

WATER RESOURCES COMMITTEE

Council of the County of Maui

MINUTES

August 30, 2011

Council Chamber, 8th floor

CONVENE: 9:03 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Michael P. Victorino, Chair
Councilmember Joseph Pontanilla, Vice-Chair
Councilmember Gladys C. Baisa (out 9:36 a.m., in 9:40 a.m.)
Councilmember Robert Carroll (in 9:10 a.m.)
Councilmember Elle Cochran
Councilmember G. Riki Hokama(out 10:04 a.m., in 10:10 a.m., out 10:55 a.m.)
Councilmember Mike B. White (in 9:33 a.m., out 10:30 a.m., in 10:32 a.m.)

NON-VOTING MEMBERS:

Councilmember Donald G. Couch, Jr.

STAFF: Michael Geers, Legislative Analyst
Yvette Bouthillier, Committee Secretary

Sarah Dyal, Executive Assistant to Councilmember Cochran

ADMIN.: Dave Taylor, Director, Department of Water Supply
Joseph Mendonca, Water Plant Division Chief, Department of Water Supply
Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation
Counsel

OTHERS: Mary Cochran
Bruce Faulkner, Realtors Association of Maui
Joe Kealoha
Doug Mac Cluer, Maui County Farm Bureau
Rosemary S. Robbins
Warren Watanabe, Executive Director, Maui County Farm Bureau
Bill Kamai
M. "Chubby" Vicens, Vicens Entitlement Group
Alan Kaufman
Alice Lee, Member, Hui O Na Wai
Lucienne de Naie
Ivan Lay
Michael Clements
Bruce Uu

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

Michael Covich
Robert Karpovich
Mae Nakahata, Agronomist, Hawaiian Commercial and Sugar Company
Stuart Yamada, Chief Safe Drinking Water Branch, Environmental Division, State
Department of Health
Others (15)

PRESS: Akaku: Maui Community Television, Inc.
Ilima Loomis, *The Maui News*

CHAIR VICTORINO: . . .(*gavel*). . . Good morning. The Water Resources Committee meeting for August 30, 2011 will come to order. We have a quorum present and let me introduce the Members that are here this morning. First of all, the voting Members are Vice-Chair and the Vice-Chair of the Council, Mr. Joseph Pontanilla.

VICE-CHAIR PONTANILLA: Morning.

CHAIR VICTORINO: Good morning. The lovely young lady from Upcountry, Ms. Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR VICTORINO: Good morning. Mr. Carroll from East Maui will be here a little bit later. He was running a little bit late so he'll be here -- so he's excused at this time. Our lovely young lady from West Maui, Ms. Elle Cochran.

COUNCILMEMBER COCHRAN: Good morning, Chair.

CHAIR VICTORINO: Good morning. Our young man from the island of Lanai, Mr. Riki Hokama. Thank you. And also, Mr. White will be joining us very shortly, so at this time we have five Members present, myself also, the Chair, Michael Victorino. We have one non-voting Member present this morning, Mr. Don Couch. Thank you, Mr. Couch, for being here.

COUNCILMEMBER COUCH: Good morning.

CHAIR VICTORINO: This morning also we have from the Department of Corporation Counsel, Deputy Corporation Counsel, Mr. Edward Kushi. Good morning. Representing the Administration we have the Director of Water Supply, Mr. David Taylor.

MR. TAYLOR: Good morning.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

CHAIR VICTORINO: Good morning. Also from the State, we have Stuart Yamada, Chief of the Safe Drinking Water Branch, Environmental Division, State Department of Health and he is here to help us with technical questions. I want introduce our Staff also, Mr. Mike Geers, Legislative Analyst and our Committee Secretary is Yvette Bouthillier.

Our one item today is WR-7, Hamakuapoko Wells. And let me start before I get anything going, if I suddenly stop the meeting for and take a recess just to let people know that my father suffered a major stroke on Friday and I'll be flying out this afternoon, but my sister guys and the doctor may be calling me later this morning. I don't know what time because doctors come when they wanna come and so if there's anything they need to call me on they may. So if I ask for a quick recess please bear with me, it just be for that moment in time, okay? So, so anyhow, and then let me move onto the Hamakuapoko Wells. First of all, this is a request for an overview. I'm going to have the Department of Water Supply give us an overview. We have Stuart Yamada. He will be also be provided, be able to provide you with questions especially technical questions. So before we get started I'm going to ask that all cell phones and pagers be put on vibrate or silent mode or even turned off entirely. Decorum will be conducted in this Chamber. We will take public testimony at this time. Public testimony will be three minutes with one minute to conclude, and I will ask first of all you state your name and if you're representing any organization then please state that, if it's yourself, fine. I will ask the Members after your testimony is over for questions pertinent to your testimony, okay? So if there are no objections I'd like to start with public testimony.

COUNCILMEMBER COCHRAN: No objections.

CHAIR VICTORINO: Thank you. Our first testifier is Mary Cochran and Mary will be speaking on her behalf as a citizen and resident. Ms. Cochran?

...BEGIN PUBLIC TESTIMONY...

MS. COCHRAN: Good morning.

UNIDENTIFIED SPEAKER: Morning.

COUNCILMEMBER BAISA: Morning.

COUNCILMEMBER COCHRAN: Morning.

MS. COCHRAN: My name is Mary Cochran and I'm a resident of Paia, as you know, the gateway to Hana. Now evidently the Hamakuapoko Wells and the issues surrounding it has been discussed and discussed that I know of 2006, 2009 and now 2011. The arguments appear to be the same. The wells are contaminated.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

On the other hand, the science and regulation of these kind of contaminated wells assure us that with proper and specialized treatments the wells can be a very viable source for agricultural and to residential purposes. Then this is not to say that the concerns raised in the past are not as valid today for those who have questioned the use of such wells. The time has come however, and excuse me, Council, for saying this, but the time has come for this Council to put some bristles on their spine and bring an end to the constant “yes, but what if” dichotomy. Allow the process to begin for use of the wells. How much more discussion and studies do we need? Revalidate the studies and findings of the panel of experts of 2006 and 2009 with respect to the science and technology of water treatment. If anything, it will be the same if not better given the rapid scientific developments that occur today. Can we trust our scientists and regulators? Of course. The same as we trust our scientists engaged in stem cell research. I am a resident of Paia. Would I still be for opening the wells if these waters were diverted to Paia? Of course. More so if it is okay for our Upcountry farmers and residents, who am I to say no, you can’t? These wells will insure not only the economic wellbeing of our economy and of our Upcountry friends but the whole of Maui itself. Now we know that there are similar conditions and with proper treatment they are using those once supposedly contaminated wells, there’s the Napili Wells in Lahaina. Look at Leeward and Central Oahu, they’re doing that and they are prospering, really prospering. So I say enough delay. Either up or down this proposal to use the wells. Now leadership, Council, can be difficult especially when it comes to water sources. I say, trust the facts, trust the data, put politics aside and just do it. Let me quote Federal Judge, David Ezra, one of my favorite professors at the law school when he was discussing a case with a young associate. He said to the associate, “Don’t tell me how it can’t be done. You come and tell me how it can be done.” And together Council, we can do it and let’s do it, enough talk.

CHAIR VICTORINO: Thank you, Ms. Cochran. Any questions for the testifier? Seeing none, thank you. I’d like to welcome to the room at this time, Councilmember Carroll. I’ll give you a moment to get situated, Councilman Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

CHAIR VICTORINO: Good morning, sir. The next testifier is Mr. Bruce Faulkner and he is representing the Realtors Association of Maui. He is the Water Chair of the Governmental Affairs. Mr. Faulkner?

MR. FAULKNER: Thank you. Realtors Association supports the proposal to again use water from the Hamakuapoko Wells in times of drought. Let’s be perfectly clear on one point, there is no such thing as perfectly pure water. All water sources have varying degrees of contaminants in them. So it seems ironic that people are willing to believe in the science that quantifies levels of contamination, but they

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

are unwilling to trust the science that say those levels can be reduced to above safe drinking water standards. A knowledgeable observer summarized the issue this way, scientifically there is no reason for not using the H-Poko Well water Upcountry; however, emotionally there will be unsubstantiated public resistance. Our association is aware that the use of the H-Poko water has become an emotionally charged issue. We feel it is time to trust the science and listen to the professionals from this field. Let's consider some of the facts. The County Water Department, the State Department of Health, the University of Hawaii, and the U. S. Environmental Protection Agency have all declared that treated H-Poko Well water perfectly safe for human consumption. If any contaminants remains after treatment it is virtually non-detectable. When used Upcountry, the H-Poko water will be mixed with treated ditch water in a proportion of one part H-Poko water to five parts ditch water. So any remaining chance of contaminants after treatment will be so watered down as to be almost non-existent. This same type of treated water is now being used in both private and public West Maui water systems as well as throughout West Oahu. For about a decade, Upcountry used the same H-Poko water in the same manner proposed without any indication of any public health issues resulting from that use. The H-Poko Wells, its treatment system, and pipeline were valued at 14 million in 2006. It was designed for human consumption. There are approximately 1,300 Upcountry families waiting for water meters. Bringing the H-Poko water online will allow some of those families to finally receive their County water meters. Putting H-Poko in a reserve status allows the Pookela Well to come on line as a regular production well as it was intended. Studies indicate that the more the H-Poko water is used the purer it will become.

CHAIR VICTORINO: Mr., Mr. Faulkner, will you be completed in another minute?

MR. FAULKNER: Yep.

CHAIR VICTORINO: Okay, thank you, sir.

MR. FAULKNER: If we really want to make the Upcountry water system more drought tolerant we need to wean the system from surface water sources to a more reliance on groundwater sources which the H-Poko Well would be. The Realtors Association of Maui believes that it is time that we move forward and get serious about adding new water sources to all of our water systems. Without water there will be no new farms, no new affordable housing, and our kids will have to find jobs elsewhere because our economy will stagnate. Let's not allow the emotion to further corrode an already rusty economy. We believe that it is time to cut through the unfounded emotions, listen to the professionals in this field and use this source which has already been developed and paid for. We need to look at supporting our existing communities in this positive way for future economic stability. Thank you for this opportunity to discuss this rationally. Thank you.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

CHAIR VICTORINO: Thank you, Mr. Faulkner. Questions for the testifier to any clarification on his testimony? Seeing none, thank you, sir. Next testifier is Mr. Alden Kealoha; no excuse me, Joe Kealoha. That's the brother, sorry Joe, and he's testifying on his behalf. Mr. Kealoha?

