MR. SMITH: --and the contaminated water. Give us 20 percent more during the summer time from the plantation.

CHAIR VICTORINO: Thank you, Mr. Smith.

MR. SMITH: Give us…give them five percent.
CHAIR VICTORINO: Okay.

MR. SMITH: Or give them all, I don’t care.

CHAIR VICTORINO: . . .(chuckle). . . Okay, Mr. Smith, thank you.

MR. SMITH: Thank you very much.

CHAIR VICTORINO: Thank you. Questions for Mr. Smith? Seeing none, thank you, Smitty, for being here. Thank you.

MR. SMITH: No questions? Portagee-Hawaiian standing right here. I’m open to questions.


CHAIR VICTORINO: . . .(Laughs). . . Member Kaho‘ohalahala?

MR. SMITH: Yeah, Kaho‘ohalahala.

COUNCILMEMBER KHAO‘OHALAHA: Smitty, I just wanna say that some of the information that you presented today, I think we will have an opportunity to ask the Department about. So sounds like you should be on the Water Department, you know, as their engineer, perhaps. . . .(chuckle). . . We will ask the Department to follow up on...on your comments.

MR. SMITH: Thank you very much.

CHAIR VICTORINO: Thank you, Smitty. Okay, next testifier, Ryder Swatek...followed by Thomas Cook. Sorry I mispronounced your name, Mr. Swatek.

MR. SWATEK: Good morning, my name is Ryder Swatek and I’m here to testify in favor of the proposed bill for the use of H’Poko Wells during periods of drought. Further, I would ask for the Committee consider turning them on fulltime in order to supplement the much needed water sources for Upcountry Maui. Currently, my family and I are able to catch water from the roofs of our homes and store the water in cisterns in a...in a DOH-approved system. This can...cannot match relatively long stretches without rain, and puts my family and our property in a vulnerable situation due to the fact that we do not have a County water meter available to us. My subdivision was created in 1912 and my lot has been on the priority water meter list for almost eight years with little movement towards achieving what most of my neighbors already have, a water meter. By...by denying everyday use of...H’Poko Wells which are also...DOH approved, families like mine on the waiting list will have to suffer unnecessarily. Having the perspective of someone born and raised in Upcountry district, I see very few solutions to problems...to...to this problem in the near future. So it only makes sense that we use water and its...corresponding infrastructure we already have. . . .(End of tape 1A, start 1B). . .
CHAIR VICTORINO: Thank you, Mr. Swatek. Any questions for Mr. Swatek? Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Mr. Swatek, for being here. Can you tell me, where is your home?

MR. SWATEK: I live at the top of Olinda and Piilolo.

COUNCILMEMBER BAISA: Okay. Thank you very much. That was important information. Thanks.

MR. SWATEK: Yeah.

CHAIR VICTORINO: Any other questions? Seeing none, thank you, Mr. Swatek.

MR. SWATEK: Thank you.

CHAIR VICTORINO: Next testifier, Thomas Cook, followed by Castronetta [sic] Fraser.

MR. COOK: Good morning, Council Members. My name is Thomas Cook. I’m here to testify on behalf of the Hamakuapoko Wells. I was here three-odd years ago, whenever it was, when the Council had the hearings and elected to close the wells. I’m strongly in support of opening the wells. My family has property in Makawao. My children’s great-grandparents have given the grandkids, my children, property. My family will be drinking the water if you put it in the water system, okay. So I’m not here as a developer, somebody. I believe...my understanding when I followed this issue previously, and I went to all the meetings, the Department of Health and all of the professionals, people from University of Hawaii, a lot of recognized, respectable people testified that this particular well and the treatment that was agreed upon and is being paid for through the court settlement with the chemical company was in compliance and safe. Also, that this water, some of the testimony--Ewa Plain on Oahu, in Napili--there’s other wells that are comparable. And so this is not a unique, isolated situation.

You know, water, we have source, storage and transmission. And I appreciate and very much commend the Water Committee for having this hearing and addressing, particularly, this source. Our County is deficient in all three areas. And, you know, I’m not a fan of the Department of Water Supply, and I’m hopeful that they can get their act together because we count on them. So this particular source is needed desperately. Upcountry has waited a long time and we...expect our government, representatives and the Department of Water Supply and the Department of Health to protect us. So I don’t say use this water indiscriminately. I say hold everybody accountable, test it regularly, and maintain the standards. So, we need it. The Waiale surface treatment that’s being proposed is desperately needed also. I’ve been writing--I’m sure you guys are tired of getting letters from me. We really need to increase our source. We also need to increase our storage. We need to improve and replace a lot of the transmission. We can’t do it all at once. If we have enough water, then we’re gonna...address the storage and then we can upgrade the transmission. But what we really need is additional source, not just for more
development, for the people who are already here. My family has been on the list for seven years. You know, that’s relatively short. They’ve had the property for 80, but they found out, my...my father-in-law found out, oh, I gotta get on the list. So thank you very much. I’ll let other people testify. Big aloha. Please, do the right thing and give us more water into our community.

CHAIR VICTORINO: Thank you, Mr. Cook. Questions for Mr. Cook? Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Mr. Cook, for being here this morning. I certainly have empathy for your situation. I’m in the same situation with you with land in Makawao that was gotten by my family in the late 1800s, that we’re unable to use for our current children because of this water situation. You mentioned something that peaked my interest. You mentioned that there were other wells that are similar to these wells and one particularly caught my interest. That’s the Napili Well. Where did you hear that and...

MR. COOK: I heard that in the previous testimony and if I’m not mistaken Director Eng is knowledgeable about that from--I think it’s a private well, if I’m not mistaken. But the situation with well water below pineapple fields and that’s, you know, the windward side on Maui, and every problem is an opportunity. We have a huge opportunity if we can utilize the groundwater resources below previously farmed lands safely, then, we expand our options. So...so rather than being on a fear, saying that we can’t use that water, let’s do it responsibly, intelligently and utilize the ability. I mean, people--anyway...

COUNCILMEMBER BAISA: Thank you. I’ll pursue that line of...about the Napili Well with the Director when we get to him. Thank you very much.

MR. COOK: Okay.

CHAIR VICTORINO: Any further questions for the testifier?

MR. COOK: Mahalo.

CHAIR VICTORINO: Seeing none, thank you, Mr. Cook. The next testifier, Cassandra Fraser--sorry--(chuckle) followed by Sylvia Kerr.

MS. FRASER: Good morning, everyone, and thank you very much for giving us the opportunity to speak.

CHAIR VICTORINO: Cassandra, can you put the mic a little closer? Yeah, thank you.

MS. FRASER: I am a Paia resident and I’m a property owner in Haiku. I’ve been here 25 years and I represent myself and, I guess, 10 other people who live on my property in one end or the other. So I’ve been aware of these problems for a long time. I think the main thing that we have to worry about is the quality of water in the islands. We have serious problems with water
contamination from pesticides. I'm a horticulturalist by training and I'm pretty akamai about the effects of the various contaminants, pesticides in water and in human beings. And I think that's really our main issue here with the H'Poko Wells, is, is this water safe to drink and is any water in our aquifers on Maui really safe to drink? And I think that we've really listened to quite a bit of good information this morning about the various forms of contaminants that we do have in the water. There's certainly a lot more available and we can't even really be discussing these questions without regular and very valid and, you know, with certifiable water testing all the time, when it's raining, when there's a drought. The water that's running through these...the supply system, the water that's coming out of the taps, we really need to keep an eye on it because it is all contaminated. I think that what the evidence that I've seen and read since the H'Poko Wells were brought into the issue, it's still not safe water. That's...that's what I...that's what I understand. It...it needs to be treated, but then so does all the other water. We've had a lot of...trouble with water treatment in Upcountry. And there are better ways, other ways to filter water than what we're doing. NASA uses a substance called clinoptilolite zeolite for filtering the air and water on the space shuttle. I would...I would submit that many other counties in the U.S. are using this substance to filter their water. It works very well for heavy metal contaminants such as lead and arsenic, which we do find in our water. And...and these systems and...this knowledge is available to us. I really would recommend request of this...this...this advisory committee and the Water Supply Board that we do hold off on this question and do more research and come up with good ways to filter water before we make this decision because it really isn't safe.

And this could also help us extend the life of our water supply system by being able to filter the water at various levels so that it is actually safe to drink, because I think that's most of our real concern. Then once we know how to filter water and we know how to take care of it, then we can...we can start using water from sources we haven't had available before.

I would like to speak briefly to the issue of the H'Poko Wells supplying water during drought. We have a lot of water in the Upcountry area and they have no water or little or no water in Haiku in...or in Kula and in Kihei area and Wailea. And I really suggest that we try to supervise the use of water in the Wailea area to affect the overall amount of water that we have. There's too much sidewalk being watered in Wailea. There's too much potable water being used in irrigation systems for the hotels. Between the A&B...or HC&S and the hotels, they need to step forward and...and control their water usage. Contribute, HC&S primarily, contribute to paying for the filtration systems that we do need and the research that we need to put into it. And we really need to work together on this problem. It's not someone else's. You know, everybody on Maui is sharing this problem. And I really appreciate all the work that's going into it. Thank you very much.

CHAIR VICTORINO: Thank you, Cassandra. I do appreciate it. Questions for the testifier? Seeing none, thank you very, very much.

MS. FRASER: You're welcome.
CHAIR VICTORINO: Sylvia Kerr, followed by Warren Watanabe.

MS. KERR: Hi, everybody. Good morning and thanks for having me. I’m just here to say as a citizen of the world really that...I was born in 1954 and when I grew up, nobody talked about cancer much. I didn’t hear about cancer. It was like, there just was very little of it around. And I look around today and particularly on this island it seems like everybody’s got somebody in their family with cancer now. And cancer’s just the end of the spectrum of health, right. It’s just the bottom end of the spectrum. And there’s a million other health issues that come into play before a person gets cancer. And the water we’re drinking on this island is obviously very poisoned water. If you look around and you see how many friends and relatives that we all have that have these health issues, the cancer being the...the end of the...of the spectrum. And to me it’s just dead obvious, that there’s a lot of poison in this water and those Hamakuapoko Wells are extremely poisoned as far as everything that I can find out about it. And I’ve done a lot of research on it myself. So that’s really all I have to say and I just want to thank everybody for showing up here today saying what they have to say and allowing me to do the same. Thank you so much.

CHAIR VICTORINO: Thank you, Ms. Kerr. Hang on a moment. Any questions for the testifier?

Seeing none, thank you, Ms. Kerr.

MS. KERR: Thank you.

CHAIR VICTORINO: Next is Warren Watanabe and Warren will be speaking as the Maui County Farm Bureau Executive Director, followed by Richard Pohle.

MR. WATANABE: Good morning, Chair Victorino and Members of the Committee. I’m Warren Watanabe, Executive Director of the Maui County Farm Bureau. The Farm Bureau supports the intent of...of this measure because any...viable water source in a water-short County is important. And we also want to mention that we appreciate the County’s role in exempting agriculture from water restrictions. Farmers and ranchers need a...reliable and affordable water supply. We cannot continue under yearly water...shortages. And as you have recently heard, the State Department of Agriculture potential lay-offs demonstrate the need to balance local production with imports.

I also wanna mention that at 10 percent, HC&S is already in a...serious situation and they do--they’re very efficient in their water use by using...utilizing drip irrigation. But at 10 percent, they are temporarily fallowing their fields. Also, with...with the implementation of the interim...instream flow standards that will be soon implemented by the State Commission of Water Resources Management, the County really needs to get aggressive in source development. We have a--for Farm Bureau, we also have a question in regards to this proposal. Will adding this...will adding to this system include issuing water meters on the Upcountry water list? If used only during the drought...during the drought and meters are issued, it will mean shortages will happen with increased frequency and use during non-drought periods will be increased.
And we'd also like to...for the...for this Committee to consider using the H'Poko Wells in the system as treatment renders it safe. Other similar wells in the County and State are being used with this treatment. And I wanna point out that, you know, when I say other areas in the State, the Kunia system on Oahu does use the GAC...filtration system. And they have similar problems with apparently no issues. Thank you.

CHAIR VICTORINO: Thank you, Mr. Watanabe. Questions for Mr. Watanabe? Seeing none, thank you, Warren. Okay, Richard, followed by Dick Mayer. And Mr. Pohle will be speaking on behalf of umla.ws, Acting President. So you're gonna have to explain the rest of that to all of us.

MR. POHLE: I support well use.

CHAIR VICTORINO: Oh, before you start. Can you tell us what UMLA--

MR. POHLE: Yeah, I will, I will.

CHAIR VICTORINO: Okay.

MR. POHLE: I just wanted to get that out of the way.

CHAIR VICTORINO: Okay. . .(laughter). . .

