

INFRASTRUCTURE MANAGEMENT COMMITTEE
Council of the County of Maui

MINUTES

November 28, 2011

Council Chamber, 8th Floor

CONVENE: 9:04 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Elle Cochran, Chair
Councilmember Michael P. Victorino, Vice-Chair
Councilmember Robert Carroll (in 10:05 a.m.)
Councilmember Donald G. Couch, Jr.
Councilmember Danny A. Mateo
Councilmember Joseph Pontanilla (in 9:06 a.m.)

EXCUSED: VOTING MEMBERS:

Councilmember G. Riki Hokama

STAFF:

Scott Jensen, Legislative Analyst
Yvette Bouthillier, Committee Secretary

ADMIN.:

David C. Goode, Director, Department of Public Works
Lance Nakamura, Development Services Administration, Department of Public Works
Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS:

Irene Bowie, Executive Director, Maui Tomorrow
Jesse K. Souki, Director, Office of Planning, State Department of Business, Economic
Development and Tourism
Others (7)

PRESS:

Akaku: Maui Community Television, Inc.

CHAIR COCHRAN: ...*(gavel)*... Good morning. Will the meeting of the Infrastructure Management Committee please come to order. It's Monday, November 28th, and it's about 9:04 a.m. Members and audience before we begin please turn off or silence all your cell phones or any noise-making devices. And let me introduce who we have present at the meeting. I have Council Chair Danny Mateo.

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COUNCILMEMBER MATEO: Good morning, madam.

CHAIR COCHRAN: Good morning. And Vice-Chair of the Committee, Michael Victorino.

VICE-CHAIR VICTORINO: Good morning, Madam Chair.

CHAIR COCHRAN: Good morning. And Mr. Donald Couch.

COUNCILMEMBER COUCH: Good morning, Madam Chair.

CHAIR COCHRAN: Good morning, I am your Chair, Elle Cochran. Also from Administration, I have Director, David Goode of Public Works.

MR. GOODE: Good morning.

CHAIR COCHRAN: Good morning. Deputy Corporation Counsel, Michael Hopper. And I see in the gallery...Lance Nakamura also of Public Works. Good morning, Lance. From the State we have the pleasure of having Jesse Souki and he is Director of Department of Business, Economic Development and Tourism for the State of Hawaii...oh, Office.

MR. JENSEN: ...*(inaudible)*...

CHAIR COCHRAN: Oh...okay. Office of Planning within the Department of DBEDT. Aloha, thank you for coming all this way from Oahu, Jesse. And of course, the Legislative Committee Staff, Legislative Analyst, Scott Jensen and Secretary Yvette Bouthillier. Good morning, everyone.

UNIDENTIFIED SPEAKER: Good morning.

CHAIR COCHRAN: I will be accepting public testimony in a few moments, so please anyone wishing to sign up at the table, the front of the gallery, and the testimony will be limited to the item we have on the agenda today. And you will be given three minutes...to...for testimony with one minute to conclude. And before testifying please state your name and any organization you may be representing. At this time, Members, without any objections I will now open the floor for testimony.

COUNCIL MEMBERS: No objections.

CHAIR COCHRAN: Thank you. Mr. Jensen.

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MR. JENSEN: Madam Chair, the first testifier is...will be testifying on IM-18, Irene Bowie.

...BEGIN PUBLIC TESTIMONY...

MS. BOWIE: Good morning Chair and Committee Members. Hope everybody had a great holiday weekend. My name is Irene Bowie, I'm Executive Director of Maui Tomorrow. And I'm here today to speak on the stormwater ordinance. Very encouraged to see this before the Infrastructure Committee. The time is right. I'm also encouraged to see the Administration and this body really recognized in EPA's direction and doing what we can to take care of some really pressing problems. I noted in the EPA's letter they talked about, you know, the increase in Maui's impaired waters. And I know Maui Tomorrow and other environmental organizations have certainly been here in the past to bring that up, that we really are looking at some critical things in our offshore...nearshore waters that need to be corrected. So this is a good step in that direction and I'm mostly here today to learn more about what is involved in this ordinance and look forward to the presentation. I just would like to say that along with this I think we need to keep in mind that we need to look at the entire process. What happens from the mountains to the sea is definitely going to affect the runoff that we have. The Commission on Water Resource Management in December of 2008 put together a *Stormwater Reclamation and Reuse Best Management Practices* in Hawaii. In that, one of the things that they mentioned, not only for individual homes, neighborhoods and commercial and institutional development is permeable paving. I think that's really, really important. I know we've had before the Council in the past a discussion on big boxed stores, the really large parking lots. So things that we can do to really increase permeable paving I think are very important in this. For individual homes, the vegetated roofs, bioretention rain gardens are mentioned in neighborhoods, cluster developments. So another one of the Smart Growth principals is mentioned, and constructed wet lands which are great, serve so many good purposes, so very encouraged to see that. Again, in the commercial and institutional, they do mention the vegetated roofs again, the permeable paving, constructed fillers. And I would just like to in closing say that, I know this isn't part of the Stormwater Runoff Ordinance, but I'd like to just put before you that we really need to start thinking about maybe in the County a resolution and going before the Legislature to improve best management practices for large agriculture regarding fugitive dust. This spring...I mean this fall we saw a really increase in the amount of dust from large ag after plowing in the fields. That not only affects our health but certainly goes out into our nearshore waters and increases the degradation of our reefs. So I will close with that. Thank you very much.