MR. KEALOHA: Good morning, Mr. Chairman and Council members. My name is Joe Kealoha. I am a Wailuku resident. I not representing any organization but I am on a wait list and a small developer for the last 25 years Upcountry subdivision. And from the genesis of when we were told that we could subdivide, we could subdivide three lots or less, and I have two brothers, Alden, I mean, Alapai and George and they said, Kealoha you have the perfect fit. You can do a three-lot subdivision and continue to do it forever because you have two, two transferees that you can, of course, convey the property to which was brother, brother one and brother two. So we had three-lot subdivision. You know, that was kinda like bogus because my brothers didn't want lots up there and I was the subdivider and lots at that time sold for very reasonable because of the, you know, if you did half-acre lots you have five, three $\frac{5}{8}$ meters and people would buy that. You know, at that time the cost was almost 17,000. It was unbelievably low. Fast forward, I continued to do that type of development and it, it, it seemed so ridiculous. It was almost like playing chess with yourself but yet you gotta get it passed with the County. So now we have an opportunity with the H-Poko Well that to pare the list down, I point out one, one flaw, yeah, we, we are paying real property tax based on water meter or no water meter. Well, the real property tax takes that as being fair market value whether you have a water meter or not. So that, you know, it's a, it's a question of fairness. It's not fair, but you, the policymakers, have the wherewithal to correct that and I don't think anybody has really appealed that question because, you know, this small individual lot owners, but I do appeal because my age now, you know, I'm past 65 that if I go any further and continue to wait, I may want to say that, you know, we get pissed off and just say, "hey, man what happened to this meter?" But please, please make a passage to allow $\frac{5}{8}$ meters. Thank you.

CHAIR VICTORINO: Thank you. Any questions for testifier? Seeing none, thank you, Mr. Kealoha. Next is Doug Mac Cluer and Doug will be speaking on behalf of the Farm Bureau. He's a board member. Doug?

MR. MAC CLUER: Chairman and, and all of the Council members. I'm Doug Mac Cluer and I've been around a long time. I've been a diversified farmer on Maui for over 40 years and I was involved with the first drilling of the H-Poko Wells, and Dr. Dick Green and Dr. David Williams and I drilled the test well that was done before the, the permanent wells. And we told David Craddick, that aquifer has DBCP in it and David continued to drill the well anyway. But I'm testifying in favor of using that water. It's particularly good for the farmers and the water meters and all of that stuff, and I just think we should, should pump

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

those wells. Since we've invested all of the money to put the wells in, it at least it should go in the ditch. It's poho not to use that water. So I've given you testimony but I didn't say what was, was given, but I feel strongly about it. You should allow the, the wells to be used. Thank you.

CHAIR VICTORINO: Thank you, Doug. Questions for Mr. Mac Cluer? He did also submit written testimony. I appreciate that. Seeing none, thank you. Next testifier is Rosemary Robbins and Rosemary Robbins is as a concerned citizen and also as a member of the Upcountry Oversight and Advisory Committee. Good morning, Ms. Robbins.

MS. ROBBINS: Good morning, Chairman. Good morning, everybody. In September of '06, the County Council passed an ordinance that the Hamakuapoko Wells shall not be used for potable water source, very definitive, simple verb, shall not be used. The reason that the Council came to that conclusion was that there was a great deal of evidence that was presented of the poison level in those wells. There was DBCP, EDB, TCBs, Atrazine, Bromasil, among not full list of the contaminants were in that water. And at the time that that ordinance was passed Joe Pontanilla was on the Council, Riki was on, Bob Carroll was on, Gladys in the meantime has heard testimony on that since she came on and Mike Victorino, of course, was on the Board of Water Supply before indeed he came into this capacity. Also, budget hearings had documentation presented to them in hand and the documentation was an easy read. The name of contaminant, the disasters that it cause on the human body including reproductive systems and on vital organs, liver, kidney, they are carcinogens cancer produces. That's not a diagnosis that's going to come up from anybody on the County Council or anybody on the Water Oversight Committee but the Food and Drug Administration, the EPA, the Centers for Disease Control, National Institutes of Health, academic institutions that have the money and the equipment and the personnel to be able to do extensive research and analysis on these have all spoken out and have all said don't use them, they're killers. So in '96 I need to remind myself and others that the Safe Drinking Water Act from the EPA added another section, Section, I think it's 1453 that the source water have quality assessments whereby the State must identify not only the origins of regulated but unregulated contaminants and their probability to be able to cause trouble in the future. We cannot keep looking back at what used to be in the old days. We need to take a look at what has been happening. So I would ask three major questions, have the H-Poko Well waters since that '06 ordinance passed been sent Upcountry? Have folks Upcountry been dealing with this and not knowing it? Is the well being used currently for the second question? And the third one is has a new Environmental Impact Statement been done, one that's current right now that we can read in 2011? So I would ask those questions and have us keep in mind that compliance is an insufficient goal. Those goals, the maximum contaminant level where the EPA says not a shred above this and the maximum contaminant level goals which say shoot higher than just compliance with the past that those

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

compliance criteria are in sufficient goals. We need to have goals of excellent quality is a super issue. Thank you.

CHAIR VICTORINO: Thank you. Questions for the testifier? Seeing none, thank you, Ms. Robbins.

MS. ROBBINS: You're welcome. I'll keep your mother in my prayers.

CHAIR VICTORINO: Thank you. Next testifier is Warren Watanabe and Warren Watanabe is representing the Maui County Farm Bureau. He's the Executive Director. Mr. Watanabe? And Mr. Watanabe will be followed by Mr. Bill Kamai.

MR. WATANABE: Good morning, Chair Victorino, Members of the Committee. My name is Warren Watanabe, Executive Director of the Maui County Farm Bureau representing commercial farms and ranchers on Maui. We are, we are in very strong support of RR -- WR-7, allowing the use of the H-Poko Wells. Maui has grown. According to the recent release Hawaii Data Book, the island of Maui had a population of approximately 38,000 in 1960. In 2010, the population has grown to 144.4 thousand, a number that increases to 186 thousand with visitors. This translates to an increase of over 489 percent. Much of the water infrastructure we have today excluding Kahakapao and other small, smaller systems were in place in 1960. We have not seen the same surge in water source development. Recently, I was surprised to hear that agriculture was no longer the largest customer of the Board of Water Supply on the Upcountry system. When I started my leadership role in the Farm Bureau agriculture was the largest user on the system. There were also many more acres of commercial agriculture in Upcountry Maui. I find this change to be disturbing as Maui seeks to increase its level of self sufficiency. All of the additional water that is used by the people came from somewhere, and unfortunately much of it, much of it reallocated from agriculture uses as farmers and, and ranchers left the industry finding it too, finding it too risky. We must stop this trend and move the development of new sources of water for the people. We need expanded water resources to provide affordable and reliable water resources to farmers and ranchers to reduce the risk they have taken, that have taken so many of them off their lands. The Hamakuapoko Wells presents such an opportunity and I appreciate the leadership efforts of this Committee to promote, promote this use. Maui County Farm Bureau strongly supports the repeal of the existing ordinance limiting use of this water. With treatment the Hamakuapoko Wells can be used safely as demonstrated in Napili here on Maui. We respectfully request your strong support of this measure and I also want to add that you should have received written testimony in support from Haleakala Ranch and CTAHR. Thank you.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

CHAIR VICTORINO: Thank you. Any questions for the testifier? Seeing none, thank you, Mr. Watanabe. Next testifier is Mr. Bill Kamai and he's speaking on his behalf followed by Chubby Vicens.

MR. KAMAI: Aloha and good morning, Chairman Victorino, Members of the Water Resources Committee. My name is Bill Kamai. I'm here to testify as an individual. I would like to ask for your support of this amendment to use the H-Poko Wells for the Upcountry water system. While passing this amendment is not a cure-all way to resolve Maui's water problem, it's definitely a huge step in finding a solution especially for the people Upcountry on the Upcountry water meter list. By approving the use of H-Poko Wells it would create job opportunities, the building of homes, also it, it will be a better planning tool. So I humbly ask for your support and I commend you, Mr. Victorino and Members of the Water Resources Committee, to finally addressing this issue. Thank you for your support.

CHAIR VICTORINO: Thank you, Mr. Kamai. Any questions for the testifier? Seeing none, thank you, sir. Next testifier is Mercer "Chubby" Vicens and he's representing Vicens Entitlement Group. He's the owner. Good morning, sir.

MR. VICENS: Good morning, Mr. Chair and Members of the Water Resources Committee. I will be addressing WR-7, the H-Poko Wells and we've been studying this for many years. We've been talking about it for many years. I think the time has come for this body and the Administration to form an alliance to move Maui forward so that we can get out of the economic doldrums. This is not by far the total solution; it's a step in the right direction. By freeing up the water out of H-Poko and taking it Upcountry you create a situation where Pookela can now become a water source where over 1,300 people that sit on the waiting list, representing approximately 2,600 meters can probably be taken care of by maybe 50 percent. Any reduction in that waiting list, some which are over 15 years, is a, is, is really the right thing to do. You hear arguments about the levels of PCB and the other contaminants. Well, that's the reason we have EPA laws. If we don't believe in what the law states then change it. However, if the Federal and State laws says this is the quality level that we can participate at, we should. Why not shut down Lahaina? Why not shut down places in Honolulu that have equal to or less quality water than we have? The other thing that I've just become recently apprised of, looking back to a letter that came out in 2008, was the fact that the Shell Oil Company, the chemical people are responsible to be able to do the maintenance of this filtration system, something to the tune of \$250,000 a year that terminates in 2039. We've let them off the hook for six years, because we have not allowed the wells to run. I say it's time to let the experts make the determination on the quality of the water, and this body, and this body take that first step forward so that we can solve the problems of this community for the next 20 or 30 years. This is not the end solution, but it is a start. We've got to start someplace and I think H-Poko followed by great possibilities that exist out

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

there for continued water is the thing we need to look at. Ladies and gentlemen, thank you for very much for allowing me to speak, and again, I'm a resident of Spreckelsville and if you want to bring the water my way, go right ahead, but I'm speaking in terms of taking it Upcountry so we can relieve that water list and if you don't mind, I would like to see it done sooner than later. Thank you. Mr. Chairman.

CHAIR VICTORINO: Thank you, Mr. Vicens. Questions for the testifier? Seeing none, thank you, Mr. Vicens.

MR. VICENS: By the way, Mr. Chairman, I will be submitting after-the-fact a written testimony. Thank you very much.

CHAIR VICTORINO: Thank you. Yeah, just drop it off with the Staff and we will ...*(inaudible)*...

MR. VICENS: I certainly will.

CHAIR VICTORINO: Thank you. Next testifier is Mr. Alan Kaufman speaking on his behalf, and while Mr. Kaufman's coming down, let me recognize the attendance of Member Michael White. Thank you, Mr. White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR VICTORINO: Good morning. Mr. Kaufman?