MR. POHLE: I am Richard Pohle, a protea farmer, Doctor in Physics. I reside in Kula on Crater Road. I am also here as the Acting President of the Upcountry Meter List Association. Please Google our website as you have described. Since I am impressed by the sincerity of many of the testifiers, I will soften my words. To those propagating the rumor that the H'Poko Wells are polluted, I say prove it. The EPA is responsible for enforcing stringent water safety laws. Ask them. Get your favorite anti-growth lawyer to get a court injunction. This issue should have been settled long ago. Stop panicking the people with wild claims. For 23 years I've seen these type of absurd charges made and seen the cost they incur. Now some of you are sincere. There's no denying that. But for some of you, your motives are not what they appear to be. Now, I may be wrong. So I invite you to e-mail me your proof of pollution. E-mail me to umla@umla.ws, UMLA. I will post it verbatim along...on the website along with your name for all to see. Let's get a discussion going. I would hope you'd be quantitative and I hope the Water Department and other experts would reply. Please be quantitative.

As to the matter of bringing the H'Poko Wells on line during drought, either the wells are polluted or they are not. I'm a physicist, so I think simple. If they are not polluted, use the water all the time. What is the reasoning to use it only in a drought? Does drought cure pollution? Some might think that water from the H'Poko Wells might be used to move the Upcountry list along, say, to provide service for the first 200 people on the meter list. This cannot happen. On the back of this testimony is a table of names, addresses, list priority number and distance from the County water tank of all the Crater Road applicants. Will the County really ask only those top list people to pay more than the $2 million cost of additional tank storage and...and
waterlines to satisfy the fire...fire flow requirements? That is exactly must...what must happen if no one jumps ahead on the meter list. The infrastructure these 3 people would build goes right by 17 other properties. As a practical matter, it is all or nothing. If a few on the list are given meters, everyone must get one. The County should develop plans to satisfy the entire Upcountry meter list in addition to the H’Poko Wells. As an engineer, I know that if you tell your experts you only have a million dollars, you’ll get a million dollar solution. If...it does not matter that the $2 million solution is four times better. They will design to your constraints.

The August 20th meeting in Pukalani convinced me that water is available. It’s just not cheap. I read that $8 million...it costs $8 million to...mitigate a $1 million gallon per day shortage from drought. Does this mean that $1,600 will buy the infrastructure for a 200-gallon a day meter? I hear it costs $4.50 to pump 1,000 gallons of water up 3,000 feet. Does this mean that pumping costs of 90 cents a day would satisfy 200 gallons per day usage requirement? We Upcountry would consider that cheap. When we hear that the only reason there is an Upcountry drought is that the County does not want to spend the pump money to fill the Upcountry reservoirs, should we not demand the County spend it? There is water in the H’Poko Wells and on Maui. You should use it. Thank you.

CHAIR VICTORINO: Thank you, Mr. Pohle. Questions for Mr. Pohle from the Committee Members? Seeing none, thank you very much, Mr. Pohle. And Mr. Pohle also did give us his testimony in writing, yeah? Next testifier is Dick Mayer and he will be followed by John Wilson. And Mr. Mayer is speaking on behalf of the Kula Community Association.

MR. MAYER: Thank you very much, Mr. Victorino. I’m just gonna make some comments not really on behalf of the Association, but I wanna make some comments relative to the Association. The Association thanks you very much, Mr. Victorino, for coming up ten days ago and meeting with the community Upcountry on the water issues. Unfortunately, at that meeting this well issue was not mentioned at all. Mr. Yamashige from the Water Department and Mr. Victorino were there. And I think it would’ve been very helpful for all of us Upcountry to know that this was gonna be on the agenda for the Council. And that’s one reason why I’m asking that the Council today...Committee today not take up this issue and not vote on it one way or another, but to hold a hearing Upcountry so the residents of Upcountry--and it would be two-way. One that the residents would be informed how safe the water is, what proof we have that it is safe, because there are obviously enough rumors going around, that we would get that evidence up there. And, similarly, the community then would be able to communicate with you their either concerns or approval of this project. But right now, we don’t really have enough information. We know that people in Paia were enough concerned a year ago, two years ago to ask that this well not be utilized in their community. And I think that we need Upcountry to have the information brought to us. I certainly would hope that this bill would be amended at some point to...guarantee that when this well is put on line, that water testing be done daily for at least for the first 30 days. And then if nothing is there, perhaps weekly thereafter and perhaps at some point monthly. But at least daily be done so that we are assured that the water is safe.
There is one problem with this proposal. If this water is used for human consumption and pumped uphill, it will no longer be going into the ditch. And the water in that ditch is what’s used at the Kula Agricultural Park. It’s County-supplied water to the Kula Ag Park. So if we take out, let’s say, half a million gallons from H’Poko Well and send it Upcountry, that will no longer be going out. Where will the water come for the Ag Park then to get its water? And that will be an issue that you should certainly consider because it will no longer be available if that water’s now going into the ditch.

One last thing and that is under discussion is the Water Use and Development Plan for the Upcountry region. Next Monday or Tuesday, we’re having a meeting on that. It’s at the very final stages for the recommendations to go to the Water Board and to the Council eventually for approval. Since the probability of utilizing this law will not take effect until next summer because the drought season is virtually over at this point and we’ll not, and we’ve had very heavy rains recently, we really have about a nine, ten month period before this bill will probably even be implemented. I would urge you to wait for the Water Use and Development Plan to come to you in that period of time where you’ll have a much more comprehensive analysis of where the water sources are, what the costs will be, what the relative options are in terms of reservoirs, pumps, wells, ditches, distribution systems, the cost of energy to ship that water all the way from H’Poko all the way Upcountry which will be very expensive. So I...urge you to be a bit cautious at this point. Have a public hearing and then be able to make the decision hopefully before next summer.

CHAIR VICTORINO: Thank you, Mr. Mayer. And, Mr. Mayer, let me make one correction.

MR. MAYER: Uh-huh.

CHAIR VICTORINO: At the Upcountry meeting, I did mention I was going to bring up the H Hamapoko [sic] Wells very shortly.

MR. MAYER: Okay.

CHAIR VICTORINO: I had intended that and...and many people heard me say that.

MR. MAYER: Okay.

CHAIR VICTORINO: So, I mean that’s no big deal.

MR. MAYER: Okay, okay.

CHAIR VICTORINO: But I did, did mention that it was coming up very shortly.

MR. MAYER: I asked some people. I hadn’t heard it and some...some of the people said they hadn’t heard it. Very good.
CHAIR VICTORINO: Yeah. So, no, but...and many people heard it. So 'cause I got right after the meeting, they came up to me and said, “When are you gonna do this?” I says as soon as it’s possible. So this is what it’s all about.

MR. MAYER: Thank you, thank you. I stand corrected.

CHAIR VICTORINO: No, no. That’s okay, that’s okay. Questions for the testifier? I’ll start out with Mr. Molina first.

COUNCILMEMBER MOLINA: Thank you, Mr. Chairman. Good morning, Mr. Mayer--

MR. MAYER: Good morning.

COUNCILMEMBER MOLINA: --and thank you for your testimony. I just wanna extend my appreciation for your suggestion about holding an evening hearing.

MR. MAYER: Uh-huh.

COUNCILMEMBER MOLINA: Because when this matter was first dealt with several years ago, the...it centered around the use of this well for the Paia area. And then later on it was suggested by a Council Member, former Council Member that this...these wells not be used for the Kula and Makawao area. And I requested from the prior Water Committee Chair to hold an evening hearing for those communities to get their input.

MR. MAYER: Right.

COUNCILMEMBER MOLINA: And the voices of those people were shut out in this process for the...wells. So I can certainly support having an evening hearing on this, because I think it’s only fair for the people of Makawao and Kula to voice their opinions, those who cannot be here today with regards to the (inaudible due to interruption)--

MR. MAYER: And Pukalani and Haliimaile and Haiku.

COUNCILMEMBER MOLINA: That’s right. And because...these two wells had some far-reaching, you know, impacts on the other communities and those voices were not heard several years ago. And I fought for that, but apparently the...it fell on deaf ears --

MR. MAYER: Well, I appreciate--

COUNCILMEMBER MOLINA: --as it relates to the former Committee Chair.

MR. MAYER: Thank you very much.

COUNCILMEMBER MOLINA: So I just wanna thank you for that suggestion. Thank you, Mr. Chair.
CHAIR VICTORINO: And...and let me, before I recognize Ms. Baisa, let me clear...clear one thing today, you know, nothing is going--and I didn’t think this would have any settlement. I think public hearings will be necessitated for the various areas that are going to be affected. I am that type of Council Member that wants to hear from the public. And I made it certain, even in my press release which my press release was whittled down to a very slight two...two-sentence...press release. But that’s okay. I’m not gonna complain about The Maui News. That’s life in the fast lane. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. I think we understand exactly what you’re saying. Sometimes you wonder if you’re at the same meeting. But anyway, thank you very much, Mr. Mayer, for being here this morning. And I like your very well thought-out and sensible ideas in regard to this legislation that’s before us. It makes perfect sense. And I totally agree with Member Molina that we should have a hearing Upcountry.

MR. MAYER: Thank you, Ms. Baisa.

COUNCILMEMBER BAISA: And we need to have it in the evening so that folks can come because I often get complaints about people who say I would like--I know there are many who would like to be here this morning, but they’re working...those that have a job and they’re not about to put it in jeopardy to take a day off to come and sit here. So I think that’s an excellent suggestion. I also have no...no difference or concern about your suggestion that if these were ever put on line, that we would test them very carefully, regularly to make sure that nothing is happening because, you know, we’re...we have to take care. I’m gonna drink that water, just like you and everybody else. I’ve drunk it all my life. As it is now, I do. But, you know, those of us that are long-time residents like my mother and my family, we never had concerns about Makawao water even though it does look like frog water sometimes. But I guess we have resistance built in after generations. But I think your suggestion is very good and it’s a very sensible solution. So I wanna thank you for doing that. Thank you.

MR. MAYER: Thank you, Ms. Baisa.

CHAIR VICTORINO: Any other questions for Mr. Mayer? Mr. Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. And good morning, Mr. Mayer. Thank you for being here.

MR. MAYER: Good morning, Mr. Medeiros.

COUNCILMEMBER MEDEIROS: Yeah, I...I, you know, agree with Member Molina and Baisa about suggesting an evening meeting Upcountry.

MR. MAYER: Uh-huh.
COUNCILMEMBER MEDEIROS: What I would like to ask of you is, a lot of times when we hold meetings in the evenings, different districts and areas, we still hear from people that, oh, we didn’t know about the meeting. What is your suggestion on the best way to disseminate information so people will attend?

MR. MAYER: Well, there are several associations. There’s certainly the Maka…, Kula Association. There’s the Haiku Association. There’s the Makawao Association now forming. We can certainly make sure that they know well in advance. It shouldn’t be something—you know, the legal requirement is you let people know seven days in advance. But I think if we let people know two weeks or three weeks in advance, that the word can get out. E-mails can go out. And it’s…it’s…and I’m not saying it’s in opposition or in favor of the proposal, but that the public at least be informed what the situation is, and then let the chips fall where they may. And I think we can get the word out.

COUNCILMEMBER MEDEIROS: So…so your suggestion is that the associations of this different communities in the Upcountry area be one of the major ways of getting the information out?

MR. MAYER: Yes, and obviously the newspapers as well. If we can get an article prior to a meeting rather than reporting what happened at a meeting…

COUNCILMEMBER MEDEIROS: Uh-huh.

MR. MAYER: …why there’s an issue, what are the concerns, what is…what is information we know. If the Department could provide data, that would be helpful so people are aware of the situation.

COUNCILMEMBER MEDEIROS: Yeah. I…I think, you know, having a meeting is really important, but if people don’t get the word that the meeting is happening, then it defeats the purpose of having the meeting. So I…I’m glad you suggested that because I know in Hana there’s some special community bulletin boards that people read more than The Maui News. So…

MR. MAYER: Yeah. Well, we have…we…I know at the Kula Association, we always have at least 100 to 200 people at every meeting.

COUNCILMEMBER MEDEIROS: Right.

MR. MAYER: I know we can get our group out, but there’s also the other four communities, Makawao, Pukalani, Haiku and Haliimaile, all who get County water.

COUNCILMEMBER MEDEIROS: Okay. Thank you for your suggestions and for your testimony. Mahalo, Mr. Chairman.

CHAIR VICTORINO: And, Dick, let us not forget Hawaiian Homes up in Waiohuli and all those areas, too. They are very important and they were at your guys’ meeting, and I think that’s very important.
MR. MAYER: Extremely.

CHAIR VICTORINO: And I agree with you. We’ll make sure whenever this is decided, you folks will be upfront notified so that you guys can get the word out along with Maui News and all the other means--

COUNCILMEMBER BAISA: Website.

CHAIR VICTORINO: --on our website and all that. And yet, I bet you, a nickel on a quarter, somebody will say, I didn’t get the word.

MR. MAYER: I’m sure.

CHAIR VICTORINO: But if we’ve done our due diligence, I’ll be happy. Any other questions for Mr. Mayer? No more. Thank you, Dick--

COUNCILMEMBER NISHIKI: Question.