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CHAIR COCHRAN: Thank you, Ms. Bowie. Members, any need for clarification from the testifier? Seeing none, thank you, Ms. Bowie. I'd like to acknowledge the arrival of Vice-Chair of the...Vice-Chair the Council, Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Good morning.

CHAIR COCHRAN: Good morning. Any more testifiers?

MR. JENSEN: Madam Chair, no one has signed up.

CHAIR COCHRAN: Okay. Thank you. If there's anyone in the gallery who wishes to...please come forward. And I see Mr. Cockett's not jumping up in the air to come here. So, thank you, Members. At this point I shall now close the floor for testimonies without objections.

COUNCIL MEMBERS: No objections.

CHAIR COCHRAN: Thank you.

...END OF PUBLIC TESTIMONY...

ITEM NO. 18: BILLS RELATING TO STORMWATER RUNOFF (CC 11-139)

CHAIR COCHRAN: And, Members, moving on we have one item on our agenda today and it relates to two proposed bills relating to stormwater runoff. These bills were introduced by Director of Public Works. And in your binders you will find letters of support from representatives of the EPA, the State Department of Health, and State Department of Business, Economic Development and Tourism. The Director of DBEDT is here today and will be presenting a PowerPoint. And again, we are very, very grateful for his time and willingness to travel here to Maui to be with us. And the item is IM-18 and the Committee is in receipt of the County Communication 11-139 from the Director of Public Works. It is a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.26, MAUI COUNTY CODE, RELATING TO THE BUILDING CODE." The purpose of the proposed bill is to: a) reduce the pollution associated with stormwater runoff from new developments; b) require that the post construction stormwater quality best management practices be implemented; and c) grant the Director of Public Works the authority to adopt administrative rules to implement the stormwater quality requirements. Two, a bill entitled...a proposed entitled "A BILL FOR ORDINANCE AMENDING CHAPTER 18.20, MAUI COUNTY CODE, RELATING TO SUBDIVISION IMPROVEMENTS". The purpose of this proposed bill is to require that post-construction stormwater quality best management practices be implemented by granting the Director of Public Works

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the authority to adopt administrative rules to implement such practices. At this point...I will see if Department of Public Works has any opening comments or overview to explain to us. Director Goode.

MR. GOODE: Okay. Thank you, Madam Chair. Good morning Members. The subject draft ordinances before you, there are two of them. I tried to address what happens after development of a certain size project as relates to the quality of the stormwater that comes out of it. Currently we deal with quantity of stormwater and direction of stormwater so that we minimize effect to neighboring downstream properties. The ordinance...ordinances before you address what happens to the quality of that stormwater. As you'll find out from Mr. Souki in his presentation, I think he will give a broad overview of what's coming down from the Federal and State level and how the counties are implementing this. And it's been in the Department for a few years...we went to the Subdivision Engineering Standards Committee--I think what this Council is familiar with--to get their thoughts on it. I think it went in and out of that committee for a little while to kind of fully address it and find out. My understanding is that they've basically are okay with it as it's proposed. The ordinances will address the Subdivision Ordinance and the Building Code Ordinance. So when that proposed subdivision...it will trigger certain requirements and also proposed construction through the Building Code of a certain...say of a project that doesn't require subdivision. And finally, it will also give...the ordinance will give us, the Department, the authority to adopt rules. And you'll see that the ordinances don't actually start for 180 days. That gives us time to adopt those rules and we drafted the rules that's part of your package. And the rule making process is not unusual to the Department nor this particular section which is administered by Lance Nakamura who's in the audience, and if we get to some technical questions later after Mr. Souki's presentation, I'll definitely going to have Lance come down and assist me on that. But we currently have rules. We have drainage rules which help engineers deliver the right calculations on how we want stormwater quantity measured. Now we're going to have rules that are going to talk about stormwater quality. So we're familiar with those rules, we understand how to implement them, but it will be a new package in addition to the ones we have. So before you today two ordinances; Subdivision and Building, draft rules, and again, Mr. Souki will give you kind of the broad...the big picture on where this all stemmed from.

CHAIR COCHRAN: Okay.

MR. GOODE: That's it from me.

CHAIR COCHRAN: Thank you, Director Goode. Members, did you need any questions for Mr. Goode at this point? Otherwise, I will call for a brief recess to set the room up for Mr. Souki's presentation. Is that fine?

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VICE-CHAIR VICTORINO: We'll await the presentation, Madam Chair.

CHAIR COCHRAN: Okay. Alrighty, at this point, Members, I will recess for two minutes to let Mr. Souki set up for his presentation. ...*(gavel)*...

RECESS: 9:12 a.m.
RECONVENE: 9:14 a.m.

CHAIR COCHRAN: ...*(gavel)*... Will the Infrastructure Management Committee please reconvene, and we have Mr. Jesse Souki from Oahu, State Office of Planning to conduct his presentation. The floor is yours, Mr. Souki.

MR. SOUKI: (PowerPoint presentation) Thank you, Chair Cochran--

CHAIR COCHRAN: Thank you.