MR. KAUFMAN: Aloha. I'm Alan Kaufman and I'm speaking for myself as an individual who raises livestock Upcountry. All water whether it falls from the sky or comes from the ground is contaminated or subject to contamination in the course of storage and delivery. There are literally thousands of potential sources of contamination be they viral, bacterial, fungal, protozoal or chemical contaminants. That is the reason we have water treatment plants. People fear things that they can't see and they fear things that they don't understand. Fear-based decisions are arrived at through emotion not fact. Water from the Hamakuapoko Wells has known contaminants. These contaminants can be removed and safe water delivered to our Upcountry homes and farms. The Upcountry water system is especially inadequate during drought. That shortage can be addressed with pumping and treatment of the Hamakuapoko Wells. It has been stated that contaminated well water should not be used under any circumstances even though the water can be treated and the contaminants removed just as is already done in West Maui. There is no reason to fear treated water. Sunlight causes cancer yet people knowingly expose themselves to this carcinogen every day. One can wear sunscreen or a wide-brimmed hat to filter or block the harmful components of sunlight. Sunlight like water is necessary for life. No one has suggested the sun be turned off because it can cause cancer. The

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

risk can be safely managed. The most dangerous thing we do on a daily basis is drive our cars. People don't stop driving just because there is risk of an accident. When we need or want to go somewhere, risk is assumed. For decades, Upcountry families with land but no water have been able to provide for the next generation. For decades, Upcountry farmers have suffered economic hardship during times of drought. For decades Upcountry growth has been restricted by water rather than by zoning. Water is essential for life and there are places on this planet where contaminated water is consumed because they have no alternative. On Maui, we have the water, we have the knowledge, we have the means to treat it and we have a Council that can accept the responsibility of providing water for our community. It's my hope that I will be able to congratulate this Council on being the Council that does precisely that. Mahalo.

CHAIR VICTORINO: Thank you, Mr. Kaufman. Questions for the testifier? Seeing none, thank you, Mr. Kaufman. Next testifier and I have this one as the last one but I think there's more that are going to be brought in is Ms. Alice Lee and Ms. Lee is testifying on Hui O Na Wai. She's a coalition member, and Ms. Lee?

MS. LEE: Morning, Mr. Chair, and Members of the Water Resources Committee. My name is Alice Lee of Hui O Na Wai, a coalition of concerned citizens in support of new water sources for Maui and in support of the proposed bill to utilize the Hamakuapoko Wells for the residents of Upcountry. I was a member of the County Council when the H-Poko Wells were constructed in 1992, 19 years ago. H-Poko Wells 1 and 2 were the first of a six-phase project to bring water from East Maui to Central but would also serve residents Upcountry. I supported that initiative as did the majority of my colleagues on the Council. Now the Council at that time had control over rates and fees and of course the bonding, bond funds. As the policymakers of the County, we knew three things: one, we had to provide more water for our children and future generations; two, the aquifers in Central Maui were heavily used and would reach their pumping capacity in a few years; and three, the aquifers in East Maui were and are abundant with water. Maui's aquifers total 427 million gallons a day. By contrast, Oahu's aquifers have 407 million gallons a day. The residents of Maui use about 34 million gallons a day in groundwater. So in other words, we don't even use 10 percent of our capacity. We have the water but somehow over the years we lost the will to develop new water for our people. So now I stand before a different Council, a Council which seems willing to make the hard decisions, and my humble advice to you is when in doubt, follow the facts. When the stakes are high as they are now, don't be swayed by anecdotal information or testimony derived from Wikipedia. The County's Water Department strictly adheres to State and Federal regulations relative to potable water. They comply with strict national standards and we can and should rely on our professionals who have the expertise and experience to do their job and protect the public's health and safety. I urge each of you to support the proposed bill. Thank you.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

CHAIR VICTORINO: Thank you, Ms. Lee. Questions for the testifier? Seeing none, thank you, Ms. Lee for being here. Next testifier will be Lucienne de Naie followed by Ivan Lay and Lucienne will be speaking on her behalf.

MS. DE NAIE: Thank you, Chair Victorino. Good morning, Members of the Committee. Lucienne de Naie. Just a little bit of background for those of you who haven't served on the Council. I've been tracking these wells for a few years and not on Wikipedia. I've read every one of the EISs that are prepared by County consultants and read other EISs that have to do with this particular aquifer, the Paia aquifer. The one, the most comprehensive study of the Paia aquifer which these wells are in was done during Waena power plant investigation, and a second one was done when the Upcountry project at the triangle across from Pukalani Superette was proposed. Both of these were done by Mr. Nance or one was done by Mr. Nance, Tom Nance, and one was done CHM2 Hill. And both of them characterized the Paia aquifer as very shallow, highly polluted in most areas and at lower elevations where these wells are lower elevations not likely to produce long term reliable sources of water. Now the Waena power plant came with that conclusion because they didn't want to be accused of polluting any usable aquifer. The, the other report came to this conclusion because they were proposing wells at higher elevation to bypass some of the problems you get at lower elevations. So just for your factual information you're investing money in these wells and it's true. They have been invested in. We do have a number of wells that we don't use. We have several wells in Lahaina that have never been used because of DBCP contamination and TCP contamination. We have the Reynolds Well that was eventually closed in Central Maui. We have the Old Maui High School Well that was closed because of DBCP. We have the Pauwela Well by Haiku School that was closed because of contamination from DBCP. So we do do this sometimes. Could we have used every one of those wells? Probably. You know, it's like probably we could have treated them. We, we are getting some of our money back from Shell Oil and in, in some of the Lahaina Wells are getting some treatment money and, and the treatment is expensive. It costs about 120 to \$150,000 a year to replace these filters. Shell will pay for that up until, I think, 2037. After that it's our baby. So, you know, we'll bear those costs. The, the -- you should know from the meeting that was held in 2009, that the Department of Health has no current tests that would allow these wells to be to be pumped, so they would need to have a battery of tests in order to have a permit issued because standards have changed and so forth and so on. They've never been in continuous operation long enough to test. Also, in the EIS I found a curious fact, HC&S--and Mr. Vicens may not be aware of this--was very concerned when these wells go in because when they were test pumped for periods of time during droughts and so forth, they noticed their salt levels rising in the HC&S Wells around them, and they had some concerns that if these wells were continuously pumped it was going to impair perhaps their Kuau Well that is nearby and that they might not be able to get the same kind of water quality. Whether that's still a concern I don't know, but these are the kinds of

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

things you run into when you read EISs. So Oahu does not have a choice, we do. There is another well, a bigger well, Hogback Well that is now an observation well in Haiku. It's the same elevation as these wells. The County is supposed to as part of the consent decrement, agreement drill another monitor well that would free up Hogback Well to be used. I would just urge this Council to look at their financial and source alternatives and find out, you know, what the County is thinking. I know the County is supporting this and sure it makes sense, you got a well, use it, just clean it up, dilute it with something else, that will probably work out, but my guess is you're never going to get large productions out of these wells just because of the nature of the aquifer, the head levels are under five feet. Your head levels in your wells in Iao are 12 feet. The Dowling Well has a head level of 7 to 12 feet, that's a good well. You really should look at going up and, and not mess with these lower elevation ones and that's my opinion based on reading a lot of EISs. Thank you.

CHAIR VICTORINO: Thank you. Questions for the testifier? Seeing none, thank you. Next testifier, Mr., Mr. Ivan Lay and he's speaking on his behalf followed by Michael Clement.

MR. LAY: Good morning, County Council Members and Chair Victorino. My name is Ivan Lay and I'm speaking on as an individual of the Upcountry area. I'm in upper Haiku and I've been on the water meter list for about eight years right now. The list is long, the wait is longer. If we can move forward to get water and get water meters out there, let's take that step forward and make these moves so we can get water meters to houses that have been waiting for a long time right now. If it's been proven that the contaminants can be taken out with a filtration system and the EPA says it's good, I'm...if they say it's good, it's gotta be good to me. I'm just asking to help to pass this amendment to get the H-Poko Wells running and going for us. Thank you.

CHAIR VICTORINO: Thank you, Mr. Lay. Any questions for the testifier? Seeing none, thank you. Michael Clements speaking on his behalf followed by Bruce Uu. Mr. Clements?

MR. CLEMENTS: Good morning, Chair Victorino and Council members. My name is Michael Clements. I'm a Upcountry Maui resident. Sometimes I feel like a second-class resident up there. This month I'm celebrating 12 years waiting on the water list, water meter list. So I'm a, you know, I'm standing here asking you to do something, I don't know what it is but do something, because I've been coming in here to meetings and listening about wells and, and discussions about, you know, Upcountry for a long time. And when Pookela Well came on, online there was hope that we were going to get water meters up, Upcountry and then this Hamakuapoko Well development came about and turned in Pookela Well into a backup well so no new wells were, were or no new meters were brought on line as a result of that to my understanding. And, and you know, I thought there's

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

capital improvement money for that well to be drilled for that purpose, and then once it would become a back-up well there was no new money, you know, to, to drill another well. So it's kind of like, you know, aw shucks, we missed out on that. So, you know, there's been plenty of testimony this morning about, you know, the Upcountry and, you know, the gentleman that talked about, you know, he's in his 60s now and I crossed that threshold a couple of years ago myself, so when I started on this I was about 49. I don't know if I'm going to have energy to build here in the future but I appreciate it if you do something. Thanks.

CHAIR VICTORINO: Thank you, Mr. Clements. Questions for the testifier? Seeing none, thank you, sir. Bruce Uu followed by Michael Covich and Bruce will be speaking on his behalf. Mr. Uu?

MR. UU: Good morning, everyone. Good morning, Council Chair and Chair members, my name is Bruce Uu. I'm speaking on behalf as an individual. I am no professional in water. I know it comes out of the faucet. I drink it. I'm okay so far. I have faith in the system. I have faith in the laws. I have faith in Dave Taylor. I have faith in you guys. Sorry, Dave, to put you on the spot but I do. I went last week Friday I went to a State Land Use Commission meeting up in Kula, Holy Rosary Church and there was a lot of people testifying who are on the water meter list. A lot, I mean, can't blame 'um. I mean, they've been there forever. But this is part of the process that I think we, we...I know we have the right Council to do the right things for the Upcountry residents, I know that and I thank you guys for bringing this up because it is needed Upcountry. Testifier after testifier said they'd been waiting for years. It's an ongoing problem. It's not a new problem. It's an old problem. And we need some solutions. You know, in the construction industry we fix the problem in a day, that's, that's just how we do it. There isn't a process. The process is do it now or you fired and we do 'um now. And that's, that's...and when I got to the Planning Commission and I understood [*sic*] how the process goes and first reading, second reading, you come into the Commission and then I started understand, oh my God. This is a process? And that's why we, we stuck in the predicament and I respect the process, that's why I showed up today. But the process is, is long overdue. We need some action. We need it and you guys can set the example for the people Upcountry who've been waiting for years. You know, I went to Kihei this week, some of the places in Kihei look like Hana. They're the greenest places I ever saw in Kihei and you get Upcountry looking like it shouldn't be where we're restricted. Kihei blow all the water, shoot the load, water your grass, grow bananas, whatever you like and Upcountry no water, in fact no wash your car. That's a shame. We shouldn't be putting 'um on them to say nuff already. They didn't deserve that but it's you guys that going make the decision and I humbly ask that you guys make the right decision. Thank you very much.