CHAIR VICTORINO: Oh, sorry! Mr. Nishiki.

COUNCILMEMBER NISHIKI: Thank you. Dick, you know, the...the concern of testing concerns me. The testing you’re talking about, shouldn’t it be done prior to feeding the community the water?

MR. MAYER: Oh, definitely. I mean I would assume that if this decision is made by the Council to allow this, that you would be able to do it on the basis of proper test. I’m talking about even after it’s done that...that there be assurance that people are getting clean water. As we do now, we test the water now. I’m saying particularly, in this case, after the water is inserted into the system if that it turns out to be what’s happen, that very close monitoring be done. But prior to decision I hope you have data.

COUNCILMEMBER NISHIKI: And...and...and that data that you’re talking about just because I don’t know everything--what should we be testing for? And...and it may not be something you need to answer today, but I think that’s important also.

MR. MAYER: Right. I’m not a...a chemist.

COUNCILMEMBER NISHIKI: Yeah.

MR. MAYER: You have technical people. And if you don’t have technical people, then we’re really in trouble. Then we really do need to know and we have to bring in the people who can do it. But I would hope that you have access as a County to the proper people who can test water quality.

COUNCILMEMBER NISHIKI: Thank you.
CHAIR VICTORINO: Thank you. Any other questions for Mr. Mayer? Seeing none, thank you very much, Dick.

MR. MAYER: Thank you, Chair.

CHAIR VICTORINO: John Wilson, followed by Michael Howden.

MR. WILSON: I’m John Wilson, live Upcountry. I do grow a drought-resistant crop called protea. I’m here in support of the bill. And as one previous testifier said, if the water’s polluted or not polluted, it’s one or the other. So I would suggest also that we consider this if we actually use the water, that we use it all the time. And basically on the comments that have been made earlier regarding testing, of course that’s...would be appropriate also. And I just wanted to add that in...in conclusion, that I really think we need water. I really think some of the ideas that Dick presented are very important. And I think that you have a very strong responsibility to help us provide water throughout the County, not just Upcountry. And I think there’s a lot of money that has to be spent for that. Thank you.

CHAIR VICTORINO: Thank you, Mr. Wilson. Any questions for Mr. Wilson? Seeing none, thank you very much. Next, Mr. Michael Howden followed by Karen Chun. And Mr. Howden did provide us written testimony. Is this the one you’re gonna use, Michael?

MR. HOWDEN: No.

CHAIR VICTORINO: No. Okay.

MR. HOWDEN: No.

CHAIR VICTORINO: Just wanted to check.

MR. HOWDEN: Okay. Good morning, Chair Victorino and Members of the Water Resources Committee. I’m Michael Howden. I’m speaking on my own account. There are a few things. I guess . . . (End of tape 1B, start 2A) . . . Mayor Arakawa had his so-called Mayor’s meeting with the scientists on the Hamakuapoko Well, which was probably the most vehement public meeting I’ve ever been to.

CHAIR VICTORINO: . . .(chuckle) . . .

MR. HOWDEN: There...there was so much data questioning the deep contamination of the Hamakuapoko Well and whether it could actually be filtered clean. I mean the EPA has what they call, that there’s certain levels for contaminants...below that and this tremendous mix--as Councilman Nishiki pointed out--a tremendous mix of highly toxic carcinogenic chemicals. I mean I don’t understand why with other waters available we’re looking at the Hamakuapoko Well. You know, I mean personally...I would just put all that water in the HC&S system, do the
improvements that we’ve been scheduling at the Kamole Weir in terms of stronger filters and better high-lift pumps for water, and take water that we’re already entitled to by our memorandum of understanding with HC&S. And when I hear people say, you know, that we need more water resources, I would respectfully remind all of us that on average 156 million to 160 million gallons a day of public trust waters come out the Kamole Weir of which the County takes only a minimal and insignificant amount. And these are waters that really are held in trust by the State of Hawaii for the benefit of all our communities.

And people brought up cancer and Kunia. Kunia is basically...a Superfund Site. The interest in that was spurred by the amount of cancers and the...the declining health profile of the people who lived in that area. I mean do you really trust that our science which is inaccurate at best and kind of oriented toward public consumption is gonna give you the truth about the deeply toxic effect of...of these chemicals? Turn of the century are 1900s, cancer rates were 1 in 12,000. As of present, they’re one in two to three people. And I think part of that are the pollutants that we’ve spread throughout our communities and throughout our nation. That’s all I have to say.

CHAIR VICTORINO: Thank you, Mr. Howden. Questions for Mr. Howden? Mr. Kahoʻohalahala?

COUNCILMEMBER KAHOʻOHALAHALA: Thank you, Chair. Michael, can you just clarify the 160 million gallons per day coming out of the Kamole Weir, you said?

MR. HOWDEN: Yes.

COUNCILMEMBER KAHOʻOHALAHALA: Can you clarify that...that we utilize only a portion? Is that...am I correct?

MR. HOWDEN: Well, I think Mr. Eng...Director Eng could probably better answer that, but I...at present as I remember it, we use 6 to 7 million gallons a day. We’re allowed to use, I believe, up to...to 9 or more, up to 12 million gallons a day. The Department has not done that because the filtration system there couldn’t handle...I mean we’re improving that supposedly, but it couldn’t handle treating more water, and also the pumps that pump the water up from the ditch, those need to be replaced with stronger pumps so that we can put more water through that system.

COUNCILMEMBER KAHOʻOHALAHALA: So just to clarify then, we’re not utilizing the amount that we could be using? Then you said we’re--

MR. HOWDEN: Oh.

COUNCILMEMBER KAHOʻOHALAHALA: --using--

MR. HOWDEN: Yeah. Not...not...not nearly. We could add several million gallons a day with a simple...reasonably simple--I...I consider it simple because we’ve been discussing this for years ever since I came on...on to the Water Board under the chairmanship of Chair Victorino. We’ve been discussing improvements to Kamole Weir. And we’ve also...and kinda neglected in all this
is the Waikamoi flume system and the reservoirs there. And NRCS was up there quite recently
and...and gave quite a...distress call to the Department that the flume system itself is in near
total disrepair. And we’ve been looking at that through Water Resources Division of the
Department. They’ve been looking at a redesign and rebuilding of that. But we waste millions
of gallons a year of the most valuable water in the County of Maui. I mean you’ve got that water
at head over 4,000 foot of elevation that can easily be delivered into the Kula system and to the
so-called dual line and things like that.

COUNCILMEMBER KAHO‘OHALAHALA: Okay. Thank you for that clarification.

MR. HOWDEN: Thank you.

CHAIR VICTORINO: Thank you. Mr. Nishiki?

COUNCILMEMBER NISHIKI: Yeah. Thank you, Michael, for being here today. I was--not that I’m
for it, but someone else mentioned about what you mentioned here in your testimony. I need
some clarification. The fact that we need to perhaps ask HC&S if they would take this water
from H’Poko, put it into their agriculture and then get water that is not so contaminated and that
water could be in exchange used for the Upcountry, is that something that would be feasible?

MR. HOWDEN: I would think it is. I think HC&S generally is reasonably accommodating when it
comes to issues like this. You know, we...we aren’t taking what we’re already entitled to simply
because we’re not prepared to take it. And that may have to do with, you know, when you
talk...one testifier talked about that we would be willing to pay more money for water, but the
truth is, you know, in the Upcountry Water Use and Development Plan, Carl, our consultant has
said that water meters Upcountry...the real cost of them is around 17 to 19,000 in terms of water
resource development, this and that. And at present we charge 6,000. So, you know, there’s a lot
of adjustment and...adaptation that needs to take place for the functioning of the Department.

COUNCILMEMBER NISHIKI: Mr. Chairman, I...I...I think that HC&S would need to answer that
question about using their water and us putting it in irrigation, but I would hope that you would
address, if they are not here today, a letter to them asking them about that possible solution.

CHAIR VICTORINO: Thank you, Mr.--and I’ve already--Mr. Nishiki, thank you, I’ve already
instructed my staff to write a letter to both HC&S, to Department of Health, EPA for all these
various issues that have been coming up because I’ve been getting the e-mails so that we can
address it at our later meeting. So that will be coming forward, but thank you for your
suggestion, Mr. Nishiki.

COUNCILMEMBER NISHIKI: Thank you. And...and finally, Michael, if you know, if you don’t
know, it has been said that unless long-term testing is done especially for nitrates, and I guess
this came up in a test in Kunia where as soon as they did long-term testing then the nitrate levels
started to rise. Is that something you’re familiar with?
MR. HOWDEN: Peripherally. What happens...and I, I think that when we discussed when Mike was on the Water Board, we discussed the Maui Lani Wells. And one of the conditions that we tried to put on those wells was, okay, we would tentatively accept them, but there’s infiltration that happens over a period of years as the...as the agricultural chemicals move down into the water table. So when you test the well in the beginning, maybe it looks so good. But later on, 5, 10, 15 years later you have problems with contamination with that well. And we’re seeing that now in West Maui in the draft of the community plan, I remember that Chris Hart’s draft, they were talking about DBCP contamination on two of the wells over there that was gonna cost us, what, 5 million or something like that. I mean we’re still dealing with that. So, I...I think that if we err, I think we should err on the side of caution and in terms of public health.

COUNCILMEMBER NISHIKI: Thank you.

CHAIR VICTORINO: Thank you, Mr. Nishiki. Any other questions for the testifier? Seeing none, thank you, Michael.

MR. HOWDEN: Thank you, Mike.

CHAIR VICTORINO: Next testifier, Karen Chun and she’ll be...followed by Mercer “Chubby” Vicens. Good morning, Ms. Chun.

MS. CHUN: Good morning, County Council Members. I’m here as an individual. Karen Chun is my name. It’s déjà vu all over again. We already fought this battle. The evidence was in, the decision was made, we’re not gonna use the Hamakuapoko Wells for drinking water, and now here we are back again. I mean do we ever finally decide anything based on scientific data? In response to the gentleman who was a physicist, my background is I was a senior engineer with Resources Planning for the entire California reservoir system that was under Federal control. And, yes, the...the H’Poko Wells are polluted, very badly. We know that because we....won a lawsuit on it. When you filter, there is no such thing as 100 percent removal of contaminants. So if you’re going to drink that water, you are going to be drinking trace amounts of contaminants. If you folks have read the latest literature on trace contaminants, you will find that at very, very low levels these contaminants have an effect on fetuses. And one of the kind of awful effects that they have is in gender differentiation which happens early on in the pregnancy. And areas where people are getting very low, I mean almost undetectable amounts of contaminants, we’re seeing children being born with ambiguous gender organs. I don’t want that for my grandkids. I don’t wanna say anything else because I think Michael Howden said it all, except for that you cannot look at water without looking at development. True, Upcountry is being treated extremely unfairly because of our...the way we’ve connected our system. They’re using, what, 500 gallons per household...a day, whereas people in Wailea are over 1,000. That’s not just. That’s not right. But the solution to this problem is not to feed them water that, despite filtering, may have those trace contaminants still in it. Thank you.

CHAIR VICTORINO: Thank you, Ms. Chun. Questions for Ms. Chun? Mr. Medeiros?
COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. And, Ms. Chun, thank you for being here and for your testimony and for the information you provided. I just have one question 'cause you...did allude to that you’re an engineer--can you tell me what your engineering discipline is in?

MS. CHUN: I was...I got my degree in mechanical engineering with an energy emphasis and my job was to balance all the conflicting needs for the reservoirs, which is water, fish flows, generating electricity and so on.

COUNCILMEMBER MEDEIROS: And was part of your work in California involving any pollutants or chemicals in the water?

MS. CHUN: I...I...I did not myself do that, although my background is...got a heavy emphasis on organic chemistry. So I do have some education in that area, although I did not use that in my job.

COUNCILMEMBER MEDEIROS: Okay.

MS. CHUN: Mostly...mostly it was for design of...making sure in a situation like we have on Maui where we have all these conflicting needs for water, how to balance them...the natural, the farming, the drinking.

COUNCILMEMBER MEDEIROS: Okay. Thank you very much for your testimony. Mahalo, Mr. Chairman.

CHAIR VICTORINO: Thank you. Any other questions? Seeing none, thank you, Ms. Chun.

COUNCILMEMBER NISHIKI: Question.

CHAIR VICTORINO: Oh, sorry, Wayne.

COUNCILMEMBER NISHIKI: Yeah, that’s okay. Karen, the concern by a person that called about having six toxic chemicals--I won’t name ‘em--but if there were such a thing, because this well has that kind of personality, has there been any testing for when all of these are mixed together what that...what that could do?