MR. SOUKI: --Vice-Chair Victorino and Members of the Committee. I'm Jesse Souki, the Director of the State Office of Planning which is an attached agency under the Department of Business, Economic Development and Tourism. Thank you for allowing me the opportunity to provide information and support of County Communication 11-139 dealing with stormwater. I'd like to start my presentations with this slide. It shows Hawaii, a spot in the Pacific on the earth which is a speck in the universe ...*(chuckle)*... It puts into context the finite limit of our resources and our ethical obligation to leave the planet in the way we found it for future generations to enjoy and prosper in. Today I will be talking about our most precious resource, the coast. Coastal waters are an extremely valuable resource to Maui County and the State. It provides us with food, recreational opportunities, commerce pathways and unquantifiable cultural significance. However, it is under increasing pressures from a growing population. Although we have significantly reduced point source pollution, that being pollution discharged directly from pipes, such as from a factory or a sewage treatment plant, there are impacts to our coastal waters that go unchecked in our current regulatory land use regime. Today nonpoint source pollution--that is diffuse sources of runoff from lawns, roadways, farms, construction sites and leaking septic tanks--pose a large threat to coastal water quality. A few slides from now I'll be talking about the Federal Coastal Nonpoint Pollution Control Program or the CNPCP and how the State, in partnership with the National Ocean Atmospheric Administration or NOAA and the Environmental Protection Agency or EPA, is trying to address nonpoint source pollution. The CNPCP represents a comprehensive approach to addressing polluted runoff, recognizing that all land use activities mauka to makai can have impacts on coastal resources. The program is fundamentally about improved coordination and pollution prevention, seeking to build partnerships and networks that facilitate the implementation of appropriate planning and best management practices to limit polluted runoff

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before problems occur. So, just real quick the State Office of Planning's Mission is to maintain an overall framework to guide the development of the State. We follow the New Day Plan, the Hawaii State Planning Act, the Hawaii 2050 Sustainability Plan which was recently incorporated into the State Planning Act. And the unified principal of theme for all of these plans is balancing economic, cultural and environmental concerns in planning and decision-making to improve the quality of life for Hawaii's present and future population and providing decision-makers with the best information to make those decisions. In doing this we work closely with local, State and Federal government agencies, and various community stakeholders like the counties and that's why I am here today. One of the programs under the office of planning's auspices is the Coastal Zone Management Program which was established by the Coastal Zone Management Act of 1972 enacted by Congress. This Coastal Zone Management Act...Congress in its findings said that the states are in the best position to manage the coastal zone. It recognizes that the coastal zone connects the land to the sea, and the state exercises discretion in land use policies and holds claim to waters and submerged lands in the territorial sea. And therefore, the states were in the best position to manage these resources. Thirty-four states are, participate in the CZM Program, including Hawaii. It's coastal states and states near the Great Lakes. Hawaii's CZM area is the entire State, all lands of the State and area extending seaward from the shoreline to the limit of the State's police power and management authority, including the territorial sea. This is a good illustration of what that jurisdiction looks like and I have copies of this slides for you so you can look at this at your own leisure. So Hawaii CZM Program was...in 1973, a little bit of history, Acts 164 was mandated development of a Statewide CZM program within the State. In 1977, Act 188 established the Statewide CZM program and in '78 the Department of Commerce, where NOAA is currently housed, they approved the Hawaii CZM Program. So what do we get out of participating with the Hawaii CZM...with the CZM Program nationally? We get direct funds to Hawaii, we get about \$2 million in Federal Funds, and this is used to support the Office of Planning CZM Program. We fund County Administration like the Planning Department for administration of the SMA Permit. Federal Funds support four of the six positions in the neighbor island Planning Departments, for example. CZM Program leverages additional Federal Funds and other funds, so for example, the CZM Program is the only entity eligible to apply for Federal Coastal and Estuarine Land Conservation Program. We received Federal CELCP funds for over \$9 million for six acquisitions, about 1,700 acres. And we leveraged over 20 million in private and other government funding under that program. It also allows us to go after funding for climate change type issues that were in partnership, for example, with NOAA and the Army Corps. So CZM Program is voluntary Federal-state partnership. It funds state planning and administration and it allows the state to have the privilege of administering Federal consistency. So we review Federal programs that fall under the CZM Program. We run the CZM Program like a planning network. The Legislature

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designated the CZM law to build upon existing functional agencies forming the CZM network so building upon what agencies already do, state and local. The CZM Program provides state and county agencies with the guiding perspective for implementing allowable land and water uses activities. And to effectuate the CZM network, state and county agencies assure that their ordinances rules comply with the CZM objectives and policies. So the concept we like to use is sorta the CZM program as an umbrella for implementing the program objectives through statutes, rules, and ordinances and actions by our stakeholder agencies. So one of the programs under CZM is the Coastal Zone--was created by the Coastal Zone Act Reauthorization Amendments. So in 1990 Congress adopted new requirements of the CZARA which protect coastal waters and that's sort of what we implementing if you pass this ordinance on the stormwater management. The program requires coastal states to develop and submit to NOAA and the EPA a Coastal Nonpoint Pollution Control Program for approval. And our partnerships are with the EPA and NOAA, Department of Health and the CZM Program in implementing the Coastal Nonpoint Pollution Control Program. So just real quick, you know, the difference between nonpoint source versus point source pollution. The National Pollutant Discharge Elimination System or the NPDES permit, which you're probably familiar with, that program controls water pollution by regulating point sources that discharge pollutants directly into the waters of the U.S. These are discrete conveyances such as pipes or man-made ditches. What we're talking about here with this ordinance and this pollution controlled program, is nonpoint source pollution. And that usually occurs generally as a result of runoff. So you can see in that illustration where nonpoint source pollution can come from: city streets, rural homes, forestry, crop lands, agricultural, suburban development, and it all ends up in our ocean, if it's untreated. So we implement the CZARA and the Nonpoint Source Pollution Control Program through existing program objectives in the HRS. One objective or two objectives here that relate directly to that is the first objective which is to protect and where feasible, restore recreational value of coastal waters. And the action step for that is to adopt water quality standards and regulating point and nonpoint sources of pollution. And the other objective that relates is promoting water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems. And the actions step for that is to develop and implement point and nonpoint source water pollution control measures. Now these actions here are not actions that our office carries out. These are actions that we work with our partners like you the County that you can implement through the support that research that our office carries out. The Department of Health is also another partner in this and these are just some of the authorities of the Department of Health that you can read at your leisure. But they do have a source pollution management and control program, nonpoint source pollution management and control program at the state level. And the director has the power to adopt rules for nonpoint source pollution violations. But what we're trying to achieve here is not fines for violations. What we're trying to do here is