CHAIR VICTORINO: Thank you, Mr. Uu. Questions for the testifier? Seeing none, thank you, sir.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

MR. UU: Thank you.

CHAIR VICTORINO: Michael Covich speaking on his behalf followed by Robert Karpovich.

MR. COVICH: Good morning, Chair. Good morning, Council members. I've been up here for a while. I've been a resident of Maui County for 22 years and I've been watching this kind of thing happen. One of the things that are a true fact is all the contaminants in those wells can be taken out. So let's find out, let's look at part of the history, I've here 22 years. We bought a piece of property, we were going to have fire extinguishers, and all of a sudden H-Poko Wells disappear. Why'd they disappear? Was the well grounded? No. Part of the reason was people had their own certain private agenda. They didn't want to decide or understand that the...after even having the carbon filter beds built, they still conspired against the community. Basically in many ways there are people here that they say want to put water in a ditch and . . .(inaudible). . . to the Hawaiian people and that water is a public doctrine trust yet they work and violate the public trust water doctrine by false statements and not letting us pump wells. In essence, in my opinion there is a conspiracy that's existed here to stop this, to stop the public trust of water, that the H-Poko consent decree is not worth the paper it's printed on, it may as well as be toilet paper. It's not enforceable. What really need is some of these people that keep coming and keep on doing this, they need to be counter-sued so they understand that when they...an example, quick one I would use would be wasting \$12 million on a beach that's eroding. That didn't help the community. That took \$12 million out of other things. Lawyers in my mind have conspired to violate the public trust doctrine. Question, Counsel, as long as the name's already on a public record, can I use it?

CHAIR VICTORINO: I would prefer not to and it's just...

MR. COVICH: I respect your opinion. I accept that.

CHAIR VICTORINO: I would rather stay with the facts and let's, just --

MR. COVICH: Would, be a fact but I'll accept that.

CHAIR VICTORINO: Thank you. Thank you, sir.

MR. COVICH: But it's unconscionable for the County to be, keep being bullied by people that are in essence violating the public trust doctrine. That water can be cleaned up and cleaned up completely. It's been known for a long time and all the excuses for it are nothing but obstruction to stop the people from getting the water they need. Thank you for your time.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

CHAIR VICTORINO: Thank you, Mr. Covich. Any questions for the testifier? Seeing none, thank you. Next will be Robert Karpovich and he's speaking on his behalf and followed by Mae Nakahata. Mr. Karpovich, go ahead.

MR. KARPOVICH: Good morning. My name is Robert Karpovich. I've been a Paia resident since 1984. In 2006, the Council decided to guide the Water Department away from developing more contaminated aquifers. These wells are located under active agricultural fields and the Water Department has no control over what--well now it's sugar, it used to be pineapple and sugar--over what HC&S puts on the fields. The last well test had increasing levels of Atrazine. The Shell, the Shell agreement was to filter out DBCP but there's Atrazine is nitrates from the fertilizers. All of these contaminants can be reduced to allowable levels. It really irks me when they say a safe level. If you go to the EPA the safe level for carcinogens is set at zero. That's called the maximum contaminant level goal. So all carcinogens are zero. The allowable level is based upon economic considerations. How much can feasibly be filtered out. So given no choice, you're in the middle of Idaho, there's no water for hundreds of miles, the filters are a great thing, but 2006 Council thought that we had other choices and we shouldn't develop these wells and we shouldn't...we could drill easily drill more wells under the sugar cane fields and filter them all, but they said let's set, let's set a standard or a goal of getting clean water. So let's go more to the economics now pumping from sea level up to wherever, up upper Kula. I notice on today's report the Kahakapao reservoir, reservoirs are, one is 50 percent, one is 30 percent. We're only producing a 1.9 million at Kamole and we're boosting no water uphill. Why aren't we boosting uphill to top off these reservoirs? It costs money to pump uphill. We're gambling it will rain before we need the water. If the Water Department wanted more surety of no drought conditions, we could be pumping uphill every day. In, in July they did pump uphill a million gallons a day. So one solution for the use of the Hamakuapoko Wells would be what is in the Upcountry Water Use and Development Plan, the recommendation. You pay consultants hundreds of thousands. We had meeting upon meeting upon meeting and their suggestion was to use these wells to back up Kamole, pump these wells uphill to Kamole, but it in the ditch downstream of the plant into the Hamakua ditch in times of extreme drought emergency. So therefore it would truly be used for agriculture not for potable use. It would allow Kamole to withdraw more water. Now the 2000 Memorandum of Understanding says that if the ditch into the Kamole averages less than 55 million gallons a day for three days, the County's mandated to pump all available ground water sources, so we if we pass this ordinance and the ditch drops to 55 even if the County doesn't want to pump 'um we're gonna have to pump Upcountry. So it's a lot of unintended consequences, a lot of study that needs to go on and I thought that's what was the Water Use and Development plan was to scope, was to look at all these, all the economic factors of what these, using these wells would mean. Thank you.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

CHAIR VICTORINO: Thank you. Questions for the testifier? Seeing none, thank you, Mr. Karpovich. Last testifier that signed up is Mae Nakahata. If anyone else would like to testify, please if you would sign up in the back? Thank you ...*(inaudible)*... Mae. Good morning.

MS. NAKAHATA: Sorry.

CHAIR VICTORINO: That's okay.

MS. NAKAHATA: Good morning. My name is Mae Nakahata and I'm here before you today as agronomist from Hawaiian Commercial and Sugar Company, HC&S. I felt compelled to testify today because hearing some of the earlier testimonies and I felt the need to clarify a couple of statements. Earlier there was some statement about HC&S's concern about the pumping of the H-Poko Wells and its impacts on our wells. We do test our wells on a regular basis for salinity. We need to. Sugar cane cannot, will get hurt if salinity levels rise too highly. Understand our wells are in the 20-plus million gallons per day flow rate. H-Poko is one million gallons. HC&S has not had a concern about the impacts, about H-Poko and its impacts on the salinity of our wells. Our other wells would have a far larger impact. So I just wanted to clarify that statement. The other thing that was said earlier in one of the first testifiers was that science, you need to use it to look at contamination but you also need to look at it for treating of the contamination. Science needs to be used equally across all measures, and I heard an overabundance of use of science speaking about the contamination but not an equal passion about its use in the treatment of the water. And the science is there, EPA recognizes it, other areas of the State recognize it and people in Hawaii in Kunia and Napili all use that science to get safe drinking water. And finally when we talk about the contaminations and the toxic levels, many years ago a good friend of mine used to be the toxicologist for the California EPA and she wrote a book called *The Dose Makes the Poison*. And it's, she was a toxicologist and many of her friends used to tell her, aren't you afraid of all of the chemicals in society and so forth? And she said, no, because I understand them. And one thing that she pointed out to me and I didn't realize this was that if you go to a zero dose levels and there have been scientific tests that show that, it's actually less beneficial than if you had a very little exposure. Because what happens is there's been scientific tests over and over where very low dosages actually help build up your immune system and so forth versus a zero. It's like you live a totally sterile environment and so you end up with a very high susceptibility to other impacts. So read the...if you want to look it up the book is called *The Dose Makes the Poison*, written Alice Ottoboni. Thank you.

CHAIR VICTORINO: Thank you, Ms. Nakahata. Any questions for the testifier? Yes, Mae, Mae, we have a question from Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair Victorino. Good morning, Mae.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

MS. NAKAHATA: Good morning.

COUNCILMEMBER COCHRAN: Thank you for being here. I'm looking at...

MS. NAKAHATA: I'm sorry, nobody else did that.

CHAIR VICTORINO: It's okay.

MS. NAKAHATA: Why is it only me?

CHAIR VICTORINO: Okay.

MS. NAKAHATA: Sorry.

COUNCILMEMBER COCHRAN: I'm looking at some past testimony in regards to Water Development that were in discussion with A&B in regards to using the pumped water to mix with ditch water for your agricultural uses. Has that still been in discussion, do you know?

MS. NAKAHATA: Yes, that, that has been in discussion.

COUNCILMEMBER COCHRAN: Is there any close outcome into a decision on it at all? Can you share?

MS. NAKAHATA: I'm not sure exactly what level that discussion is at but, because I'm not involved in that particular discussion. But this is my personal opinion on this water. Okay, the treatment facilities that have been built, constructed, the carbon filters and so forth associated with this, these wells take the water to a higher treatment level. In other words, they purify the water. Putting that water in our ditch so you have clean water that we're going to put into ditch water so we contaminate it again and then we have to treat it again in a system that already is strained. So it seems to me the ideal thing is to take that treated water and keep it clean for people to use. The discussion that we've had is to put it back into the ditch water. So in other words, the whole treatment system, it's like wasted 'cause you have to treat it again. But again, I know there's been the discussions about the putting it in the ditch but I don't know where it is at this time.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Mae. Thank you, Chair.

CHAIR VICTORINO: Thank you. Any other questions for Ms. Nakahata? None? Thank you, Mae. I will give one more opportunity to anyone who would be wanting to testify. Seeing none, with no objections, I will close public testimony at this time.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

COUNCIL MEMBERS: No objections.

CHAIR VICTORINO: Thank you.

...END OF PUBLIC TESTIMONY...

ITEM NO. 7: HAMAKUAPOKO WELLS (C.C. No. 11-223)

CHAIR VICTORINO: Okay, so this morning we have just one item to discuss, WR-7, the Hamakuapoko Wells. This has been discussed and this is I think the fourth meeting we're having on this over the past three years that I have been the Chair of this Water Committee. Members, it is my hope today to get the facts out. We brought up Stuart Yamada from the Safe Drinking Water Branch, Environmental Management Division, State Department of Health for technical questions. We also have the Director, Mr. David Taylor here. He has a number of Department and Division Heads available for specific questions as they may arise. So I will make an opportunity if a question is raised and Mr. Taylor would like one of his Division people to come forward then I will bring them forward. Also, we are looking at these wells as an opportunity to bring Pookela as a dedicated source and this as backup source for emergency purposes. However, the original discussion that we had had was to use this on a consistent basis so that testing could be done, and this use on a regular basis would be, as it was stated earlier, bypassing the treatment plant and pumped into the ditch system for agricultural purposes and making this available if emergency drought conditions existed for the Upcountry area. This has been the discussion all along and we will continue in this manner, but again, the Chair is open to ideas, suggestions, and possible amendments to the, the changes that are being requested. So at this time, I would like to call upon the Director of Water Supply, Mr. David Taylor to give his overview, and then maybe Mr. Yamada to give a brief overview on the State Department of Health's perspective and then from there I will open the floor for questions from Members. So let me start by introducing Mr. Taylor. Mr. Taylor?