MS. CHUN: Well, the first thing is that when you have a pesticide or any chemical, it’s never pure to begin with. You have mostly, you know, if you were...if it was, you know, actually (chuckle) it would be mostly that, but then it would be a lot of kind of similar chemicals that during the process it didn’t quite make it into what you wanted it to be. And we have no idea the effect of those. And, yes, there has been...studies showing that these...that various chemicals do interact. But we’re talking about some pretty nasty chemicals to begin with. So I’m not quite sure how... (chuckle)...how much worse we can get.
COUNCILMEMBER NISHIKI: Okay. And, finally, you mentioned some things that a woman and a man when they choose to bear a child, what is—because this was the often word that I heard so much—what is, for people in our community, you know, that intend on having children especially Upcountry if this were to happen, what is called blue baby syndrome?

MS. CHUN: I'm not familiar with that term.

COUNCILMEMBER NISHIKI: Okay. Thank you.

CHAIR VICTORINO: Okay. Thank you, Mr. Nishiki. Any other questions? Seeing none, thank you, Ms. Chun. Next is Mercer “Chubby” Vicens, followed by David Goode. And Chubby will be speaking as a homeowner from Spreckelsville.

MR. VICENS: Good morning, Mr. Chairman and Members of the Committee. I am speaking on behalf of myself and my family in this regard. And the reason that I am here is that under WR-22 you say the purpose of the proposed bill is to allow water from H’Poko Wells Numbers 1 and 2 to be used to provide water service to customers in the Upcountry service area when the Director of Water Supply issues a drought declaration requiring mandatory water use restrictions of at least 10 percent. I guess the question I have of you and the Committee and...and the Water Director, are you saying that it’s all right to send the water Upcountry Monday, but on Tuesday if it’s...if the quality is...is...is marginal, then you would not do that? In other words, if it’s...it’s either go or no go. And...and the...the declaration of saying that we’re going to do this on a part-time basis does not sit too well with me. I believe that you have the ability to determine how the water is gonna be used, when it’s gonna be used and where it’s gonna be used. Originally the water was gonna come into Paia and Spreckelsville, which would’ve relieved the Central Maui system at that time that was having problems. I was fine with that, okay. So I believe that you have all the tools. You have the EPA. You have the regulations that determine how much you can and how much you cannot. I’m not a chemist, but I will say this....that if it’s good to be used 1 day, it should be good to be used for 365 days. That’s...that’s the point that I was trying to make. And in preparing to come here I...I found an old Maui News article, Viewpoint by Michael Spalding of December 17, 2008. And...and basically the...the terms that...that were used here says, in fact, there are other wells within West Maui and other parts of...of the State that have a similar situation. Definition of similar, what does that mean? Is it much more similar or least similar? I think that if you use common sense, if you use the judgment of the people that are experts to tell you that the water is either good or not good, then you can make a decision and say, well, we’re gonna blend it with plantation water if that’s what we need to do and we gotta exchange it. I think the gentleman was...or the lady was talking about the Upcountry well’s capacity. I think it’s around 8 or 8, almost 9 million gallons a day. And if you can...you can increase the size of the plant, you certainly can do more, okay?

The other related Upcountry problems with waters that are carrying lead and stuff is...is...is an unrelated issue. So I think we gotta stay to the issue. We have to determine at your level whether this is a subject that’s worth pursuing for the good of...of everyone. And I mean the people of Spreckelsville and Paia included. I support...I support you looking into it. And if
the...if the EPA rules that this water after many, many tests is water that can be used by the populace, then we should move on. And that’s the role that you people are charged with. Thank you so much.

CHAIR VICTORINO: Thank you, Mr. Vicens. Any questions for the testifier?

COUNCILMEMBER NISHIKI: Chair.

CHAIR VICTORINO: Yes, Mr. Nishiki.

COUNCILMEMBER NISHIKI: Good morning, Chubby.

MR. VICENS: Good morning.

COUNCILMEMBER NISHIKI: Do you still represent A&B or EMI?

MR. VICENS: No, I don’t. Grant Chun is the...is the Vice-President of the properties group. But you gotta understand, there’s a separation between the plantation and...and the properties group also. So I think Mr. Chris Benjamin would be the gentleman to speak to in regard to plantation matters. And I think one of the gentleman said they--Dick Mayer, I believe--said that they’ve been very open to...to...listening and talking, because without water...around 800 families would be going south like the Maui Prince group just...announced today. So I think that it’s...it’s in everybody’s best interest to form coalitions that will take us from where we are today to where we wanna go. Thank you.

COUNCILMEMBER NISHIKI: Yeah, and...and...and we thank you, Chubby, because I...I would hope that we have a partner with them so that if we work out a solution, then the people from Upcountry would not have to worry about this so-called water--

MR. VICENS: Yes.

COUNCILMEMBER NISHIKI: --that has contaminants in it. Thank you.

MR. VICENS: Thank you so much.

CHAIR VICTORINO: Any other questions for the testifier? Seeing none, thank you very much, Chubby.

MR. VICENS: Thank you very much.

CHAIR VICTORINO: David Goode, followed by Eric Romanchak...Romanchak, I should say. Excuse me.

MR. GOODE: Good morning...good morning, Mr. Chair, Members of the Committee.
CHAIR VICTORINO: Good morning.

MR. GOODE: My name is David Goode. Today, I’m representing the Maui Contractors Association. I’m President of the Association. I’m also a Kula resident. Our members are hurting. It’s not a secret to anybody. And many of our members also have property interests Upcountry. They like to build for their family. They like to subdivide for their kids. A lot of that’s contingent on the ability to get water meters. I don’t wanna spend a lot of time saying what a lot of folks have said, but really Department of Health, my understanding, the Safe Water Drinking Branch, Safe Water Drinking Branch is, I think, the entity that probably says it’s okay in the end. Our Director, Director Eng, is, my understanding, very, very familiar with contaminants and how to treat them. And I’m sure he’s gonna have a lot to enlighten us on today in that regard. So the contractors say look, if it’s safe, let’s use ’em. Let’s not just use it in a drought situation. I think what Mr. Vicens was saying and others, if it’s good for one day or a few days, it’s probably good every day. So we would want to defer, not to internet science, but to real science and those who are in authority to make those types of decisions or at least say if it’s safe or not. Let them make those calls.

And finally, a lot of our members are plumbers. And they remind me that while we disinfect and...and treat at the source or coming out of a reservoir, there’s a lot of miles of pipes that these guys are responsible for on a daily basis that the water travels through. It goes to tanks, sits in tanks, goes through distribution pipes, goes through your water meter, goes in your pipes, into your plumbing and into your, hopefully, clean glass. And so along the way there’s a lot of things that happen that’s perhaps beyond the Department of Water’s control. There’s a lot of unknowns potentially. But we deal with it and we make the best of it. So the Contractors’ position is to defer to the...to the people that really know. We would support a meeting Upcountry. I think that’s a great idea that came up today. We look to participate in that. And we hope we can turn the water on all the time and release some meters Upcountry. Thank you.

CHAIR VICTORINO: Thank you, Mr. Goode. Questions for Mr. Goode? Seeing none, thank you very much, Mr. Goode.

MR. GOODE: Thank you.

CHAIR VICTORINO: Eric Romanchak, followed by Lucienne deNaie.

MR. ROMANCHAK: Mr. Chairman, thank you. I am Eric Romanchak. I am a Upcountry resident. I live in Keokea. I walked in a few minutes late, but I’m gonna assume that there was no earlier testimony by a...from the Water Department at this hearing. I was hoping to hear sort of what their position is on this bill. But nevertheless, I guess the reason I’m here is I was at the meeting at the Kula Community Association last week and up until then had been rather discouraged and distressed by working with the Water Department about the possibility of someday in my lifetime being able to provide basically separate lots for my kids in Keokea, a very simple thing. And I’ve been on the waiting list for four or five years. And the response that we were, not only...
myself but others like me, were getting from the Water Department was is that, don’t hold your
breath, Eric. We have no plans at the present time to provide any new source of water, upgrade
the delivery system. We’re just kinda stuck. And so when I heard you speak and others speak
the other night, all of a sudden I thought, well, maybe there is something that is perhaps gonna
happen with the effort of obviously this Committee and others. And…and so I thought I’d come
today to see what the Water Department will say.

The reason why I bring this up is in following this whole controversy over the years primarily
from having to read the reports in the newspaper when the original ordinance was passed, it just
struck me as being sort of a strange way to run the...the water system whereby the...the political
side of our County here had to listen to the complaints about the H’Poko Wells and then pass an
ordinance to resolve that issue rather than it being dealt with, in my view, by the Water
Department, which would be the appropriate way to do it--meaning the water is either useable
and can be made safe for either ag purposes or consumption purposes. And yet, this bill got
passed and so I kinda felt sorry for the Water Department saying, you know, this was probably a
source that they had planned on using in their system whether it was, as Chubby said earlier, for
Down-country or pump it Upcountry if it’s feasible and economical. And it seems like we’re
right back at the same point, you know, this group of people here may or may not make a
decision to keep this ordinance alive, amend it somehow or perhaps do away with it and place
the responsibility on the Water Department. So it’s puzzling to me that...this is the way
decisions have been made and are gonna continue perhaps to be made. It’s a really difficult way
to do it because there are people here who have a very vested interest in...in seeing that the water
is safe and have done a lot of work to, in their own minds, to determine what should be done.
And yet, you know, it seems to me the Water Department ultimately should have that
responsibility. Either trust that Department or you don’t. And if you don’t, then I guess you pass
ordinances to tell ’em what to do. Don’t use water from this well.

And so I hope that...that issue can be resolved as part of this process. And so I...I guess I’m
here saying I would encourage you to do what you plan to do, is to have a further hearing, but to
use that source to help people who for so long have hoped that they could...have water sufficient
to live Upcountry and to farm and to raise their families and to provide, in my case, some lots for
my kids who...who could only afford to live there in the long run, I suppose. But I encourage
you to continue your good work. I...I’m encouraged at this point to where as before I would say,
it was so discouraging that it was hard to even...talk about it. So good luck to you. I will be at
your next meeting. I do have some written testimony that you will receive. I think a lot of it has
been already covered, but thanks for your time.

CHAIR VICTORINO: Thank you, Mr. Romanchak. Any questions? Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Mr. Romanchak, for being here. First of all, you
didn’t miss anything because the Water Department has not presented anything so far in this
meeting. We’re in the testimony phases...

MR. ROMANCHAK: Yeah.
COUNCILMEMBER BAISA: ...and I know they will when we’re done. But the other thing was I just wanted to tell you that there’s a lot of hope. I believe that this Council is very committed to trying to solve problems. And I, for one, I’m very...trying very hard because I know it’s been a long-standing problem and we’ve got to find a solution to it. It’s the right thing to do. Thank you.

MR. ROMANCHAK: Well, I appreciate that. I...I know that if you talk to some people in the Water Department, they’ll say, you know, our hands are tied and...and they’ll blame it on the Council, and...and I hate to see that happen. It’s just something that should work together. I think there is a solution. Thanks.

CHAIR VICTORINO: Thank you, Mr. Romanchak. Any other questions? Seeing none, Lucienne deNaie followed by the last testifier who signed up, Christina Hemmings [sic]. And I will give one more opportunity if anybody wants to sign up, to go out to the table and sign up for public testimony. ...Good morning, Ms. deNaie. Go ahead.

MS. deNAIE: Good morning, Chair Victorino. Good morning, Committee Members. Lucienne deNaie testifying on behalf of myself. I’m passing out a couple of simple handouts, and the origin of these is perhaps useful to you folks. One is a map of wells in the Paia-Makawao-Haiku area that surround the H’Poko Wells, including the H’Poko Wells. This was developed by Tom Nance as part of a water report that he did for Maui Land & Pine back in 2003 or so when they were proposing their Pookela Well to show how it related to other wells. The second sheet is the Department of Health listing of wells that are known to have some impairment with some sort of contaminants, and listing the specific contaminants that have been found and the levels and so forth. This is just to make a point that these wells are not alone in having a problem. They’re in a cluster of wells--that the pink are all the wells that are on the...the list. And the yellow is where the County treatment plant is, Kamole Plant, and also where the Maui Land...Land & Pine, Haliimaile Well is. I...I bring this up because we all want a way to have water for residents and farmers., and we need to know the facts and be well informed about the costs and benefits of each potential source (coughs) in order to really solve that. So . . .(End of tape 2A, start 2B)...wells, is very much information about how much water they’re going to produce, what the overall quality is gonna be for one length of time.