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create a management regime through this ordinance to stop the problem before it happens...in the planning process. So one thing that our office did recently in cooperation with DOH, Department of Health and other stakeholders was we developed the coastal non...I'm sorry, we developed the *2010 Hawaii Watershed Guidance*. It's a streamlined version of the EPA's *Watershed Handbook*...streamlined version of all 50 management measures. It's developed to assist community groups in preparing watershed plans, and it's developed to reintroduce management measures to government agencies and nongovernmental organizations. And we have our website there which is in orange and hard to see but it is hawaii.gov/dbedt/czm. So the Coastal Nonpoint Pollution Control Program established management measures to protect and/or restore surface, ground and marine waters. And the six categories of management measures that we're responsible for: agriculture, urban, wetlands, forestry, marinas and recreational boating, and hydromodifications. And what we are looking at here for this particular ordinance is the urban category, urban development and planning. So what is a management measure? And this is defined by the, by Congress in the Legislation that guides everything. It needs to be economically achievable; it needs to control the addition of pollutants from existing and new categories and classes of nonpoint sources of pollution; and three, it must reflect the greatest degree of pollutant reduction achievable through the application of the best available pollution control practices. And the best available nonpoint pollution control practices are in that guide that I just showed you, the watershed guide. So what is the status of our, the state of Hawaii's Coastal Nonpoint Pollution Control Program? We currently have an expired conditional approval. What this means is that NOAA and EPA is watching us closely. ...*(chuckles)*... And we received this approval from NOAA and EPA and, you know, in the worst case scenario they could reduce our 3.5 million allocation by 30 percent, which equals to about 262,500 for each county. But we don't expect them to do that, because they...we're working with them closely and they see that we're moving forward on some these criteria. So Hawaii still needs to address New Development Management Measures. Three of the four counties need to adopt a drainage ordinance to meet this benchmark. The City and County of Honolulu and Hawaii County adopted these ordinance, the kind of ordinance that is before you today. Kauai's existing ordinance unfortunately doesn't meet the Management Measure standards and we'll talk about that later. So we requesting and support wholeheartedly that Maui County adopt this drainage ordinance that's before you. And what it would do is basically...well basically what the stormwater ordinance does is--let me get this ...*(tuning of pages)*... here so I don't miss anything--basically slows down the flow of the water and allows the water to recharge the aquifer by allowing more permeable surfaces. Because the faster that the water sheets across the surface area, the more contaminants it will pick up and take into the coastal waters. So by design or performance--here's the technical definition of what I just said--after construction has been completed and the site is permanently stabilized, reduce the average annual total suspended

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solids--that's the measurement that we use in measuring water quality--by 80 percent. For the purposes of this measure, an 80 percent total suspended solids reduction is to be determined on an average basis. That's a technical definition of how you measure taking these solids out of the water. Or reduced post-development loadings of TSS so that the average annual TSS loadings are no greater than predevelopment loading. To the extent practicable, maintain post-development peak runoff rate and average volume levels, so there's some flexibility in the ordinance. So what are some management measures? To control urban runoff and treat associated pollutants, pollutants generated from new development, redevelopment, new and relocated roads and highways is what this ordinance would be applicable to. Also there's a provision in the ordinance that says that for...and maybe the director can talk more about this. But for subdivisions that already had preliminary subdivision approval, it wouldn't apply, so moving forward. So the goals of the management measures are to retain the predevelopment or pre-disturbance hydrological conditions of surface and groundwater; remove suspended solids associated with pollutants; decrease the erosive potential of increased runoff volumes and velocities--so we talking about the speed of...the runoff--preserve natural systems including in-stream habitat. And I just wanted to note also here that these measures and goals also help with other planning issues that we're going to be facing as a State. For example, where climate change, science is showing that they're going to be more frequent storm events so potentially more stormwater runoff. There's going to be less rainfall in some areas and with these storm events, less rainfall as a total. There's a atlas that was just put out on the CWRM website that shows that over time the amount of rainfall that the State's receiving has been declining. So when you create these permeable surfaces through these management practices, you allow more recharge to the aquifer. And, also, I talked about slowing the sheet flow of water. So new Best Management Practices, new development Best Management Practices would include infiltration practices, vegetated open channel practices, filtering, detention ponds or vaults, retention ponds and restoring wetlands. Infiltration facilities are designed to capture runoff and percolate it through the surface soils into groundwater; filters out sediment through that process and other pollutants; reduces the total volume of runoff discharge from the site, which in turn decreases peak flows into sewers...downstream waters; and augments groundwater reserves by facilitating aquifer recharge. So here is an example of an infiltration practice. It's a technical...it's a detention basin that allows the water to percolate through. Here's an example of a vegetated open channel practice in the bottom slide. You know, it's would...it's what it would look like with the vegetated channel. So it allows the water to percolate through in the channel instead of just running off the grass onto the sidewalk and down into the storm drain. And here's another example of a vegetated open channel practice. You know, for awhile I lived in Seattle, Washington, for about four years, and you know, you see these kind of practices all...all of the newer subdivisions. So it's something that developers are used to or aware of. Oh, this was just an example of a real world problem where