MR. TAYLOR: Thank you, Mr. Chair, and thank you, Members for hearing this item today.

CHAIR VICTORINO: Oh, Mr. Taylor, one moment before you go on. I forgot to mention, you all had written testimony that you had so I want to make sure that is entered into the records with no objections.

COUNCIL MEMBERS: No objections.

CHAIR VICTORINO: Thank you, and I apologize, Mr. Taylor.

MR. TAYLOR: Thank you again. The Department of Water Supply and the Administration are fully supportive of the Council passing this ordinance. We

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

think it's exactly the right thing to do. A couple of months ago, I was reading one of our trade magazines and there was an article about a municipality, a water municipality in Colorado or Utah, I can't remember where, where they had too much uranium in their source water, and the article was about the treatment plant they built to remove their uranium down to a drinkable level and it was a positive article about, you know, how you can use technology to solve these problems. And I was thinking what if that happened here? I mean, everybody would hit the roof, you know, they would say the water is radioactive, et cetera. But the fact is that story demonstrates that anything can be removed from water through proper treatment, even uranium. All of our water sources whether it's bottled water, whether it's water from the tap, anywhere you go in this country, if you went back to the water source and you did chemical analysis and looked at it under a microscope, you would not drink it. Water at its source isn't how we measure whether it's safe to drink. It's water after treatment. The H-Poko Well water can be treated to a quality that is perfectly safe to drink, as Mr. Yamada, you know, will be able to answer questions on later. So the Department fully supports what a number of testifiers mentioned about trusting in science, trusting in engineering and realizing that even when you buy bottled water, you don't know what source that came from. It had to go through these same technologies, these same processes. So you're trusting it anyway and so we should trust ourselves as much as we trust, you know, bottled water where we have no idea where it comes from. The H-Poko Wells are by far the fastest, most economical way to attack the Upcountry water list. There is nothing else in our arsenal that can come close to the timeliness and economics of getting to these people waiting and waiting on this list. So again, we are fully supportive of this, of this ordinance. We are ready to start moving forward with getting this well back into service and using it to start moving through the Upcountry water list. So again, I have, I have Staff here who have a lot of details for as much detail we'd like to get into. We'd be more than happy to answer any of your questions and I'm thinking Mr. Yamada from the Department of Health may have some opening statements as well.

CHAIR VICTORINO: Mr. Yamada, do you have any opening statements you'd like to address to the Committee, please?

MR. YAMADA: I'll just be brief. Department of Health approved the Hamakuapoko Wells 1 and 2 back in December of 2000, and that was with the treatment. And I think back then and it still holds that the County still proposes to send the treated water down to the Kamole water treatment plant for disinfection. We still stand by that approval. There, there are things the County's going to have to do because the wells have basically been dormant for so long, but we still feel very confident the technology exists, has been in practice. And, you know, I just as I always preface all the County Council meetings that I attend, that I'm not here to tell you what to do so please, you know, don't get that impression. I'm not here to tell you what's right or wrong but I'm here to answer any questions you may have.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

CHAIR VICTORINO: Thank you, Mr. Yamada. And so, what I will do is I'll start from Mr. Pontanilla, the Vice-Chair and just work our way down for all the voting Members first and then for the non-voting Member thereafter. Mr. Pontanilla? And if we could keep it to maybe just two questions?

VICE-CHAIR PONTANILLA: Sure.

CHAIR VICTORINO: And then give everybody an opportunity please?

VICE-CHAIR PONTANILLA: Okay, thank you, Chairman. First question for our Director Taylor in regards to the Shell agreement. What is the agreement entails?

MR. TAYLOR: The agreement you're referring to is between the County and a group of, a group of companies who have responsibility for cleaning up pollutants in, in the ground, that include Shell, Dow, Occidental, and possibly and, and a few others. So there's a settlement agreement and that until 2039, they are responsible for capital operational costs to remove these contaminants from the water.

VICE-CHAIR PONTANILLA: Okay. My second question is for Mr. Yamada. Mr. Yamada, you know, I've heard you in regards to a meeting up in King Kekaulike back in October 2009, and one of the questions that was brought forward to you is that who oversees your work, Department of Health? Does EPA oversee your work?

MR. YAMADA: Correct. We have what is called delegated authority of primacy from the Federal Environmental Protection Agency and they basically have oversight over everything we do.

VICE-CHAIR PONTANILLA: Okay. Follow-up question.

CHAIR VICTORINO: Okay, if you stay along the same lines please?

VICE-CHAIR PONTANILLA: Thank you. So, the work that you guys do is basically overseen by EPA. So I, I guess what is being approved by the Department of Health can be considered safe?

MR. YAMADA: In my humble opinion, yes.

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

CHAIR VICTORINO: Thank you. Mr. White?

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

COUNCILMEMBER WHITE: Thank you, Mr. Chair. Mr. Taylor, one of the testifiers mentioned a concern about the Hamakuapoko Wells being shallow. What is...how would you respond to that concern?

MR. TAYLOR: The issue the testifier was talking about I would, I would put in as an operational concern. The ordinance in front of you today allows us to use the well if it's passed. If it turns out that we don't get reliable production from it then we're not going to be able to use it very much. If it turns out that there's some problem long term, we won't be able to use it at all. So I would answer to say that will work itself out. I can't answer what will happen in the future after pumping it for long periods of time again, and again, and again. But if it turns out that there is a problem because it's shallow and it doesn't have a sustainable yield what we thought it would be, well we won't be able to pump it as much. But that won't affect...I guess I just don't see how that would affect your action today. If it turns out that operationally it doesn't service very well, well then we won't be able to use it very much. So, I don't know whether or not that's true or not, I don't have, you know, that historical background on it, but again, the well's already there and it will either work well or it won't and if it doesn't we won't be able to use it.

COUNCILMEMBER WHITE: Were there tests, tests done on it initially to establish what the potential sustainable yield would have been had they become operational?

MR. TAYLOR: For those questions about that history I need to bring down one of the division heads, and if you'd like I can bring one of them down to, to answer those questions?

COUNCILMEMBER WHITE: If the Chair has no problem with that?

CHAIR VICTORINO: Yeah, if he can keep it to a brief minimum? Bring down whomever, whoever would be the one to discuss it?

MR. TAYLOR: So I see our, our Plant Operations Division Head, Joe Mendonca is coming down and he'll answer that question.

COUNCILMEMBER WHITE: Thank you.

CHAIR VICTORINO: Why don't we bring a chair over from that desk, Joe? Bring a chair from that area and that way as we call the various people up. And, Mr. Mendonca, would you just introduce yourself and your position within the Department of Water, please?

MR. MENDONCA: Good morning, Chair, Council members. My name is Joe Mendonca and I'm the Plant Operation Program Manager.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

CHAIR VICTORINO: Sorry, Mr. Mendonca, I...pardon me for jamming your name up.
Excuse me, go ahead, Mr. Mendonca.

COUNCILMEMBER WHITE: The question was whether or not there had been tests done on, on what the sustainable yield of the wells was at the time that it went through the approval process initially?

MR. MENDONCA: Yes, there were. When, whenever the well was drilled they determined the maximum yield on that well. So that's, that, that was it. We didn't do anything after that.

COUNCILMEMBER WHITE: Okay. So it was...how long a duration was it being pumped?

MR. MENDONCA: Most tests run about 48 hours. But I'm, I'm not sure how what, how many hours --

CHAIR VICTORINO: Excuse me.

MR. MENDONCA: --it ran for that particular --

CHAIR VICTORINO: Mister...can you speak up a little, Joe, please?

MR. MENDONCA: Okay, sure.

CHAIR VICTORINO: They cannot hear you, the rest of the Committee and I would imagine Akaku is having a hard time pick you up. So speak right into the mic please?

MR. MENDONCA: Okay, most tests run 48 hours.

COUNCILMEMBER WHITE: Okay.

MR. MENDONCA: You know or a week depending on the criteria. So that's all that's been done as far as the yield goes.

COUNCILMEMBER WHITE: Okay, thank you. Thank you, Chair.

CHAIR VICTORINO: Thank you. Mr. Hokama?

COUNCILMEMBER HOKAMA: Not at this time, Chairman.

CHAIR VICTORINO: Thank you. Ms. Cochran?

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

COUNCILMEMBER COCHRAN: Thank you, Chair. Let's see, where do I begin? Good morning, Mr. Taylor. Just curious, you know, I'm just wondering water obviously a big issue. We're trying to figure out what's the most feasible, economical way to get source. And so is this as I'm gathering sort of the low hanging fruit that has been talked about, and if so, you know, because I've been hearing cost on pumping and, and it's quite expensive. So I'm really trying to figure out where the cost benefit is here in that regards?

MR. TAYLOR: Sure, and thank you, Member Cochran. This is the low hanging fruit. It's a low hanging fruit because the well's there, the pump's there, the motor's there, the piping system's there, the filtration granulated activated charcoal system is there. It's all there. It needs some upgrades, you know, it hasn't been used in a long time, but the majority of the system is there. As far as the pumping costs go, I think people sometimes get confused by how low the actual well site is. Whether or not you're pumping let's say--how do I say this--the H-Poko sites are closer to the ocean obviously than a well site far up in Kula, but you're still pumping the water from the same general elevation up to the house in Kula. Whether you pump it up the well and then use a booster pump station and pump it, you know, up the roads essentially through pipes or you pump it straight up through a deeper well, you're still pumping this water up a high elevation. So any way we get the water to these people who need it at high elevations, we're going to have to pump. And something everybody has to, you know, make peace with is that the water cost for providing pumped water Upcountry is going to be more expensive than the average current cost of, of providing water no matter what source we use because it's all basically low elevation water that has to be moved to higher elevations. So yes, it will be more expensive. There will be no solutions that don't involve moving water from low elevations to high elevations. So I don't think we need to much be concerned about whether or not the well itself is deep because even if it's a shallow well and you have to pump it through booster pump stations up pipes it ends up taking the same amount of energy. So they're all, all solutions are still going to have to get water from low elevations to high elevations. So I think that is something that, that's almost even across the board. But this is the low hanging fruit from source development.

COUNCILMEMBER COCHRAN: So you're saying that water costs will go up, and I mean, I'm looking at Upcountry doesn't have sewer charges because they don't have sewer, you know, service. So Central pays a little more because they do and so on. And so, are the Upcountry people aware, I mean, you just mentioned it but they okay with having rising, rising costs on this usage of...

MR. TAYLOR: Well, let's be clear. It's, it's Countywide because right now everybody in the County pays the same for their monthly water bill. Now some customers it costs us a little more to serve them. Some customers cost a little less, but everyone pays the same. So this will raise doing anything Upcountry even if somebody gave us the system and we just had to operate it. Water rates

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

Countywide will have to go up to support a higher average level of cost, but no individual will be paying more than anyone else, more than anywhere else depending based on where they live unless the Council wants to change the rate structure and have, you know, geographical monthly rates which do not exist at this time.