I want to go into a little history here. Back when DBCP was first considered to be banned in the 1980s, Sierra Club members were very active in holding public forums, because they were concerned that this was something that was going to get into groundwater. They were told by all the experts at the State Department of Health, the State Department of Ag and so forth, this substance does not migrate into the groundwater. These folks probably acted in good conscience. My point is is that the information we have at any given time is the best to anybody’s ability. But the chemical soup of what we kind of see is the legacy of our agricultural practices here, EPA does not have standards for, EPA does not have testing for. We’ll find out in another generation what it does.
So our question, is there any other source of water that might have no contaminants in it that would be available to relieve drought? I'm going to propose two to you. One is the Maui Land & Pine well, which is lightly used, it is across the street from our water treatment plant so its cost would not be huge to get water there. The second is the Zach...Franks' well which is up above St. Joseph's Church. That well is about 1,000 feet from an existing County tank, distribution tank at Pookela. It is expensive to pump water at that elevation, but it's already at the elevation where a lot of people need it. And the County, I believe, is in discussions with Mr. Franks. You know, I'm not privileged to know where they're going or how they're going. But I just thought this Council might like to know there are some other lights on the horizon that they maybe should be considering the cost and benefits of besides looking only in one direction. I bring this up because the only reports that have been done on the Paia Aquifer characterized it as very thin. In fact, the Water Commission in 1997 said that each well will yield just .5 million gallons a day because of the thinness of the lens. Now, our Water Department thought each of these H'Poko Wells would be good for a million gallons a day. It may be based on their head levels that they only are good for .3 million gallons a day. Is this going to solve our drought, or do...are we...are we gonna need to look in some other directions?

So I hope that you look at all the facts. Look at the waste in the system. Look at the Upcountry pipeline where we have these old flumes. We know that in Na Wai Eha, 7 million gallons a day of water is wasted. That's practically what we use for our whole Upcountry system. How much is being wasted in East Maui system? How much more water could we find simply by investing in better use of the system that we have? Please get the research before you make a black-and-white decision about a well that may have limited capacity and unknown risks. Thank you.

CHAIR VICTORINO: Thank you, Ms. deNaie. Questions for the testifier? Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Chair. Good morning, Lucienne. Thank you for your testimony. Just to clarify the, I guess, the well from Mr. Franks.

MS. deNAIE: Yes.

COUNCILMEMBER MOLINA: Isn't it true, though, that well is tied into a proposed development that he has for Makawao? I think it's roughly 200 units?

MS. deNAIE: It probably is.

COUNCILMEMBER MOLINA: Okay. That's...that's all I wanted to--

MS. deNAIE: Yeah, yeah, yeah.

COUNCILMEMBER MOLINA: --get clarification. Thank you. Thank you, Mr. Chairman.

CHAIR VICTORINO: And I'm gonna--
MS. deNAIE: But it may--

CHAIR VICTORINO: Hang on, please. I’m gonna stop you now because I’d like to stay on the...the matter at hand, because we start going into areas we have no knowledge or no information on, we open up the public to innuendos, and I just would rather stay--we’re talking about this, let’s stay at, Lucienne, if you don’t mind. I understand what you’re saying and there are other options, but today we’re not talking about those options. If we...we can just stay where we are. And everybody understands there are other options that the County is working on. But I’m not privileged to give you information and I would hate to see...give wrong information or misinformation all around. So let’s keep the questions to H Hamapoko [sic]. Ms. Baisa, please.

COUNCILMEMBER BAISA: ... (chuckle)... Thank you very much, Chair. And thank you, Lucienne, for being here. You certainly have a lot of knowledge about water. I’m looking at the sheet you gave us, that list of wells and the chemicals.

MS. deNAIE: Yes.

COUNCILMEMBER BAISA: Where are the H’Poko Wells? Are they on here?

MS. deNAIE: No, they’re not listed on there.

COUNCILMEMBER BAISA: Okay, ‘cause I wondered if they might have anything to do with the Maui High well...the Maui High School wells, but they’re not on this list.

MS. deNAIE: They’re not on that list. Those are the wells surrounding them.

COUNCILMEMBER BAISA: Okay.

MS. deNAIE: Yeah.

COUNCILMEMBER BAISA: I know you have a tremendous amount of historical knowledge and...you’d save us a lot of looking. If they were, what would they say?

MS. deNAIE: One of the wells has, I believe, three contaminants, DBCP, TCP and EDP, and at various levels. The other, I think, doesn’t have DBCP but has higher levels of, I believe, it’s EDP and...and has some levels of TCP. The...the thing is I don’t know how often--and Mr. Eng can address this--how often they are tested because a lot of times these test results are...are older. And what we found just in doing research is that it’s cumulative, so maybe you tested in ’98 and didn’t find too...too high levels, but you test again in 2005 and they’ve gotten higher. We don’t know why. Water is mysterious and the things that are carried by water are mysterious. But, you know, my main message is get the facts. Have a public hearing.

COUNCILMEMBER BAISA: Right. And thank you very, very much for coming.
MS. deNAIE: Sure.

CHAIR VICTORINO: Other questions for the testifier? Seeing none, thank you, Ms. deNaie. Okay, now Ms. Christina Hemmings [sic], followed by Michael Covich.

MS. HEMMING: Good morning, Council. My name is Christina Hemming and I live in Haiku. I would like to first state that, Ms. Baisa, thank you so much for letting us know that you have family with land and that you have a vested interest. You should recuse yourself from voting on anything in relation to this proposal. I would like to also point out that in 1999 there was a settlement by the Water Commission for $4 million and 40 years of filters that were gonna be paid by Maui Land & Pine and Shell Company. Well, that was 10 years ago. There’s only 30 years left on those filters. So who’s gonna pick up the tab on the filters of the polluted water that we have in Maui County, which would include the H’Poko water? The County of Maui! You guys ready to pump out millions of dollars for filters every year because a company put something on the land to kill some nematodes? You know, this whole...we’re salt water, we’re so resistant...we must’ve been living here for so long. It kinda reminds me of a Native American who dresses up like a cowboy, or the man who fathers the child with the girl he abducts and thinks it’s so normal. It is not normal to drink polluted water. It’s not normal to bathe in polluted water. And it’s not normal to take a shower in polluted water. When you add heat to water, it goes into your system. The skin is the largest organ in your body and it goes into every single organ. Hence, the blue baby syndrome caused by nitrates, reduces the oxygen in levels in the body and creates complications for people. Maybe it makes them cloudy in their thinking.

Small amounts of chemicals create large changes in the endocrine system. They create breast cancer, ovarian cancer, testicular cancer, prostate cancer. Is this what you want? I’ll read to you something I got from Maui Land & Pine off their site. 2008, their stock for the New York Stock Exchange when they go up for their corporate board. Pursuant to a ’99 settlement agreement with the County of Maui, the company and several chemical manufacturers...have agreed that until December 1, 2039, they will pay for 90 percent of the capital cost to install filtration systems in any future water wells with the presence of nematocide, commonly known as DBCP, when it exceeds specified levels for the ongoing maintenance and operating costs for filtration systems on existing and future wells. The...company is presently not aware of any plans by the County of Maui to install any other filtration systems or to drill any other wells in any areas affected by any agricultural chemicals. Accordingly, a reserver cost relating to any future wells has not been recorded because the company is not able to reasonably estimate the amount of liability, if any. Well, it is true. The County should have several biologists. The County needs to accommodate this in the budget. And the County needs to look to other wells that are clean. And if you have a vested interest in getting a permit or getting a meter for anybody that you know, then you’re violating the law. Thank you.

CHAIR VICTORINO: Thank you. Any questions for the testifier?

COUNCILMEMBER NISHIKI: Question.
CHAIR VICTORINO: Ms. Hemmings [sic]. Go ahead, Mr. Nishiki, please.

COUNCILMEMBER NISHIKI: Yeah. What...this '99 settlement, what is that? Is there a number on the settlement, number given to it or anything that we can see if this is related to the H'Poko Well?

MS. HEMMING: This was just something I picked up off of the Maui Land & Pine Security Exchange Report. But I do believe that there are other people who have a lot more--first of all, the...the...as you all know, the...the Water Commission with Elmer Cravalho cut an inside deal with the chemical companies and it's...it's secret. I mean no one really knows how much money the County got. No one really--we all know...okay, we all know that 2039 is the end date on the filtration systems. Why that was made, why that was done is, you know, beyond--it should have been 400 million and it should have been forever filtration system. The County got stuck with another bad deal. Now you guys are gonna have to pick it up. But in 30 years almost everybody here is gonna be dead. It's gonna be the next generation that's gonna have to pick up the pieces. So that's what you can say to the kids that you teach in school and your grandchildren. I hope you do the right thing.

COUNCILMEMBER NISHIKI: So that...that...that...what you're reading from does not specifically say or say H'Poko or anything to that?

MS. HEMMING: No, it's just for any well that's contaminated with DBCP is apparently included in that settlement agreement.

COUNCILMEMBER NISHIKI: Okay. Thank you.

MS. HEMMING: But I'm sure, Counsel --

CHAIR VICTORINO: Yes.

MS. HEMMING: --Corporation Counsel would say something.

CHAIR VICTORINO: Thank you. Ms. Baisa, please.

COUNCILMEMBER BAISA: Thank you very much, Ms. Hemmings [sic], for being here. I wanna put your mind at ease. I am probably...I can't remember the exact number, but I think it's something like 790-something on the Upcountry Water Meter List. I am 69 years old. I will probably not be here. I'm one of those people that'll be gone in 30 years, maybe 20, maybe 10. I don't know. You know, this is Russian roulette here. It has been such a serious thing in our family, this lack of water meter...availability, that I've already lost my only daughter. She moved to Hilo in order to be able to have a home, even though I could have...you know, helped her get one. If this is an issue and anybody else feels it is an issue, I have no problem in going to the Ethics Commission for a decision. But I gotta tell you right now, I am not going to personally benefit and very
unlikely my children who are almost 50 years old. So that’s the situation. But I am very concerned about long-term residents Upcountry who cannot take care of their own children and get them housing. It’s really sad. And yet we pay property taxes every year. I pay more taxes on that land than I pay on my own home that I bought and paid for. And so it really is more of a liability to me than an asset. And I’m trying to figure what to do with it because it has sentimental value. It’s been in my family and, you know, my grandfather came here and worked very hard to get it. My mother worked very hard to keep it. So, you know, as far as personal gain, I don’t see it, but if there’s any question of that, I’m more than happy to go to Ethics Commission. Thank you.

MS. HEMMING: Well, I...I appreciate your position. And I completely support clean water going to kama'aina and Hawaiian families. They deserve it more. Why did Everett Dowling get to open up that development well--

CHAIR VICTORINO: Ms. Hemmings [sic], Ms. Hemmings [sic].

MS. HEMMING: --and then shipped the water somewhere else?

CHAIR VICTORINO: I have done this before and I will stop you now--

MS. HEMMING: That’s all right, Chair.

CHAIR VICTORINO: --because I wanna stay on the--

MS. HEMMING: Thank you so much.

CHAIR VICTORINO: Thank you very much. Any other questions for the testifier? Seeing none, Mr. Nishiki, if you look in your binder, there is a letter that was--a memo--sent to the members of the Water Resource Committee, dated August 29, 2006. In there there’s a settlement agreement and release of all claims that was made between the plaintiffs, which was the Water Supply, the County of Water and Dow Chemical Company, Occidental Chemical Company, Shell Oil Company and a bunch of others. I won’t go into details, but it is there for you to read and peruse as far as some of the settlements which Ms. Hemming and others have spoken about, okay? So it’s in your...your binder dated October 29, 2006 [sic], okay? Final testifier is Michael Covich. Michael? And if you can’t find it, we’ll have the Staff help you. You got ’em? Okay, thank you. Michael, go ahead.

MR. COVICH: I have a question, in general, for this more than anything else. Does anybody...can anybody here tell me where pure water exists on the island of Maui today, let alone anywhere in the world?

CHAIR VICTORINO: ...I don’t think you’re gonna get an answer, but go ahead if you have testimony. I...I wouldn’t want to answer that question ’cause I’m not an expert.
MR. COVICH: I'm not either. The only relevant conversation, I guess, I can relate to this is, as far a pure water goes, is in fact the carrier. I was having a conversation once about 10 years ago with a gentleman that used to be a chief of a nuclear...chief of a boat of a nuclear submarine. And people don’t generally...can’t really drink pure water because one of the things they discovered was is that it pulls out fillings. And I’ll leave it at that.

CHAIR VICTORINO: ...((chuckle))... Thank you. Any questions for the testifier? Seeing none, thank you. Mr. Covich was the last testifier and I’ll give one more opportunity for anybody who wants to give testimony. And seeing no one rushing to the podium, I will, with no objections, close public testimony for the September 1st Water Resource Committee meeting.

COUNCILMEMBER BAISA: No objections.

CHAIR VICTORINO: Thank you.

...END OF PUBLIC TESTIMONY...

CHAIR VICTORINO: What we’ll do is we’re nearly at 11 o’clock. I’m going to take a short recess to 11:05 and ask then that the Department give us the overview and give us their take on all of this. And then after that, we will have some discussion and I will give you my recommendation as far as this item is concerned. This meeting stands in recess to 11:05. ...((gavel))...

RECESS: 10:53 a.m.

RECONVENE: 11:06 a.m.