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the water was sheeting off of that parking lot up on the top left slide. And right into that body of water there, that stream which if you look at the bridge on the bottom left, it goes right out into the ocean. So all of the opala and oil from the cars, it just flowing right into the ocean. And because of the speed of the flow, you can see that it ate through that embankment there that was built out of concrete. So, you know, one solution for this particular problem would be this kind of pervious pavers that allows the water to percolate from the parking lot area through the soil and which would filter out some of that, and the rain garden area which allows the water to sit before it finally hits the manmade wall, and hopefully none of it gets into the stream. But you go a long way into reducing a lot of the water moving directly into the stream and carrying the suspended solids with it. This is an example of a grass swale with check dams, so the grass swales allow water to percolate again, it slows down the flow of water. The check dams are another way to slow down the sheet flow of water at a gradient, and again slowing down the water allows it to sit longer on the grass and percolate more of it into the ground. Here's another type of sand detention basin. This is a suburban detention basin. So it kind of has like a lake feature, sort of like mini lakes that you can create with stormwater. It doesn't empty into anything, the water sits there and percolates slowly back into the aquifer. So the dry detention basin. These are pervious pavers in a parking lot in a commercial use. This is more pavers. This is in your slide so I am not...in your handouts you have so I am not gonna go over it. But this is what the City and County of Honolulu and the County of Hawaii have and where their ordinances are. And the County of Kauai, they did acknowledge the Nonpoint Source Pollution Control Program in their 2000 General Plan, and they do have some ways to address it in their ordinances. But unfortunately that was done before the control program was established, and they since changed at the Federal level...the amount of acreage, so it applies to five acres and Kauai has two acres, so there is a minor change that they need to make. And that's the end of this presentation. I have a website there. That's for Office of Planning website. All of the stuff we talked about, all of the kind of planning work that we do and information can be found there. Thank you for the opportunity to present.

CHAIR COCHRAN: Thank you, Mr. Souki. Members at this point, I'm going to take a five minute recess to set the room back up and then we can have discussion with Mr. Souki and Director Goode. ...*(gavel)*...

RECESS: 9:36 a.m.
RECONVENE: 9:39 a.m.

CHAIR COCHRAN: ...*(gavel)*... Will the Infrastructure Management Committee please reconvene. Members, we will now open up the floor for questions and comments for Director Goode and Mr. Jesse Souki. If you wanna...yeah, come down here to the table and. Once again, thank you, Mr. Souki, for coming all this way and

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for the presentation. We also have Mr. Lance Nakamura, who's joined us too, along with Director Goode.

VICE-CHAIR VICTORINO: Chair.

CHAIR COCHRAN: Yes, Mr. Victorino.

VICE-CHAIR VICTORINO: Thank you, Madam Chair. Thank you, Mr. Souki, for the presentation and, Mr. Goode, for bringing this forward. I think it's long overdue. I think many of us agreed for the longest time that much of our pollutants have been runoff, especially over the last 10-12 years with the developments along the coastline, especially golf courses and so all these different contributors have really affected our coastlines. Mr. Souki, first question I have for you is, this is the most current up-to-date plan to be accepted by the EPA, is that correct? The one that you presented to us.

MR. SOUKI: Yes, my...we have a staff who works specifically on, with this area Nonpoint Pollution Control Program.

VICE-CHAIR VICTORINO: Right.

MR. SOUKI: And he is working with NOAA and EPA and the Department of Health to bring us up to standards so that we can meet the requirements. So, yeah, there is no real, like, plan per se, but we have a program document that we go through and passing this ordinance would help us get toward that.

VICE-CHAIR VICTORINO: Okay. So this is a step in that direction but this is not the final step.

MR. SOUKI: Yes, yes.

VICE-CHAIR VICTORINO: Okay. And that's why I wanted clarification in that respect. For Mr. Goode, I guess my question for you, sir, is would you be comfortable with this implementation? I mean this is necessitated but are you comfortable with what has been presented and the implementation based upon your ordinance?

MR. GOODE: Mr. Victorino we've fully vetted this. I mean we can implement this.

VICE-CHAIR VICTORINO: Okay, okay. And I guess the other question for you, would there be other departments like Planning that would be...would have to also be reviewing this, right? This would them move to them as far as their...when you bring forward plans, would they be one, that would be one of the functions that they do or you do as far as reviewing this portion?

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MR. GOODE: No, this would be reviewed by our Department...by Department of Public Works. It very...it's a technical...documents that have to be produced and reviewed, so then mostly engineering type of documents. I suppose if there was a landscaping solution, we might send it to Planning Department. You think?

MR. NAKAMURA: Subdivision.

MR. GOODE: Yeah, through the Subdivision Ordinance, we could do it that way.

VICE-CHAIR VICTORINO: Yeah, I reviewed some of these equations over here. They were very fascinating. I mean ...*(laughter)*... if you have a...I guess a degree in engineering you could figure it all out. But I guess it all makes good sense in developing a plan to mitigate runoff and to...and to also be able to store it and use it for infiltration, like Mr. Souki said, as far as the aquifers are concerned. So you feel comfortable with that?

MR. GOODE: Yep, again, we can...we can implement it.