COUNCILMEMBER COCHRAN: And I had questions about treatment.

CHAIR VICTORINO: No, and I'll move on. Okay, please. Ms. Baisa? And we'll come back again, and you'll have another opportunity. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. Thank you to everyone who's here to help us with this today. I have just for my first two questions, Director Taylor you mentioned some of the items that might have to be taken care of, can you give us an idea, at least a estimate of what it would cost to get these wells on line?

MR. TAYLOR: Yes, in order to get these wells on line, let's call it reliably on a permanent basis. That means they're available permanently. The plan would be still to use them as a backup to Pookela.

COUNCILMEMBER BAISA: Right.

MR. TAYLOR: So they'll be reliable but used only when necessary. Our cost estimate is about \$1.9 million and that includes a number of pump, let's see, pump system repairs, let's say replacing bearings and lubrication systems, control valves, also we need to do some refurbishment of the GAC vessels themselves, and to use this reliably, we need to build a tank at the site. So all of those things would have to be done and our rough cost, cost estimate is just under \$2 million.

COUNCILMEMBER BAISA: Thank you for that answer. The second question that I'll be allowed at this moment is it was mentioned that testing was done and it was quite a while back. Has testing been done recently and would it have to be done in order for you to use the wells?

MR. TAYLOR: We would have to do testing again in order to use the well.

COUNCILMEMBER BAISA: And this would be covered by the, by whichever company we have a deal with?

MR. TAYLOR: We would have to absorb the costs for that.

COUNCILMEMBER BAISA: Okay, thank you, and thank you, Chair.

CHAIR VICTORINO: Thank you. Mr. Carroll?

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

COUNCILMEMBER CARROLL: No questions at this time, Chair.

CHAIR VICTORINO: Thank you. Then I'll allow the non-voting member, Mr. Couch to bring up a few questions, two questions.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. This I guess goes towards treatment as well. They talked, some testifiers talked about nitrates in the water, is that right? What levels of nitrates are there in that water?

MR. MENDONCA: Okay, the level of nitrates...

CHAIR VICTORINO: Again, Joe, can you speak into the mic, please?

MR. MENDONCA: Yeah. I'm sorry about that.

CHAIR VICTORINO: Okay.

MR. MENDONCA: Throughout the years that we ran the, the wells, you know, very intermittently, we...it's between three and five. The last time we ran the wells were back in 2004, I think we averaged 3.8 in one of them and a little higher on the other.

COUNCILMEMBER COUCH: Okay, and the safe, the safe level is ten?

MR. MENDONCA: Yes.

COUNCILMEMBER COUCH: Okay, I'm just...and what, what are the issues with nitrates being in the water? The only reason I'm asking is because there's a report from the National Water Resources Defense Council that talks about bottled water and they did a test and a lot of bottled waters is around the three to five level of nitrates, so what, what are the hazards of nitrates?

MR. MENDONCA: Well, the hazard with nitrates is really towards infants and it would inhibit the oxygen carrying hemoglobin in the blood. So that's the main issue.

COUNCILMEMBER COUCH: Okay, thanks.

CHAIR VICTORINO: Thank you. I'll return to Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you. Maybe for Mr. Taylor. Should this thing go forward, what is the process that the Department needs to take in regards to approvals for the use of the wells?

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

MR. TAYLOR: If the Council passes this ordinance, our action plan...basically we have about an 18-month action plan that we have to initiate. We need to do some of the physical modifications that I mentioned earlier, some of the repairs and construction. The single biggest...we have to do the testing, but the single longest item is an Environmental Assessment. We will have to do an Environmental Assessment under Chapter 343. That's probably going to take about a year. In order to get started on that and started on some of these things, we'll probably, if this happens quickly, we'll probably need to come with a budget amendment to get some funds to embark on this, otherwise we need to wait until the Fiscal Year 2013 Capital Improvement Budget to get some of these funds. But either way, after that we have about a 12 to 24-month time period to do the testing, get the improvements done, do the EA, go through that process, and then start issuing meters.

VICE-CHAIR PONTANILLA: Okay, the second question is, because we already started and completed the Water Use and Development Plan for Upcountry, by utilizing the well what does it do to the Water Use and Development Plan?

MR. TAYLOR: The Upcountry Water Use and Development Plan is still in a draft stage. So this will be incorporated into its final, final effort.

VICE-CHAIR PONTANILLA: As part of the plan?

MR. TAYLOR: Yes.

VICE-CHAIR PONTANILLA: Okay, fine. Thank you.

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

COUNCILMEMBER WHITE: Thank you, Mr. Chair. Roughly, how many water meters would be allowed with the, the activation of these two wells?

MR. TAYLOR: Our estimate is about just under 400,000 gallons of water which the, the number of meters is different depending on whether they're agricultural or residential, et cetera, but we think we can get through just under 500 requests or applications on the Upcountry list. And based on what we heard, what we talked about last time, two weeks ago, about our, our, our estimate that half the people offered meters will probably decline because they can't afford their system improvements. That also goes back to historical data, the last time meters were offered, about 60 percent of people accepted and 40 percent declined. So you figure with the economy a little worse off, you figure 50 percent is a pretty good guess. That should be able to get us through about half of the list.

COUNCILMEMBER WHITE: Thank you. Thank you, Mr. Chair.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

CHAIR VICTORINO: Thank you. Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. I'm sure today the Administration would hope there's...there wouldn't be Members like us that have more than 12 years of institutional memory, Chairman. Because during this Administration's first cycle about ten years ago, I'm interested to hear the part of the situation is because of how we approached or didn't approach CIP funding to allow the Department to move into certain areas for either be storage, additional well, investigation, transmission, you know, we can bring up the old Brown and Caldwell Report, Mr. Chairman, of about 13 years ago. And I find it interesting that some of the response we're getting from the Department today on the questions from this Committee when I can recall in past Councils, we gave the Department under then another Water Director under the leadership of Arakawa one, we gave them between 25 and \$50 million a year to do Capital Improvement Projects. And some of the projects that I can recall would have addressed some of these concerns today. So now it's back to the burden of the Council or this Committee to help find ways of what the Department and those past Administrations, including the last one, that didn't do what they should have done. And I don't have a question because I am just interested in hearing the responses because that's not how I recall those events and those facts, Chairman. Thank you.

CHAIR VICTORINO: Thank you. Any response to that, Mr. Taylor?

MR. TAYLOR: Unfortunately, without specifics on specific project, I'm, I'm not, yeah, I'm really not prepared to, to answer those questions because I'm not exactly sure which projects are being referred to. I, I just know in general doing Capital Improvement Projects there are a number of things beyond the County's control. Obviously I wasn't in the Department then so I don't know what was happening. But any time I've been involved in capital projects there are always things like zoning changes, approvals from State agencies, Environmental Impact Statements that are sometimes beyond your control to, to succeed. So I don't know exactly which, which project specifically Councilmember Hokama's referring to. I can only say that here's where we are now, here's how we need to proceed, we are dedicated to trying to, you know, attack these problems, and again, we think this is the low hanging fruit.

CHAIR VICTORINO: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. I'm curious...Mr. Yamada, Shimada is it?

CHAIR VICTORINO: Yamada.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

COUNCILMEMBER COCHRAN: Oh, sorry, Yamada or I think, Mr. Mendonca, you mentioned some numbers in regards to nitrates, I think Mr. Couch asked what those numbers were. And I have a concern with nitrates because the...that filtration does not even clean any of it out. I'm looking at a actual sampling of Wells 1 and 2 dated from 1999 all the way through 2004. And some of the number counts here actually exceed...are high. So I'm just, I know testing will be occurring but I think it's so important that we do get the most updated figures, because the numbers here for me anywhere are, are quite alarming and then the idea about the filtration not being...not taking out any nitrates. So I don't...any comments from departments or standard drinking?

CHAIR VICTORINO: Mr. Yamada?

MR. YAMADA: Council member, I can say one thing is that, you know, looking at the results, they are pretty, you know, intermittent, and I think what's probably more important is the long term use, and, you know, that's probably been the biggest issue with these wells, the fact that they haven't seen consistent usage. It makes it very difficult to ascertain what the levels might be, but for us, say, I think you're looking at some of the numbers are over five, under the Federal law that's a trigger for increased monitoring. You have to do quarterly monitoring. So is it a point of concern? I think more it's an issue of something that needs to be carefully monitored. That's the way we look at it. Historically we have seen levels this high in some Oahu wells, but, you know, I think at this point most of them have subsided. So, you know, it's very possible that you'll see the same here.

COUNCILMEMBER COCHRAN: Thank you. And I guess, if...how are we going to address the nitrates? If...from I guess Department, anybody? Because the charcoal filtration doesn't address it whatsoever, it addresses DBCPs, EDPs, TCPs.

CHAIR VICTORINO: Mr. Taylor?

MR. TAYLOR: The nitrates are currently within allowable limits.

COUNCILMEMBER COCHRAN: As far as these old records state.

MR. TAYLOR: That's correct.

COUNCILMEMBER COCHRAN: I mean, you have current...we don't have current?

MR. TAYLOR: That would be part of the new certification testing.

COUNCILMEMBER COCHRAN: Okay, thank you.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

CHAIR VICTORINO: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: Yes, if we would proceed with this, I'm reading the letter that you used to transmit the matter to us, on August 15th you wrote a letter, and it talks about using for this, the water from here for emergency relief and agricultural purposes. Is there a reason why we would use this as a backup rather than being able to use it all the time?

CHAIR VICTORINO: Mr. Taylor?

MR. TAYLOR: I think you're referring to the letter that Council Chair [*sic*] Victorino sent to you?

COUNCILMEMBER BAISA: Correct.

MR. TAYLOR: Okay, if you only have one well and it mechanically fails, then nobody has any water. So if you're gonna have one well, you better have a second. Now the second, you're not going to allocate meters off of, you're going to keep it as a mechanical backup. The Upcountry system has a number of surface water treatment plants plus a number of wells, some reservoirs, et cetera. So as a whole, we have a certain amount of what I'll call reliable capacity, meaning how many meters can we give? Some of that stuff has to be kept in reserve in case other things mechanically fail or, or fail for some other reasons. So our intention just operationally for the whole Upcountry system if this is approved would be to primarily use this as a backup to Pookela, use Pookela as the primary source to give meters off of that, where this would be I'll just call it a mechanical or reliability backup to Pookela. That's essentially would be our operational scheme which is why you can't count on everything always working at the same time. So any utility is going to have some equipment in reserve.

COUNCILMEMBER BAISA: So the yields from these wells, both Pookela and the H-Poko Wells, is it fairly, is it fairly the same?

CHAIR VICTORINO: Joe?

MR. MENDONCA: Yes, the Pookela Well has a capacity of I think 1.3 million gallons. And it's pretty much the same as, I think the H-Poko Well is a little higher.