CHAIR VICTORINO: ...((gavel))... The meeting of the Water Resource Committee September 1, 2009 meeting will reconvene. Members, I also wanted to mention that we...we...we did receive written testimony from various constituents. And I wanted to make a note of one particular...testimony that was sent by a Dan Cretton. Now Dan--and I’m not gonna read it, you have it in...for you to read and it’ll be in pubic records, but I wanted to mention Dan Cretton is a Captain in the Maui Fire Department and if you read the bottom of the...the...the testimony, he’s saying he apologizes for not being here ‘cause I’m a firefighter and will not be able to get off such short notice. I may be getting a free trip to Molokai tomorrow. In other words, he has headed over there today because this was given yesterday and our thoughts and prayers are with our fellow citizens on the island of Molokai. And we’d like to take a quick moment to thank all our firefighters, those from the Department of Land and Natural Resources, the State firefighters and others who have worked very diligently in containing the fire. It is still, at last report, still burning very vigorously in the upper parts of...the mountainside above Kaunakakai. So our prayers are with those citizens and the island of Molokai. And hopefully all our firefighters and all personnel who are...intricately involved in fighting this fire keep safe and no one is injured.
Anyhow, I did that as a prelude because I was waiting for Mr. Eng to return. . . .(chuckle)... We have lost the Director.

COUNCIL MEMBERS: . . .(chuckle)... 

CHAIR VICTORINO: I think that becomes difficult if he’s opening the opening statements, right?

COUNCILMEMBER BAISA: Recess.

COUNCILMEMBER MOLINA: Recess.

CHAIR VICTORINO: Recess again?

COUNCILMEMBER BAISA: Until he comes.

CHAIR VICTORINO: Okay. Let’s call a quick recess, subject to the Chair, so that when he returns we’ll get started. So don’t stray off, gang. This meeting for the Water Resources Committee is now in recess. . . .(gavel)... 

RECESS: 11:09 a.m.

RECONVENE: 11:10 a.m.

CHAIR VICTORINO: . . .(gavel)... I reconvene the meeting of the Water Resource Committee. At this time, our esteemed Water Director has returned and I will ask him if he would like to make opening comments on the bill that we are discussing today.

MR. ENG: Thank you, Mr. Chairman.

CHAIR VICTORINO: Go ahead, Mr. Eng.

MR. ENG: And good morning, Committee Members.

COUNCIL MEMBERS: Good morning.

MR. ENG: I...I’d like to just kinda reiterate what the Chair has proposed in regards to amending ordinance and Section 14.01.050. And as we understand it, he is proposing that we’re able to utilize the two H’Poko Wells in times of mandatory drought periods Upcountry. And I’m certainly supportive...of his opinion and his amendment. But in reviewing the operations of our Upcountry system and some of the other desirable goals that we would like to see Upcountry, and one of these desirable goals is to issue additional water meters. And in reviewing Mr. Victorino’s proposal--

COUNCILMEMBER BAISA: Chair.
CHAIR VICTORINO: Yes. Hang on. Ms. Baisa?

COUNCILMEMBER BAISA: Excuse me. I'd like to rise to a point of personal privilege. Can we kinda quiet down the noise in the lobby?

CHAIR VICTORINO: Okay.

COUNCILMEMBER BAISA: We cannot hear what Mr. Eng is saying.

CHAIR VICTORINO: No, you cannot close the door. Miki, will you ask them to keep the noise down, please?

COUNCILMEMBER BAISA: Thank you, Chair.

CHAIR VICTORINO: Yeah, thank you. I...I apologize. Maybe close that side, Kim, 'cause that side is not so loud. ...Okay. Oh, maybe it's both sides then. Okay, Mr. Eng, if you would and could you speak up just a little bit so all of us can hear you?

MR. ENG: Yes, I certainly will. Thank you, Mr. Chairman. So if I can reiterate. And one of the desirable goals is to be able to issue meters Upcountry. And the proposal that Mr. Victorino has put on the table, while it will help us in drought emergency times, it does not allow us to issue additional meters. And, therefore, I would like to take his proposal even a step further, if I...if I may.

CHAIR VICTORINO: Go ahead, Mr. Eng.

MR. ENG: Thank you.

CHAIR VICTORINO: Go ahead, Mr. Eng.

MR. ENG: And that is, I would like to propose that the Water Department would have the ability to utilize H’Poko Wells any time, any kind of emergency or within drought and in an operational emergency. By having those two wells available for any type of emergency backup, then we would be able to issue more meters off of our Pookela Well. And as you might recall, when I took the job in January ’07, that was one of the wells that we were highly anticipating coming on line. And I believe we finally got it on line around May of that year. But unfortunately because of this ordinance that banned the use of the H’Poko Wells, the Pookela Wells merely became a backup source. So therefore, again, I would like to propose that we can utilize H’Poko Wells at any time and we may even want to look at just...just going on and...repealing this section of the ordinance altogether, but allow us to use it for, again, the H’Poko Wells at any time for any type of emergencies. And if we’re able to do that, then we will be able to issue...I’m estimating at this time, several hundred meters off of the Pookela Well. Thank you.
Chair Victorino: Thank you, Mr. Eng. Before I open the floor up to questions, at this time I want the Committee to understand what we’re considering is what was proposed at this time. I mean if we want to make any changes, then at a later date that could be available. Also, I want the Members to, if at all possible, stick to the questions about the two wells and the issue of the two wells. And if you have specific questions that we don’t get time to answer today, ‘cause I’m trying to conclude by 12:00 because we have the Budget and Finance Committee at 1:30, then I will also entertain any written questions directly to the Department so that at any meeting in the future with the public--and that is the Chair’s intent, to ask your permission to have a public hearing after I check with...our Council Chair...and the powers to be--then we can make sure these answers to many of the questions that were presented today by the testifiers will be available so that all of us will have it readily at our fingertips. So at this time, I’ll open up the floor. I’ll start with Mr. Molina and go from there.

Councilmember Molina: Thank you, Mr. Chairman. Question for the...Director Eng. Good morning, Mr. Director, and thank you for your comments and your, I guess, new proposal as it relates to this bill here today. So just so we get a full understanding of this, you’re looking at, I guess, using the H’Poko Wells for all emergencies. And because Pookela had been used as the so-called emergency or backup well, by opening up H’Poko, Pookela can be free...I guess more water meters can be issued because of now the water that will be made available from Pookela which will now be used...will not be used as an emergency backup. Am I correct with that?

Mr. Eng: That is correct--

Councilmember Molina: Okay.

Mr. Eng: --Mr. Molina.

Councilmember Molina: Okay. What is the current yield of Pookela, just for informational purposes?

Chair Victorino: Mr. Eng?

Mr. Eng: Thank you, Chairman, Mr. Molina. Pookela Well, our plans to operate Pookela would be as a production well. And even though it has a capacity of 900 gallons per minute, which if you were to run it at 24 hours full capacity, you could get up to just about 1.3 million gallons per day. But I would propose that we would operate that well at about 45 percent capacity which is...which is...is in compliance with our water system standards as you’ve probably heard before, this 45 percent of total capacity. So operating that at 45 percent and if you would keep in mind that in 2006 the Department did issue 200 meters off that well in anticipation of Pookela Well coming on line earlier. So I want to adjust for that, but I...I can see us issuing an additional several hundred 5/8-inch meters with that scenario.

Councilmember Molina: Okay. And the yield for the...the H’Poko Wells? ... (inaudible) ...
MR. ENG: The H'Poko Wells have...each have a maximum pump capacity of half a...what is it, point...it's 500 gallons per minute. So total if we operate both of ’em, we would get 1.44 million gallons per day. But that’d be only backup. But where this seems reasonable, this scenario of utilizing Pookela, is that not only do I wanna keep it...the pump...the pumping rate to within our standards, but also if Pookela were to have an operational problem, it would only take one of the H'Poko Wells to be able to back up Pookela while it undergoes repair. So operationally it...it would make sense for the Department.

COUNCILMEMBER MOLINA: Okay. And one final question, Mr. Chairman. You know, well, myself, there’s a few who lived in the Upcountry area for years, and for many years the...the H’Poko Wells were used as backups. And you’ve heard some of the concerns with regards to the water quality. Do the H’Poko Wells meet the...or have met the EPA standards to your knowledge?

MR. ENG: To my knowledge, you know, when the...when the wells are operated and treated by the granular activated carbon treatment facility, it...it far meets EPA and Department of Health standards. Granular activated carbon removes all of the contaminants, all of the synthetic organic carbons which are the TCP, DBCP contaminants that are present in the well. Again, the County does run a well in West Maui, Napili A, with the same kind of treatment. And we have no complaints from our customers there. I operated a private system in West Maui that had three wells of even higher levels of the same contaminants, yet treated by GAC. And I had a very vocal customer base, too, that I had to deal with, and we never had any complaints from the customers about water quality.

COUNCILMEMBER MOLINA: Okay, thank you. Thank you, Mr. Chair.

CHAIR VICTORINO: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Mr. Chair. And thank you very much, Director Eng. I’m very intrigued with your proposal. The reason why I’m interested in it is I found this proposal kinda interesting and I’ve heard it said by several of the testifiers and I thought the cute...summation of it was, does drought cure whatever’s wrong with these wells? That it would be okay to use them in a drought of 10 percent, but not okay to use them the rest of the time. It doesn’t make any sense. You know, if the water’s not acceptable, then it shouldn’t be acceptable at any time. And if it’s acceptable, then it should be acceptable all the time. So, you know, it’s kind of interested me. But the question I wanted to ask you and this was said by one of the testifiers and I noticed your facial reaction, so I’m kinda curious ‘cause I was surprised. Are the H’Poko Wells being used by Kula farmers and will there be an effect on ag if we do this?

CHAIR VICTORINO: Mr. Eng?

MR. ENG: Thank you, Mr. Chairman, Member Baisa. Currently, the...the H’Poko Wells are not utilized at all. Last summer when the Wailoa Ditch was at very low levels, we did operate it for a
few days and pumped the...the water from those wells into the...basically it’s at the Kamole Weir, but really into the Hamakua Ditch that serves the Kula Ag Park. But that was just to make sure that the Kula Ag Park farmers had water. But that’s the only time we’ve operated that, those pumps, in the past few years.

COUNCILMEMBER BAISA: Thank you very much because that was my impression also. And, of course, you know, as an Upcountry representative, you know, I’m basically between the devil and the deep blue sea because I do know how important this idea of taking care of the people on the Upcountry Water Meter List is. You know, it’s...it’s really something that...follows...and me and I’m sure it dogs you every day of our lives and people always wanting to know when I’m...when am I gonna get my meter. So when there’s a possibility, I think it’s really important that we check it out and if we can, to try to make it happen. But I am at the checking it out stage and, of course, at this point love the idea that we might be able to take care of several hundred people on that meter list. But, of course, we have some steps to go through here first. So thank you very much. And thank you, Chair. I want to congratulate you and thank you for having the courage to bring this up.

CHAIR VICTORINO: Thank you, Ms. Baisa. Mr. Pontanilla, please.

VICE-CHAIR PONTANILLA: Thank you. Thank you for that information in regards to, you know, we utilizing H'Poko Wells, No. 1 and No. 2 to provide water for the farmers up in Kula. You know, this morning we heard testimony in regards to why don’t we take out more water from the ditch? And I know we...we do have an agreement with the plantation in regards to the water use. And maybe you can kinda explain to me--I don’t know about the...the rest of the Members might be interested in that agreement--regarding the use of that water.

CHAIR VICTORINO: Mr. Eng?

MR. ENG: Thank you, Mr. Chairman, Member Pontanilla. Currently, the agreement with EMI allows us to draw up to 12 million gallons per day from the Wailoa Ditch. And that is something that we have never drawn basically...because the treatment capabilities at the Kamole Treatment Plant. We are currently doing some significant upgrades, changing the ...(End of tape 2B, start 3A)...but still there are some limitations in just the design of that plant. Another reason why we don’t take more from that plant also is at...at times when we do have water in the reservoirs at the upper levels at the Olinda facility in Piiholo, then we would obviously treat it there so we wouldn’t have to pump water to those elevations. And we can serve those service areas off those treatment facilities as well as drop water down. So, therefore, we’re not going to maximum production at...at Kamole all the time. That all depends. It’s a very unique system Upcountry with the three different surface treatment plants and it’s constantly balancing water between those three service areas. But again there’s basically some design limitations with that plant.

VICE-CHAIR PONTANILLA: Thank you. It...you know, in drought conditions like that sometimes the ditch is not at capacity. So who has priority? Does the County have priority regarding the
12 million gallons that we can possibly draw or do we set...are we number two and...HC&S is the first priority?

MR. ENG: Mr. Chairman.

CHAIR VICTORINO: Go ahead.

MR. ENG: Member Pontanilla. Pursuant to the agreement with EMI, there is basically a formula that we would...should utilize when the levels at the Wailoa Ditch drop and I believe if it drops below around 16 million gallons per day capacity, and we have gotten that low last year for a period of time. But we have kind of like a gentlemen’s agreement with...with EMI and HC&S. And for...instance, last year when it did draw...drop very low, the levels, they allowed us to take all the water that we needed first. And, therefore, they even stopped replanting fields, irrigating fields and allowed us to take whatever we needed. So we had a priority and the Kula Ag Park had a priority. And they chose to...to be last in line for the water.