VICE-CHAIR VICTORINO: Okay. That's good enough for me. Thank you, Madam Chair.

CHAIR COCHRAN: Thank you, Mr. Victorino. Yeah, Chair Mateo followed by Vice-Chair Pontanilla.

COUNCILMEMBER MATEO: Thank you, Madam Chairman. The two bills we're actually looking at, one is relating to Building Code and the other is pertaining to subdivision improvements. Are we really missing out on trying to acknowledge the ag component? Case in point, West Maui with its...you know furrowed fields and all that runoff going into the ocean as well or is this just the beginning of us taking a look at how to address runoff into the oceans?

CHAIR COCHRAN: Sure.

MR. SOUKI: I'll start it. Then...yeah...I just wanted to point out that the way this was developed, this particular ordinance, we were looking at, from the Office of Planning's perspective, the urban sort of criteria. So we were looking at new developments specifically, but sure, yeah, looking at ag and how they take care of their stormwater runoff would be another issue. It's just that in this ordinance we were looking just at the urban, as one step.

COUNCILMEMBER MATEO: Okay. But still we're missing out because a greater amount of acreage is ag, and that is a component that to me deserves just as much consideration as, you know, the construction or the development phase. And then

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maybe just a side question to you, because aside from us generating the runoff, there's tons and tons of debris headed for Hawaii anyhow at this point from Japan. So, I don't know what the State and the Feds is doing to counter that, because based on the picture you showed, Hawaii is just a small little dot, you know, in the scheme of things. And with these hundreds of tons of debris coming our way, I don't even know how to prepare dealing with that kind of coastal damage that can occur. So are, is the state looking at addressing those issues?

MR. SOUKI: Well that is a separate question from the bill, but I know that it's being tracked by the Feds and the State is in partnership. And through the hazard mitigation mandate of this Coastal Zone Management Act, we're looking at it from that perspective. And also, the Hazards Management Program in the State is also looking at this. So there is some work going on and looking at what's happening with that. And to the extent that how are we preparing for it, I don't have those details.

COUNCILMEMBER MATEO: Yeah. Okay, no, thank you. And I understand it's not part of the bills, it's just that the reality is the impact provides even greater concerns for all of us, because we're not only talking about the inhabited islands, we talking about the rest of the islands that are noninhabited and primarily in prime area. So thank you, Madam Chair. Thank you.

CHAIR COCHRAN: Thank you, Chair Mateo. Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you, Chairman. I had almost similar question like our Chairman. What comes to my mind is the flooding control plan...flooding control project for Lahaina that is currently going on, and I was just wondering, you know, cause when I look at the...I guess the back end towards the highway, it's mostly concrete, and as we go up towards Lahainaluna Road...and, you know, one of the slides that you show, it showed this...check domes so at least you get some percolation, yeah. As far as the rest of the design, I don't know if it's going be made with concrete or some kind barrier that will flow the water directly into the ocean. Because, you know, if we're looking at percolation, this check domes could slow down the water, at least give water a chance to percolate downward. So Mr. Goode.

MR. GOODE: Yes, Mr. Pontanilla. The Lahaina Flood Control Project actually has a series of basins or retention basins or desilting basins. So the part you see that we constructed first over by the highway, we gotta have concrete to get under the highway and also probably the slope. But in general it will be a series of basins, so it'll have the opportunity with grass swales to pick up that water, settle it out as much as possible before conveying it to the ocean.

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COUNCILMEMBER PONTANILLA: Okay. And you know, they talk about permeable paving, doesn't work in all of the areas in Maui County. I know they did a demonstration in Kapalua I think couple years back. And really don't work in hard dirt...yeah...unless you do some, I guess, ground...throwing in sand and rock to make sure that thing percolate down. So how do we handle those kind of areas? Because I can see the costs. You know, I can see like places like Kahului, part of Wailuku that is so...you know, the ground can easily seep towards down to the water table, I guess. So I guess this permeable paving would be up to you guys, you know, when and how we decide, you know, developers would be using this permeable paving.

MR. GOODE: Yeah, permeable paving, pervious paving is I think one of the designs solutions or a portion of the solutions that would be implemented on any given project. So depending on where they are and what the...their customer interested in doing, it's one of the palette...it's part of the palette. Either you choose that or you choose it with a combination of other things. There was another demonstration project I believe in Kihei, pervious paving as of maybe a couple of years ago...I am not sure how that's been going so far. It does require some maintenance. It also requires our concrete companies being able to supply that type of product. The need is various specific specifications that are, you know, the rock type that we have, it all works. So it's, it's something that, it certainly is...it's on the forefront here in Maui County. But I have this feeling it will be part of the...it will be a solution in some instances and not in others.

COUNCILMEMBER PONTANILLA: Yeah, some of the overhead that was shown, you know, I saw those things on the mainland especially in Denver where they use a lot of permeable paving as well as the small gardens in the parking lot that...that really works. Couple years back, we had a project come through this Council in...Paia...Paia town actually where the developer was going to use some kind of a material to capture oil from the drainage area...I guess drainage basin or... Do we have a policy in regards to any small, I guess, development that, you know, that we can...we tell the developers to utilize this material so that it captures the oil prior to getting into the storm drains.

MR. GOODE: I think I'm...Mr. Nakamura answered most of the questions. I think in general, we're supportive of those when they're...sometimes required through a SMA permit, but we don't have rules and regulations that require it.

COUNCILMEMBER PONTANILLA: Can something like that be looked at?