COUNCILMEMBER BAISA: So either one would, would yield the same thing?

MR. MENDONCA: Right.

COUNCILMEMBER BAISA: Of course, I'm trying to figure out how we can get the most water out of this deal, and if one has more than the other then maybe we should use the one that gives us more.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

MR. TAYLOR: And that's a decision that operationally between, between staff, between Engineering, the operational staff, you know, they'll figure out what's the best way to optimize the system operation.

COUNCILMEMBER BAISA: All right. Thank you, Chair.

CHAIR VICTORINO: Thank you. Mr. Carroll? No questions? Before I recognize Mr. Couch, as those who have been with this, with me for a while will remember the whole purpose on this resolution was to have this Hamakuapoko Wells brought back online, to bypass the treatment plant, to be clean, and to be used on a regular basis for agricultural purposes, and as a backup for emergency purposes. If you remember, Mr. Yamada has mentioned on a few occasions the lack of use of these wells has been a tremendous detriment because they cannot get any accurate readings. Those who are out there are scared of what it may do, this is our chance to prove right or wrong. This is my whole plan. The idea was to get it back where it be running, it will bypass the treatment plant and be put into the ditch where testing can continuously be done and monitored. The only way we're going ever find out how good or bad a) the yields are; b) what contaminant and the, the nitrates contamination, in fact nitrates is actually good for agriculture because they have to put less fertilizer if there's nitrates in the water. It's a win-win situation for them. I've studied this; I've worked on this for many years like many of us on this Council. So that's to give you the overview of this as a backup it would be brought on only if and when emergency was declared by the Director of the Board of Water Supply. That was it. And so that's what this is all about, and if you read the resolution, basically that's what its saying. Okay? So, further questions? Mr. Couch?

COUNCILMEMBER COUCH: Question for you, Chair, is on the back of your letters this is what we're talking about, right?

CHAIR VICTORINO: Uh-huh, uh-huh.

COUNCILMEMBER COUCH: Okay, that's actually a bill. Okay. Thank you.

CHAIR VICTORINO: Okay. Mr. Pontanilla?

VICE-CHAIR PONTANILLA: Thank you. And, Chairman, you brought up a good point in regards to the constant use of both H-Poko 1 and 2. You know, according to Staff here and, you know, Mr. Yamada, you know, it cleans out the well itself. I remember back when in October the question about nitrate that was posed to Mr. Yamada, and at that time they were doing some testing on Oahu, a, a project. Can you apprise us of that particular project in regards to the nitrates?

CHAIR VICTORINO: Mr. Yamada?

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

MR. YAMADA: You have a good memory. If, if...

VICE-CHAIR PONTANILLA: No, I'm reading the minutes. ...*(Laughing)*...

CHAIR VICTORINO: ...*(Laughing)*...

COUNCILMEMBER COUCH: ...*(Laughter)*...

MR. YAMADA: Can I...no, I'm, I'm pretty sure what you're referring to is the proposed, then proposed project by Honolulu Board of Water Supply in Kunia to remove nitrates. My understanding that that project has been put on hold. So technically, no one in the State is treating for nitrates. And it's important to point out in that case; I think they backed down primarily because the numbers, the nitrate numbers did not continually rise. They saw it kind of stabling off, if not, actually going down, so they just pretty much figured it wasn't worth the cost.

VICE-CHAIR PONTANILLA: So meaning the treatment that was being done at the time was adequate enough to...

MR. YAMADA: Basically there was no treatment for nitrates. The only treatment was similar to what you have here. They were using granular activated carbon --

VICE-CHAIR PONTANILLA: Okay.

MR. YAMADA: --for other herbicides, pesticides.

VICE-CHAIR PONTANILLA: Okay. The other thing for the Director, in regards to the use of the wells, do we still need, as an emergency, do we still need the Governor's approval?

MR. TAYLOR: I may have to bump that to Corporation Counsel. I'm not exactly sure what...who exactly has the right to declare what sort of drought or what sort of emergency. I'm not off the top of my head familiar with exactly what those rules are.

VICE-CHAIR PONTANILLA: Okay, Corporation Counsel?

CHAIR VICTORINO: Mr. Kushi?

MR. KUSHI: Yeah, Mr. Chair, Member Pontanilla, back in 2005 or '06, our office wrote or responded to Council Dane Kane's question about the use of these H-Poko Wells. At that time our position was and it still is that if the Department should use these wells on a continuous unconditional situation Upcountry, an EA will be required. Previously, the Governor Cayetano, I believe, issued a declaration of

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

exempting these two wells from the EIS process because of emergency. That expired and then he issued another proclamation saying that these wells could only be used in a emergency drought situation. That is still the case with these two wells. However, now the plan has changed, be if you want to call it backup or whatever, in my mind it's, it's a different purpose. Okay. When you say backup, it's not emergency, it's a backup, so if, if the Department plans to use these wells on a continuous unconditional situation Upcountry, an EA would, would be required. As the Director said, they, they would process it. Now if these wells are to be used for the Central system which previously caused all these...this, this problem, these wells can be used, because the Consent Decree specifically exempted these two wells and it was...the plan was to come down to Paia, but apparently that's not the case now. Okay?

VICE-CHAIR PONTANILLA: Okay, fine. So in this regards, Director, if this thing should move forward, then an EIS will be prepared?

MR. TAYLOR: We would follow Chapter 343 which means we start with an Environmental Assessment, and only if that leads to an Environmental Impact Statement do you do one, otherwise, you know, it stops at the Environmental Assessment stage.

VICE-CHAIR PONTANILLA: Okay.

MR. TAYLOR: But we would have to follow Chapter 343 as Mr. Kushi just said.

VICE-CHAIR PONTANILLA: Okay, fine, thank you

CHAIR VICTORINO: Mr. White?

COUNCILMEMBER WHITE: No further questions, Chair.

CHAIR VICTORINO: Thank you. Mr. Hokama? Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, looking at the proposed language specifically, I'm trying to determine, this is not for human consumption, is that correct? It's strictly for ag and backup purposes only?

CHAIR VICTORINO: No.

COUNCILMEMBER COCHRAN: No?

CHAIR VICTORINO: No.

COUNCILMEMBER COCHRAN: So it is going to be for human consumption, and it's...

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

CHAIR VICTORINO: If it was, if it was declared an emergency and had to be used as a backup.

COUNCILMEMBER COCHRAN: Okay.

CHAIR VICTORINO: Because if you read, we have eliminated, shall not, not be provided for human consumption. It is bracketed out.

COUNCILMEMBER COCHRAN: So it is an emergency, I just wanted clarification on emergency relief, a little more elaboration on that particular statement.

CHAIR VICTORINO: It would have to be a drought condition and/or if like Mr. Taylor had mentioned that a, let's say Pookela Well broke down and we needed it as a backup for that purpose.

COUNCILMEMBER COCHRAN: We're already in drought conditions. This is why we're looking for water source, so my...can I ask the Department a question?

CHAIR VICTORINO: Go ahead.

COUNCILMEMBER COCHRAN: Mr. Taylor, you mentioned that we're looking to use Pookela as the main source, main, and this Hamakuapoko as backups. What is the cost to run that particular well, Pookela Well? It's just on a backup? We're not using that on a daily basis at this point?

MR. TAYLOR: That's correct.

COUNCILMEMBER COCHRAN: What kind of cost figure goes into starting that thing up and getting it pumping?

MR. TAYLOR: I think in general it costs about a dollar thirty I think, at, at last time I checked Maui Electric rates a couple months ago to pump a thousand gallons of water up a thousand feet. So you can't really just look at just that one well because if that water from that well has to get to a higher elevation it may have to go through booster pumps. So just in general, it costs, you know, a dollar thirty or a dollar fifty in electricity to pump a thousand gallons of water up a thousand feet. So it really depends on where we're pumping it, where it ends up being pumped to, and how much there is. So, the big cost is obviously electricity which is dependent on a) you know, what Maui Electric at that day is charging for electricity or that month what the electric charge is plus how much we're pumping. So there's no one cost to turn something on. There's a cost to pump volumes of water to different elevations. And obviously the more we pump, the higher we pump, and the more Maui Electric's charging, the more it costs.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

COUNCILMEMBER COCHRAN: Yeah, I was told there is a figure and it's quite substantial like \$9,000 to start that well up, and that's pretty astronomical and quite disturbing to me. I have a...did you want to comment?

MR. TAYLOR: You can just ...(inaudible)... There's something called a...Maui Electric has a demand cost, and, and Joe can explain exactly what that is.

MR. MENDONCA: Yes.

COUNCILMEMBER COCHRAN: Thank you, Joe.

MR. MENDONCA: The demand cost is once you run that well or any electrical device for...well, that's, that's under the, the P rider. The first 15 minutes that you use this well, you're going to be charged for the entire year basically demand cost and demand cost is \$16 per kilowatt or some...but like that \$9,000 that you mentioned, that's probably in the ballpark. So if we ran it for 15 minutes let's say, and that's it, we didn't run it for the rest of the year, it would divide down to zero at the end of 12 months, but if we keep running it, well we still have to pay the demand cost on top of the energy costs.

COUNCILMEMBER COCHRAN: Thank you. And I have a question, I'm not sure but Corp. Counsel possibly, and this is in regards to hearing that EPA is considering stricter regulations on TCPs. And should that be a concern for us currently in looking to use the water from these wells? Are you aware of stricter regulations now?

MR. YAMADA: There's a lot of rumors but, you know, I don't think anything's been confirmed about EPA actually seriously entertaining something lower, but I, I think you have to realize there's always a potential. EPA...just because EPA has a standard does not mean that they'll always stand by and not look at perhaps even raising it at times. Just, it just depends, but you know, I wouldn't put a lot of stock at this point to those kind of a rumors.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Chair.

CHAIR VICTORINO: Ms. Baisa?

COUNCILMEMBER BAISA: Yes, thank you very much, Chair. Chair, I just have a question for Staff about...our experts, about testing of the wells. You know, I'm, I'm kind of, you know, in tune with what goes on in the Water Department having had a husband that worked there for a long time. Explain when do you use a 48-hour test and when do you do this 7-day test which tells you very different things, and which kind of a test are we talking about if we're gonna be testing the well?

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

MR. MENDONCA: I guess the test that we were talking about earlier --

COUNCILMEMBER BAISA: Yeah.

MR. MENDONCA: --that was the yield on the pump, on the, on the, on the well itself. Now how much can the pump put out?

COUNCILMEMBER BAISA: And that's a 48-hour test?

MR. MENDONCA: It could be 48, whatever criteria you want to use or a week or two weeks or whatever the geologist wants to use, and then, you know, basically what you want to do is pump the well and monitor the chlorides, and if the chlorides start escalating then there'll be...might be an issue with the well. Maybe you might cut down on your yield until you have some kind of stabilization of your chlorides.