VICE-CHAIR PONTANILLA: Thank you. Thank you, Chairman. That’s all I have for now.

CHAIR VICTORINO: Okay, thank you, Mr. Pontanilla. Further questions for the Department? Mr. Medeiros, followed then by Mr. Nishiki.

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. And, Director Eng, thank you for being here and for your opening remarks. So Member Molina asked you and you responded. So the water coming out of Hamakuapoko Wells are certified safe?

MR. ENG: Member Medeiros, when they are treated by the GAC facility, they are certified safe.

COUNCILMEMBER MEDEIROS: Okay. And you responded that they’re certified safe both by the EPA and...and State DOH?

MR. ENG: That is correct.

COUNCILMEMBER MEDEIROS: Okay. So once that is done and we go into using that source, who monitors the levels or the testing of the water quality and how often is it monitored and tested?

MR. ENG: Member Medeiros, most likely we would do the regular monitoring. It wouldn’t surprise me if Department of Health might use some quarterly monitoring, taking samples. But generally we would do the monitoring. And I’m not certain what the frequency would be. We could go as infrequent as every quarter because as you...monitor a GAC facility...basically the granular activated carbon is...is held in a huge stainless steel vessel, and at the H’Poko Wells we have two...two vessels. Each of those hold 20,000 pounds of carbon. Fortunately for our operations we only need to use one vessel at a time. So we can have a spare vessel as backup. But the way the vessels are constructed and designed is that there are various sampling ports in the vessels themselves. So if you can envision the water flowing through the vessels starting from the top
going down, what you typically would do is you take samples on the incoming, the...the influent. And then you can take samples at three ports within the vessel, as well as effluent, and take a sample. And, therefore, you can monitor if there’s any movement of any of the contaminants through the vessel. And that will also help you determine when you need to plan to change out the carbon. Again...what the H’Poko system is really good because there are two vessels. So even if you do see the movement down one vessel, you can make plans to replace the carbon but if you need to, you can go to the second vessel as a backup.

COUNCILMEMBER MEDEIROS: Okay. You...you did hear some of the testimony this morning. And there were a few of them that said even when you treat the water there remains some trace levels. What is your understanding of that?

MR. ENG: Member Medeiros, it depends what you’re treating for. As far as, like, these particular organic contaminants, there’s...it’ll treat it down to a level that is not detectable by any kind of current lab instrumentation. So it doesn’t mean that it’s not existent, but it can be detected. And some of the detection limits nowadays on some of these equipment are so low that it’s almost ridiculously how low you need to go. So...but again it basically removes organic types of contaminants. Inorganics do not get...are not removed by GAC.

COUNCILMEMBER MEDEIROS: Okay. And you...you did allude to the Wailoa Ditch. Is that the ditch coming out of East Maui?

MR. ENG: Yes. That’s the primary ditch.

COUNCILMEMBER MEDEIROS: Okay. And so it’s at $12 million--12 million (chuckle)--12 million gallons per day, is...is that what is available to the County or the County shares that amount?

MR. ENG: Pursuant to our agreement with EMI, that is the maximum amount we can draw.

COUNCILMEMBER MEDEIROS: I see. Okay, and so it’s, like you said, a gentlemen’s agreement between the County, EMI and HC&S. So this is not an...executed legal agreement?

MR. ENG: No, I was making reference to when there is very low flows in the ditch--

COUNCILMEMBER MEDEIROS: Okay.

MR. ENG: --how our gentlemen’s agreement kicks in.

COUNCILMEMBER MEDEIROS: Oh, okay. Okay, so finally, what is the cost to the County for the GAC filtering and how often do you have to replace the materials at what cost?

MR. ENG: Well, basically as far as replacing the granular...activated carbon, that is covered under the DBCP settlement, I believe of 1999, that was referenced earlier in testimony. So, therefore, pursuant to that agreement, you know, until 2039, it is paid by the defendants of that settlement.
But it is fairly costly to replace carbon, probably for...for the two vessels would be in order of 120 to $150,000 per change out. And from the experiences I’ve had with GAC, you may be changing that out every year and a half. So that’s the primary cost with granular activated carbon.

COUNCILMEMBER MEDEIROS: Okay. Thank you for that. And just finally, where...I think it was referred to by some other Members and from the testimony this morning about the Kamole Weir Treatment Plant that you also mentioned, that there is more water available but there’s some capacity issues with the filtering of the water. Is...is that correct? And that’s why we don’t...we...I think it was said that by Mr. Howden that we’re using 6 to 7 million gallons per day out of that Kamole Weir, when actually we could use 12 million gallons. So is the deficit of what we don’t use caused by filtering capacities available at that treatment plant?

MR. ENG: Member Medeiros, we are, as I mentioned earlier, we are doing a retrofit project right now. In fact, the new state-of-the-art membranes are being shipped off from Sydney, Australia as we speak. That will improve some capacity. It will allow—again, it’s a more efficient membrane. But there are some other design issues in that plant—because, remember, that...that plant was never really intended to be there. That was just a convenient location and we kinda worked around the Wailoa Ditch. You know, that was originally...the plantation used it as a way to allocate water to the various sugar plantations. And there are some things we probably can address in the future to maybe improve our draw. But again, you know, when there’s water at higher elevations, we’re not gonna produce 6 or 7 million gallons per day. For instance, currently, now we’re fortunate to have water up in Olinda, at the upper Kula as well...as Piiholo, the lower Kula. We have...we’ve been very fortunate this summer. So we can produce water at those elevations so we don’t...do not need to rely on Kamole at this time.

COUNCILMEMBER MEDEIROS: Okay, because I...I think we hear from the testimony that the County needs to develop sources so that the people Upcountry don’t have to go through a, you know, reduction in their use during the dry periods and...and so forth. And the meter list can be, you know, issued...more meters can be issued. So that’s why I asked about that. But thank you, Director, for your responses. Mahalo, Mr. Chair.

CHAIR VICTORINO: Thank...thank you very much. Before I recognize you, Ms. Baisa, I...I did say Mr. Nishiki so--

COUNCILMEMBER NISHIKI: No, go ahead. Gladys...Gladys can go.

CHAIR VICTORINO: Okay. Go ahead, Ms. Baisa. Mr. Nishiki has yielded to you.

COUNCILMEMBER BAISA: Oh, thank you very much, Mr. Nishiki. I appreciate it. My question should be very quick.

CHAIR VICTORINO: Yes.
COUNCILMEMBER BAISA: Number one, Director, when were these wells put on line?

CHAIR VICTORINO: Director?

COUNCILMEMBER BAISA: How old are these H'Poko Wells?

MR. ENG: Mr. Chairman, Member Baisa, I'm not certain of the date that they were first...I think probably around the mid-'90s they were constructed. I'm not familiar when the dates, when they were used as a backup for Upcountry for a period of time. So, I'm sorry, I don't have those dates available.

COUNCILMEMBER BAISA: Okay. I was just curious to know more or less about how long they have been around. Really not that long. Okay, second question. One of our testifiers mentioned, in fact it was Ms. deNaie, that there were two other opportunities for water and two other wells. And one she...one she mentioned was Maui Land & Pine's well across the Kamole Treatment Facility and the other was the Zach France well...Franks' well. Can you comment?

CHAIR VICTORINO: Mr. Eng?

MR. ENG: Thank you very much. Member Baisa, I...I don't really have information on Maui Pine's well. I kinda might've heard something that they had a well that they used for ag purposes sometime ago. I don't know if they operate it. You know, it's at an elevation that probably would cost...quite costly for ag water, for irrigation water. So I don't think it would be operating on any regular basis. As far as Zach Franks' well, we just met for the first time, I believe, last Friday. I mean not for the first time, but for the first time in about five months. So Mr. Franks wanted to resume some discussions. We had a cordial discussion. We're gonna continue talking. But at this time, we have no assurances that we're going to come up with any joint plan for his well. He may still want to keep it private. He is exploring that. He threw out a...number of things, that options that he's looking at. And...and one of them is he may just want to keep it private.

COUNCILMEMBER BAISA: Thank you very much. I...I don't want to put you on the spot 'cause I know when...negotiations are happening it's probably not a good idea to...to say too much. I did wanna know, though, what is the capacity of those wells? Of his well, I'm sorry.

MR. ENG: Member Baisa, you know, I have to look at his pump test. I believe...it sounds like it had a high capacity. But, you know, we need to, my staff and I, we need to look at the pump test to verify it, and we may even want to do some further pump testing 'cause we did not witness the test. And generally, we would like to be...have an inspector on site when the tests are being conducted.

COUNCILMEMBER BAISA: Thank you very much. I'm very interested in that well because, you know, I'm always annoyed that developers dig wells and seem to have great success and I'm jealous. Thank you. . .(chuckle). . .
MR. ENG: Thank you.

CHAIR VICTORINO: Well, I’ll… I will comment only that we have had one developer who dug a well that was very unproductive, and that’s Maui Land & Pine. So it’s not a perfect science and there’s things that do go wrong and the Department can attest to that. Ms. Baisa, to answer your question, H Hamapoko [sic] Wells were drilled in 1992. It’s in the… your material dated October 28, 2005. There’s a whole historical perspective, background information on when the wells were built, what the Phase I… they developed 2 million gallons per day. And there’s more information on that. So if you look in the binder on the October 28, 2005, the information as you’re requesting are in…is in there.

COUNCILMEMBER BAISA: Thank you very much, Chair.

CHAIR VICTORINO: And, in fact, a lot of the information you guys are asking are in there, but I understand sometimes, like me, there’s so much to read, you don’t know exactly where to go.

COUNCILMEMBER BAISA: And… and we haven’t had a whole lot of time.

CHAIR VICTORINO: That’s true, too.

COUNCILMEMBER BAISA: Thank you.

CHAIR VICTORINO: Okay, Mr. Nishiki?

COUNCILMEMBER NISHIKI: Thank you. Jeffrey, I wanna point to a Maui News article pictured with Charmaine Tavares, yourself and Senator Akaka. This news article is in regard to developing storage capacity and as you are quoted, the proposed reservoir would be ideally situated to take advantage of existing stream intakes, use of gravity to move water down to Pukalani-Makawao. That gives it the potential to be outfitted with hydroelectric… technologies so that the moving water could help generate electricity for the system. So the County has been looking at this with the help of Senator Akaka. We’ve got some State money to do some immediate… not immediate but to… to not deal with the high electricity cost that you point out today, and perhaps deal with some storage areas in the Upcountry area to help deal with farmers, people waiting on the water list and so on. Where are we on these projects because I think at one time, maybe not you, but your assistant was talking about we’re still looking at the selection of the site which is important to get near to the source that we wanna get the water from. And so this, to me, is something that is ongoing. What is the updated situation?

CHAIR VICTORINO: Mr. Eng?

MR. ENG: Thank you, Member Nishiki. The status of that particular project, and that would be the large storage reservoir for the lower Kula system, you know, that… the design of that project is highly reliant on Federal funding. And ever since then, the Mayor’s assistants had been working
with various Washington lobbyists and particularly focusing on the Hawaii Congressional...delegation to secure some funding. And there has been no success in that to date. So until we can get some assurances of some funding, you know, we cannot proceed on that. The...however, our staff is looking at some other potential sites that may even have some fewer challenges and maybe even have...fewer costs, too. And that is even at the Kamole Treatment Facility, you know, we have recently explored some potential sites there for a large storage reservoir. It wouldn’t have the desirable aspects of elevation where you could do the hydroelectric, you know, and drop water down to serve. But I think at this time, you know, we have to explore all avenues for storage. But really funding will be the key before we can go too far in any of these potential ideas.

COUNCILMEMBER NISHIKI: So...so that is not put on hold? It’s an ongoing project and I mean if we can’t get it with Senator Inouye, never gonna get it, just because of his position now. So anyway, I just wanted an update on that. The next area that I wanted to ask you about is H’Poko. You mentioned when Mr. Molina asked you the question of what Pookela Well was producing, you never gave us an answer, you gave us 45 percent of what the ability of what, of what, 1.9? Or what was it? So what is the exact gallons that 45 percent would represent?

MR. ENG: Member Nishiki, I think I responded to--

COUNCILMEMBER NISHIKI: Go ahead.

MR. ENG: --Mr. Molina earlier, but I think I said we have about total capacity of about 1.3 million gallons per day. And our proposal went to--beg your pardon?

COUNCILMEMBER NISHIKI: Go ahead.

MR. ENG: And our proposal was to operate that well at about 45 percent of that capacity.

COUNCILMEMBER NISHIKI: 45 percent.

MR. ENG: Which is our typical pump standards.

COUNCILMEMBER NISHIKI: So that would be 45 percent of 1.3?

MR. ENG: Yes. So and that would be...

COUNCILMEMBER NISHIKI: 500,000 plus.

MR. ENG: ...approximately 580,000 gallons per day.