MR. GOODE: I think this ordinance starts to address some of that--

COUNCILMEMBER PONTANILLA: Okay.

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MR. GOODE: --by looking at total suspended solids. That doesn't necessarily mean they're going to look at, say, a particular compound, say, of oil or some other type of runoff.

COUNCILMEMBER PONTANILLA: Yeah, cause when you look at big parking lots, that's what you see sometime...most of the time. Okay. Thank you, Chairman.

CHAIR COCHRAN: Thank you, Mr. Pontanilla. Yes, Mr. Couch.

COUNCILMEMBER COUCH: Thank you. Council Chair and Vice-Chair certainly hit upon what I wanted to ask about ag as well because that is a pretty...pretty big source of nonpoint pollution, is that what you call it Mr. Souki?

MR. SOUKI: Yes.

COUNCILMEMBER COUCH: That would be a nonpoint source as well?

MR. SOUKI: Yes.

COUNCILMEMBER COUCH: Okay. Mr. Goode, talking about this...the ordinance versus the rules. The ordinance basically says, you'll have something and work it out later in rules. This Council has repeatedly found recently that rules sometimes are either not followed or are better...those kind of requirements are better placed in an ordinance. What is your thoughts on whether this should be in rules or in ordinance...inside the ordinance?

MR. GOODE: Well number one, I don't think this Council has ever found anything wrong with our rules.

COUNCILMEMBER COUCH: ...*(laughter)*...

MR. GOODE: I think I'll put that down the record, 'cause I am not sure exactly what you are talking about. The Grading Ordinance and the current rules work pretty well. I think if you take a look at the actual rules that are being proposed here, they're very technical, they include charts, they include mathematical calculations that I agree with Mr. Victorino that I probably can't do. I don't...I can't imagine that being in an ordinance. It really does belong in rules. And remember it's a Chapter 91, HRS process that we will publish them, we will go out to public hearings, we'll attend the public hearings, we'll solicit comments under those, a certain amount of time, and then we'll promulgate the rules. We can certainly deliver a copy of the rules to the Council, but, yeah, this one, it's so technical that that's the best place for it.

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COUNCILMEMBER COUCH: Okay. Thank you. What about for instance in subdivision standards and parking lot standards, if you will, will this work...will this affect those? Cause right now, it was my understanding for awhile that they had some issues with actually allowing the impervious things in other portions of our Code that says, you must have asphalt for instance in a parking lot. Are there places in the Code where we may have change as well as here in order to allow for some of the things that you are asking for? As far as you know in the Building code and subdivision standards and whatnot. Because I remember from the Planning Department, we wanted to try and do something like this, and they said well certain portions of the Code don't allow us to have that kind of thing, so we have to kind of...make some changes there.

MR. GOODE: Well, the Parking Ordinance is Title 19, so that's within the Planning Department. We have certain requirements on roadways, you know, the roadways be of a material that can withstand certain traffic. You know, people come and say, oh can't I just build a dirt road or gravel road. And that's used in very limited instances in ag subdivisions serving like two lots or something like that. So generally the answer is "no", because then you just create a fugitive dust issue, you know, more runoff issue. I am not aware of any ordinances that we may need to change other than the two that we've presented.

COUNCILMEMBER COUCH: Just a thought to... I mean...to look at the unintended consequences or the repercussions when this goes through.

MR. GOODE: We always try. ...*(laughter)*...

COUNCILMEMBER COUCH: ...*(laughter)*...

MR. GOODE: Believe me that's a...

COUNCILMEMBER COUCH: And I guess, Mr. Souki, has the DOH set standards yet...total maximum daily load studies? Have they done all that yet or are we...do we have something to make the rules to measure against.

MR. SOUKI: Yes, there is an established way in the practice for the industry for measuring total suspended solids. So it's not like it'll have to be reinvented.

COUNCILMEMBER COUCH: Okay. And it's only total suspended solids, not, like Mr. Goode said, oil and other things, or is that included in the total suspended solids?

MR. SOUKI: Well in this case, we just looking at total suspended solids, so the chemical makeup wouldn't be part of it. And also, I'd like to add that...you know, it's looking...this ordinance and the rules look at the quality of the water. So there's

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many different ways to achieve that. So I showed some of the examples in my slides. The guide book that I referenced has a lot more different ways to address it. And also we have a *Low Impact Development Guide* that also has other ways to address it. So there's many best management practices for getting at that water quality number at the end.

COUNCILMEMBER COUCH: Okay. Any reason why we're not...we're not using...doing anything else besides just the...I mean you mentioned a few other things, but why aren't we being a little more comprehensive on this one or is this just a trial...are we doing a trial balloon right now and see how it works, and then add all the other components, the chemical and whatnot?

MR. SOUKI: You know, the DOH has some water quality type permitting. For example, if you have a car wash that you're building, you need to get a certain kind of permit, and that would be a point source type permit. For parking lots because it's stormwater, this is sort of a puka in the regulations that way, and, yeah, this ordinance isn't addressing that in particular. My guess is that it's we're not at a point where it's something that is easy to measure.

COUNCILMEMBER COUCH: Okay.

MR. SOUKI: I don't have a good reason.

COUNCILMEMBER COUCH: ...(chuckle)... You know in looking at the ordinance it doesn't really talk about just TSS, so I'm guessing that the rules, Mr. Goode, you can...when we get a way to measure and get a way to figure out how to prevent that, you can add that to the rules. So we wouldn't have to change the ordinance.

MR. NAKAMURA: Council member. The rules don't specifically say that you're going to measure TSS. You know, they give out design aspects that EPA has determined will meet the criteria for reduction of total suspended solids.