COUNCILMEMBER BAISA: So you would be happy with the results of a 48-hour test unless it showed that you needed longer time?

MR. MENDONCA: Yes, but that's not the issue, I think maybe we're getting mixed up with the yields versus the contaminants. Now that's something else. Now if we were to get this approved, we would have to go...and I'm pretty sure that Department of Health would require us to run a battery of tests. You know, we would have to probably check the 89 or 100 contaminants and that's what we would do.

COUNCILMEMBER BAISA: I'm assuming that we would want, you know, a very serious test because of the concern over the contaminates. Maybe not necessarily by everyone but there are people that are really concerned, so we'd want to have a long serious test so that, you know, everybody be comfortable.

MR. YAMADA: You are correct. I think when most people explore and develop wells, they actually want to pump as long as possible, one, to check the yield but also to get a clearer picture for what's down there. If you do something really quick and dirty, chances are you might get something that's not totally representative. So it's always to your advantage, it costs more, you know, you're wasting water possibly but from a water quality standpoint your best results are after long continuous pumping.

COUNCILMEMBER BAISA: Thank you very much. I'm very familiar with seven days of hearing about we're testing the well. Thank you very much.

CHAIR VICTORINO: Thank you, Ms. Baisa. Mr. Carroll? Nothing else? Mr. Couch? Okay, any other questions? Yes, Ms. Cochran?

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

COUNCILMEMBER COCHRAN: Thank you, Chair. Maybe this is just a comment but if anyone can...

CHAIR VICTORINO: Well, we'll keep to questions instead of comments at time, I'd like the questions.

COUNCILMEMBER COCHRAN: Okay, it is a question then.

CHAIR VICTORINO: Mr. Yamada has to return to Oahu.

COUNCILMEMBER COCHRAN: I can turn it into a question.

CHAIR VICTORINO: Yes, questions, please.

COUNCILMEMBER COCHRAN: Why--and whoever wants to address, Corp. Counsel perhaps or--why are companies who didn't even create these pollutants cleaning it up and the companies who did, aren't? Shell Oil, Occidental, I think, Mr. Taylor, you mentioned five companies that actually do clean ups of this sort?

CHAIR VICTORINO: Mr. Kushi, if you...

MR. KUSHI: What, what is your question again?

COUNCILMEMBER COCHRAN: Mr. Taylor mentioned, well, everyone's been mentioning how pollutants are taken out by Shell Oil and this and that, different companies. Yet, the companies who actually created the contaminants in the wells, on our land, what have you, aren't actually the people cleaning it up. They produced the pollutants. So I'm just curious why or how do people skate around from not being the people who clean up their messes that they created?

MR. KUSHI: Well, Member Cochran, I wasn't here but we sued them. There's a lawsuit and we entered into a decree, and, and part of the decree is that they're gonna...any, any wells that the Department would drill, if, if contaminants are found, they will take care of it through the filtration system and operation and maintenance, et cetera. That was done back in...

MR. TAYLOR: This is the settlement.

MR. KUSHI: Right. It's, it's a settlement agreement, but they, you know, they didn't do it voluntarily, we had to sue them.

COUNCILMEMBER COCHRAN: But yet, we, the County, and these companies are cleaning it up.

MR. KUSHI: We could have...we...*(inaudible)*...

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

COUNCILMEMBER COCHRAN: Right, we have the treatment facilities to clean it up.

MR. KUSHI: Right, but they're, they're paying for it.

COUNCILMEMBER COCHRAN: Consumers are actually...

MR. KUSHI: No, the chemical companies are paying the County for operation and maintenance of these contaminated fields. And any future wells that we, we, we would, we would construct, we'd have to give them notice as to where we putting the wells, and if it's in a lower, you know, lower elevation from a pineapple field they, they may say no. But if they don't say no and we drill it and we, we find chemicals, they'll, they'll be responsible for it.

COUNCILMEMBER COCHRAN: Thank you.

MR. TAYLOR: If can clarify, Member Cochran? Ongoing costs we have to run these filtration systems, we pass those costs back to those companies. So when we...we have to, for example, change out this carbon at regular, at regular time periods. We pay for that, they reimburse us. So anything having to do with operations and maintenance of these filtration systems themselves, they reimburse us for that money and they have to do so until 2039.

COUNCILMEMBER COCHRAN: And is there a number on how many wells we've actually dug, exploratory ones or whatever, found contaminants, and now no longer are in use? Because one of the things is that this is paid for, it's fair, it's ready to go but we have others that have been ready to go and were in use and now we've abandoned and shut them down, and just what's the reason for that? Could it not had been filtered and cleaned to be reimbursed by these companies to keep them going?

CHAIR VICTORINO: Mr. Taylor?

MR. TAYLOR: Our staff doesn't believe there's any other wells that fit into that criteria of, of not being run because of this. There's other facilities that are not being run for other reasons, either there's certain, you know, things that that don't work anymore for whatever reasons but not because of this.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Chair.

CHAIR VICTORINO: Any other questions? Seeing none, first of all I'd like to say thank you, Mr. Yamada, for coming up today. I, I truly appreciate you being here, and I'm going to ask you a specific question and, you know, I'd like you to answer this question. By us putting this into consistent use, we will be able to over a period of time, six months, a year, being used every day tell us the

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

challenge, how much and how good this water can be cleaned up to by using it on a everyday basis, running it every day for agricultural purposes and if need to be an emergency. But right now, by running it, we will be able to test and give us what I call, accurate or at least close to accurate records on the contaminant and as well as other things like yields and all that?

MR. YAMADA: Chair, we would agree with that statement.

CHAIR VICTORINO: Thank you. I think that's been the whole premise of all of this. We will never be able to tell ourselves anything because we all would live in this doubt and this is the opportunity for us to run this well on a consist basis using it in agriculture and as backup emergency services. Simple, that's the way it's been presented, no changes, no difference. Okay? Mr. Taylor, anything else you'd like to, to close with?

MR. TAYLOR: I just wanna clarify our, our operational intent, if this bill passes, is to issue meters off the Pookela Well and use the H-Poko Wells as a, as a backup to that. Now during that time period we may be running the H-Poko Wells for some substantial amount of time to do, you know, the kind of testing that, that Chair Victorino was talking about, but again the intention is to, to use it for that purpose and to use it to, to offer meters on the Upcountry list in that order.

CHAIR VICTORINO: But again with using Pookela not Hamakuapoko?

MR. TAYLOR: That is correct.

CHAIR VICTORINO: Okay, just wanna make sure that is all clear. If not, the Chair will actually take a quick break. How about a ten-minute break and then I will make some recommendations and we'll go from there. So this Committee will stand in recess to five minutes after 11:00. Thank you. . . .(gavel). . .

RECESS: 10:55 a.m.
RECONVENE: 11:07 a.m.

CHAIR VICTORINO: . . .(gavel). . . for August 30th, 2011 will reconvene. The Chair would like to make his recommendation, if I may please?

VICE-CHAIR PONTANILLA: Recommendation.

CHAIR VICTORINO: The Chair would like to recommend that "A BILL FOR AN ORDINANCE AMENDING SECTION 14.01.050, MAUI COUNTY CODE, RELATING TO THE USE OF WATER FROM THE [sic] HAMAKUAPOKO WELLS", be it ordained by the people of Maui County, Section 1. . .and I'm reading the entirety so that everyone knows what it was specifically, being brought forth, yeah. Section 1, Section 14.01.050, Maui County Code is amended

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

to read as follows: 14.01.050, Hamakuapoko Wells. Water from the Hamakuapoko Wells 1 and 2 may only provide consumers of the Department of...Department's Upcountry water system as defined in Section 14.13.030, of this Code. Water quality samples schedules shall comply with the Department of Health regulations and with the standards set by the United States Environmental Protection Agency.

UNIDENTIFIED SPEAKER: So move.

CHAIR VICTORINO: That is that bill that I am proposing today.

VICE-CHAIR PONTANILLA: So moved, Chairman.

COUNCILMEMBER WHITE: Second.

CHAIR VICTORINO: It's been moved by Vice-Chair Pontanilla and seconded by Councilmember White. Further discussion?

COUNCILMEMBER COCHRAN: Chair?

CHAIR VICTORINO: Yes?

COUNCILMEMBER COCHRAN: I would like to make an amendment.

CHAIR VICTORINO: Go ahead.

COUNCILMEMBER COCHRAN: I want to amend the language to say, "Water from Hamakuapoko Wells 1 and 2 shall not be provided for human consumption. May be provided to agricultural users for agricultural use only."

CHAIR VICTORINO: Hearing no second, your amendment does not come out. Sorry. Any other discussion? Seeing none, I'm gonna call for the question. All those in favor of the proposed change, signify by saying, "aye".

COUNCIL MEMBERS: Aye.

CHAIR VICTORINO: Opposed?

COUNCILMEMBER COCHRAN: No.

CHAIR VICTORINO: Let the record show five "ayes," one "no." Thank you very much.

WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

VOTE: **AYES:** **Chair Victorino, Vice-Chair Pontanilla, and Councilmembers Baisa, Carroll, and White.**

NOES: **Councilmember Cochran.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Hokama.**

MOTION CARRIED.

ACTION: FIRST READING of bill; and FILING of communication by C.R.

CHAIR VICTORINO: Again, ladies and gentlemen of the public, especially the Upcountry area, this is the first step in many steps. Mr. Taylor, you're now charged with what, what you have said you were going to do, and we're gonna monitor this very closely. I wanna first thank Mr. Yamada from the Department of Health for being here from the Safe Drinking Water Division. Thank you, Mr. Yamada, for coming out special to be here today. I wanna thank Mr. Taylor and all the department, people that came and attended, for your expertise and your manao, I appreciate that. I wanna thank the Committee Members. Because as it was stated early, it took a lot of courage to make this decision. Again, it's a decision that hopefully will help the Upcountry people realize their water and water meter list and as well as keep quality and provide agricultural water on a consistent basis. If there's no other discussion, the meeting of the Water Resources Committee, August 30th, 2011 will be recess -- not recessed, adjourned. . . .(gavel). . .

ADJOURN: 11:11 a.m.

APPROVED:



MICHAEL P. VICTORINO, Chair
Water Resources Committee

wr:min:110830:

Transcribed by: Carolyn Takayama-Corden

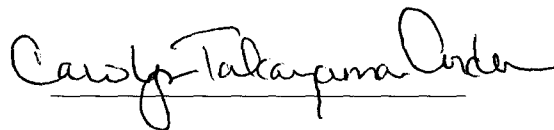
WATER RESOURCES COMMITTEE
Council of the County of Maui

August 30, 2011

CERTIFICATE

I, Carolyn Takayama-Corden, 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 the 19th day of September, 2011, in Makawao, Hawaii

A handwritten signature in cursive script that reads "Carolyn Takayama-Corden". The signature is written in black ink and is positioned above a horizontal line.

Carolyn Takayama-Corden