COUNCILMEMBER NISHIKI: Okay. And then finally...H’Poko was 1.4. Now, let’s get some clarification on the settlement agreement and release of all claims that runs through 2039, of which you said that if there’s anything that is a cost, it would be the carbon filters that we use.
MR. ENG: That is correct. Basically, that agreement provides for both capital costs but, most importantly, the O&M costs.

COUNCILMEMBER NISHIKI: Okay. So now do we have any of this technology hooked on to the H'Poko yet?

MR. ENG: Yes, we do. As I mentioned earlier we do have the granular activated carbon vessels, two vessels in place, and they have been utilized.

COUNCILMEMBER NISHIKI: Okay. Now in regards to people testifying today for more testing, has this been an ongoing project to test? I know we’re...we’re probably not using the water for domestic use, but--

MR. ENG: No. Therefore, since we haven’t been using...utilizing the well, we haven’t done any testing.

COUNCILMEMBER NISHIKI: Okay. And so that testing, I think, was a concern, an idea to...to talk to what should be tested for, but normally what would be tested for if you know offhand or you know what should be tested for?

MR. ENG: Member Nishiki, again, for these particular wells because we know there are certain contaminants, you certainly are going to...perform a regular monitoring of those known contaminants. Periodically the Department of Health requires certain periodic testing of various contaminants, pesticides, inorganic chemicals, again on a very periodic basis, sometimes...as infrequently as every three years. But with these particular wells, we will probably monitor them pretty regularly as well as the granular activated carbon vessels. Again, we’d be taking samples from the various ports in the vessels...sending them off to a lab so we can track any movement of the chemicals through the vessel.

COUNCILMEMBER NISHIKI: Okay. And...and because you’re asking for the Council to use this for emergency so that Pookela could be used as a primary, would you be testing for DBCP, EDB, TCP, Atrazine, Bromacil, and nitrates?

MR. ENG: Probably we would.

COUNCILMEMBER NISHIKI: Probably. Not...not--

MR. ENG: But as far as the Atrazine and Bromacil, we’d have to look at those levels and see what are the requirements of the Department of Health. But definitely the EDB, TCP and DBCP would be regularly tested. We can also do nitrates on a regular basis, too.

COUNCILMEMBER NISHIKI: Yeah. I guess, Jeff, the...the...the concern has to be from the general public today in regards to making sure that we test for these. I mean to me--
MR. ENG: Certainly.

COUNCILMEMBER NISHIKI: --if they're asking for it and we know...we know what they cause. Scientific data has shown us that they cause cancer...blue baby syndrome, and so it would seem that prior to even thinking about using it, this water, whether for emergency or not, government should be responsible for making sure that we get as clean as much a water to be sent up to our Upcountry people that...as we can.

MR. ENG: I certainly agree.

COUNCILMEMBER NISHIKI: Now, I was reading from a report in Honolulu that it took over a year, Jeff, because as the pumping occurred nitrate levels were rising. Is this something that is normal? Is this something that you’ve experienced in your years of working for a private company and then working for the County? Or have you seen those kinds of tests done?

MR. ENG: Member Nishiki, I do not think it is typical to always see rising levels of contaminants. Again, in my former employment I did, because of the DBCP, TCP contaminants that I was dealing with, I did become familiar and did monitor over many, many years the levels of those contaminants and because I was given different explanations of the fate of those contaminants in...in the ground. And I found that there was no consistent pattern. Some wells, the levels went up a little bit, some stabilized, and some went down. I believe nitrates are pretty much once you find them at a certain level, you know, they don’t change too much unless there is, let’s say, in this case a very active agriculture and...and...and, again, fertilizers would be the source of nitrates. So if...there might be some active agriculture nearby upstream, you may...you could possibly see an increase and you may not. But there’s no consistent pattern.

COUNCILMEMBER NISHIKI: I guess, Jeffrey, why we should pay more attention to it is because in the Hamakuapoko Well there has been a concern that we’ve got many concerns for the different things such as DBCP, Atrazine, Bromacil and everything else. There’s a...there’s a myriad of things, unlike many other wells where you don’t find all of these concerns in...a well’s circumstances.

MR. ENG: Member Nishiki, you know, H’Poko Wells are not that unique. I mean the wells I experienced in West Maui, you know, the County well in Napili, all those wells on Oahu that have GAC treatment, you...you...you get the similar mix of contaminants. So...H’Poko Well...Wells are not unique at all. And, again, we have the technology to...to treat that water and make it...and utilize the water so...

COUNCILMEMBER NISHIKI: Okay. And then...and then...not finally, but in...in dealing with the...the chemical concern, Jeffrey, because you mentioned the Honolulu Kunia Well and...and...and I just want to inform you that my staff has done some work in it, they found that in Kunia over the years nitrate levels because of the long pumping have risen. So it’s a fact that I think we should be concerned about.
MR. ENG: Well, Member Nishiki, that might be a fact for the Kunia Wells, but I have never--I mean I can look at our wells, too, but I do not think that is necessarily typical of all wells seeing nitrate levels increase over time.

COUNCILMEMBER NISHIKI: Yeah. And, and, and...and that's fine--

CHAIR VICTORINO: Mr. Nishiki, hang on a second.

COUNCILMEMBER NISHIKI: Yeah.

CHAIR VICTORINO: I...I...I understand where you’re leading this and I appreciate it, but I also at one point have to...other Members are wanting to ask questions. So if, again, like I said earlier, if you don’t mind some of this stuff, putting it in writing and I get answers for you, I mean we will not hesitate. I’m not cutting you off, but others are asking to...ask questions also. So I’ll let you ask one more question and then I...I’d like to move to other Members if I may, please.

COUNCILMEMBER NISHIKI: Okay, okay.

CHAIR VICTORINO: Thank you, Mr. Nishiki.

COUNCILMEMBER NISHIKI: Well, there’s...there’s...there’s a concern definitely about the sizing of this pipe and the inability because it is oversized now to...whatever the process is, backwash or whatever, to clean it because it’s...too big now and so, therefore, all the contamination because of the size of this cannot be backwashed. And finally, the other concern has to be, Jeffrey, if we have a scenario such as what some testifiers have said today, eliminate the concern of these...these contaminants, eliminate the concern of the cost of these filters to over...after a year and a half to constantly change because of the expense. Those things to me bring to mind about talking to HC&S to see of the possibility of them taking this H’Poko water and us getting the water from the Kamole. You have thoughts about eliminating the health concerns and thereby not having to deal with that circumstance. I think...I think it’s a definite win-win where all the community would support this direction. Your comment.

MR. ENG: Well, Mr. Nishiki, I’d like to comment even on your previous comment about this large pipe. And which pipe is that, if I may ask?

COUNCILMEMBER NISHIKI: I think it’s...I...I don’t know what the sizing of that pipe is. It’s the one that was put in in regards to the potential of using this water, give it to either...give it to Paia or...or who knows where else.

MR. ENG: Okay. I understand what you’re talking about.

COUNCILMEMBER NISHIKI: Yeah.
MR. ENG: We have no intentions of delivering the water to Paia. So that pipe that you’re making reference to would not be utilized.

COUNCILMEMBER NISHIKI: Okay.

MR. ENG: Okay. As far as I think your notion of exchanging water, that is H’Poko water for ag purposes and drawing more from Wailoa Ditch, again, as I indicated earlier, that we do have some ...(End of tape 3A, start 3B)... so but I think the biggest concern would be just the cost of...of pumping H’Poko Wells to be used for irrigation purposes. I’m...I mean basically you have good groundwater, of course it needs to be treated. But that good groundwater should be utilized for domestic purposes. Surface water from Wailoa Ditch should be utilized for irrigation purposes. So it really wouldn’t make sense to pump the H’Poko Wells and then they--just for me to pump those wells...probably just to the...to...to the ditch would be probably (sighs) 2 or $3 per thousand gallons just to get it to the ditch, which would take it to Kula Ag Park and beyond.

COUNCILMEMBER NISHIKI: Okay. And...and...and the reason why I say this, Mr. Chairman, is we’re gonna--don’t forget, Jeffrey--we’re gonna use that now, H’Poko, and we have to pump it also. Only thing is, you’re gonna so designate that water for emergency purposes only...so, therefore, freeing up the Pookela Well. Similarly, similarly, without chemicals we’re gonna use that water also for emergency purposes only. So you...you...you...you still deal with that situation. And...and...and I don’t wanna argue with you--

MR. ENG: No--

CHAIR VICTORINO: Yeah. And I’m gonna stop this debate here ‘cause, again, we’re getting into a debate. These are issues we need to continue to bring to the table.

COUNCILMEMBER NISHIKI: Yeah.

CHAIR VICTORINO: And I’m notobjecting to that. But today is more of let’s get as many questions so we can get answers or if questions cannot be answered, then I will at that point entertain written questions so that we can have that ready at our next meeting. Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Mr. Chair. I know we’re pressed for time, so I’ll make my questions real quick without commentary.

CHAIR VICTORINO: Please.

COUNCILMEMBER MOLINA: Mr. Director, just a quick question with regards to the--you mentioned that the water hasn’t been tested yet. Basically, how much of a cost will it...will it be to test the water and how soon could we find the results? And is it your...your Department’s policy to test even though the Council hasn’t given any approval yet? Can you comment?
MR. ENG: Yeah. Thank you, Member Molina. Yeah, we haven’t done any testing recently, in recent years. I think the last set of regular monitoring of the H’Poko Wells, I think I saw some data at 2004.

CHAIR VICTORINO: Exactly. I can give you the dates, 10-6-04 and 10-25-04 were the last tests--again, this is in your book. I’m not gonna tell you--

COUNCILMEMBER MOLINA: Right.

CHAIR VICTORINO: --but it’s in... the last one was in '04. You’re absolutely correct.

MR. ENG: There’d be a...a number of things we would do even before we consider to bringing those on line. We...we definitely would have to replace the granular activated carbon. It’s been there in the vessels a long time. A lot of it has been sitting. It’s not good to let...let it just sit. You know, the key to granular activated carbon is keep water flowing through that. You could get a buildup of bacteria if you don’t keep water moving. So, therefore, that’s the first thing we would do if this body gives us any indication that we can have those available for backup. I’m sorry, could you repeat your other questions?

COUNCILMEMBER MOLINA: Yeah, well, it was just basically the...the cost, potential cost?

MR. ENG: The cost. Well, some of the organic chemistries are very expensive. For DBCP/TCP, those are--again, that’s a combined test. DBCP, EDB and TCP, is one test on a gas chromatograph, but that’s in the order of at least a $100 per sample. So just to give you an idea.

COUNCILMEMBER MOLINA: Okay.

MR. ENG: The other inorganic stuff, we are becoming certified to do a lot in-house. Like the nitrates down the road, we should be able to do. So we can do it as often as Mr. Nishiki desires.

COUNCILMEMBER MOLINA: Okay. Thank you, Mr. Director. Thank you, Chair.

CHAIR VICTORINO: And I...I...I’ll say not as much as Mr. Nishiki desires, what the people of Maui County deserve. Let’s put it that way. Thank you, Mr. Nishiki. . .(chuckle). . . Okay, we’re almost at 12 noon. And what I will do is...you know, I’ll ask everyone, any more questions you have specifically to this subject matter, please put it in writing. I will make sure the Department gets it. And all of you will get the answers to these questions before our next meeting. I’m hoping also to look at, with the Chair’s approval, Council Chair Mateo’s approval, looking at having a couple of meetings in the Upcountry area. And this is my desire right now, just to throw it out there on the floor. And it’s nothing in stone. I’m thinking, maybe, having one in the Pukalani, the Tavares Center, which would...kinda encompass from Paia all the way up to Pukalani, Makawao. And then having one up in Kula, which would then take from the areas like Kula 200 on up, all the way through Waiohuli and all of that district, yeah. And that way these various communities would have opportunities to attend, and that’s my plan at this time, subject...
to change obviously. We also have Councilmember Kaho‘olahala’s Planning meetings that we have planned over the next few weeks. So, you know, in conjunction with that, there’s so many things going on.

So, but what my recommendation, if there’s no more discussion, is really to defer this matter. And with no objections, I would like to defer this matter.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: DM).

ACTION: DEFER pending further discussion.

CHAIR VICTORINO: And, again, to the public at large and those who testified today, all your manaʻo was well received, taken by everybody. We will work very diligently to listen to the public and everyone. And you know my style is to make sure everyone participates. It’s not my decision. It’s not their decision. It’s our decision as a County and that’s something we need to continue. So without no further ado, I would like to thank all the Council Members for bearing with a, what I call, a very heavy agenda. I thank you all. This meeting of the Water...Resource Committee for September 1st is adjourned. . .(gavel). . .

ADJOURN: 12:00 p.m.

APPROVED:

MICHAEEL P. VICTORINO, Chair
Water Resources Committee

wr:min:090901

Transcribed by: Reinette L. Kutz
CERTIFICATE

I, Reinette Kutz, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 22nd day of September, 2009, in Wailuku, Hawaii.

Reinette L. Kutz