COUNCILMEMBER COUCH: Right.

MR. NAKAMURA: We do have a portion of the ordinance that says that if you don't follow the specific design that has been reviewed by EPA that, you know, designers can propose different solutions. And in that portion it does specifically say that you need to comply with total suspended solid reduction. So it is specifically mentioned in rule that you have to do it, if you come up with your own solution. But EPA is confident that...you know, they've looked to our rules, our proposals, and they said if you follow this design you will meet that criteria. So it doesn't specifically say it in there, but.

COUNCILMEMBER COUCH: Okay. Alright. Thank you.

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VICE-CHAIR VICTORINO: Madam Chair.

CHAIR COCHRAN: Thank you, Mr. Couch. Yes, Mr. Victorino.

VICE-CHAIR VICTORINO: Thank you. And you know as I've read through this, you know, in the latter part of the illustrations, you guys, you know...they have gone through all the various runoff scenarios both...and the primary four is Residential, Hotel Apartment, Business and Industrial are the four primary yeah. But you also have calculations for co-effectiveness for Agricultural and Open Space runoff you have that, and that's in Table 1 and doesn't have pages so it's near the end of the group of information. So, what I'm asking is...basically this is again, Mr. Souki, a starting point for us to at least get in compliance with the State so that we can move on for other portions that are necessitated beyond the four primary sources that I mentioned earlier, Residential, Hotel, Business and Industrial, Agricultural and all the other ones that...you know, especially the neighbor islands, we're still primary open space ag versus Oahu who's urbanized, and I understand the differences between the two counties. We'd be more like Hawaii yeah. For us right now this is just a step, first step in many steps that need to be taken to update and to have what I call a solid mitigating plan for flood runoff and the preservation, ponds, or whatever, so that can permeate into the ground. This is the first step, am I correct in saying that?

MR. SOUKI: Yes, yeah.

VICE-CHAIR VICTORINO: Okay. Again, you know, 'cause I hear my Members asking a lot of questions and which is good, but again, you know, you have designed this to be what I call the first step and this is not the end all, actually this is just the beginning of. I think that's a...actually, for all of us the step that needs to be taken. So I can support this, Madam Chair. I think, you know, this has great validity and I think they've done a good job. Yeah, there's much more that needs to be done. I think Mr. Goode acknowledges that and the chemicals and other areas. I think A&B...I think Mr. Pontanilla was mentioning about a project. A&B when they were doing their business park, had those drainage systems for which they had...I forget how they had it set up so that oil and other contaminants would not get into Kanaha Pond. And I think they did a great job. And they were one of the first that I saw really go into detail as far as drainage systems and prevention of chemical and other solids from getting into the wetlands that were adjacent to their property. So and I forget that exact design but it was pretty extensive. So I believe they are and I think we need to continue to work diligently with new construction anywhere that's near wetlands or any area that's going to be a hazard. We need to mitigate any hazard possible. Thank you, Mr., Madam Chair.

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CHAIR COCHRAN: Thank you, Mr. Victorino. Members. Yes, Mr. Couch.

COUNCILMEMBER COUCH: Thank you. One more question, I guess for Mr. Goode. Mr. Goode, what is the...I mean when you get these rules in and running, what is going to be the added cost to a subdivision or whatever versus the costs of trying to control that after the fact.

MR. GOODE: Okay.

COUNCILMEMBER COUCH: See we're having problems right now, obviously in Kihei with flood water runoff, and everybody's asking to...how are we going to control that. Now would...if we did that it would be a great expense to the County. Whereas if you had a subdivision that, that controlled their runoff and whatnot, it would be at an extra added cost, right? I mean this isn't something that...

MR. GOODE: No, this, yeah, this ordinance will cost some money. I mean it will...it's not a freebie if you will or reduction in cost to development. It does have specific exemptions, and I think it's important mentioning those so everyone is clear on that. The individual single family residences are exempt unless they are part of a large subdivision. So they came as part of a 50-unit subdivision, well that whole subdivision would be designed thinking, okay, they're gonna have 50 homes in here, they going to have driveways, streets so we're going to figure it out. But if it is an individual lot right now, like a lot in Pukalani, say it's not developed then that would be exempted. But it does say single family residences as defined in Title 19. So that means really ag dwellings...and correct me if I'm wrong, but ag dwellings would not be exempt. So if someone in, say a 100-acre parcel, maybe making, a farmer making ag dwelling, we have to review that ag dwelling portion, not the whole 100...the rest of the 99.9 acres. But we would review that particular dwelling. That's the way it's currently written. And that language was discussed evidently at length with EPA and Jesse's group, et cetera and our folks. So that's kind of the overall, but it doesn't...I think as members have mentioned here, it doesn't address what even Ms. Bowie said at the very beginning, the whole mountain to the sea. You look at the whole drainage area...we talked about the one like at Kulanihakoi in Kihei at length, had a lot of flooding this year. I mean that basin's like 10,000 acres. We're dealing with the small urbanized primarily except for a few ag dwellings. I mean we're dealing with, you know, a few hundred acres out of that 10,000-acre basin. So we can improve the quality of the water coming off developments that are subject to this ordinance. I mean we're already capturing the water volume wise. Now we're going to improve the quality. But we're really dealing with the--in that particular example--a small portion, pretty small portion of that whole, that whole basin. And I think you touched earlier on that total TDML, Total Daily Maximum Load. I believe that's something Department of Health is looking at. You know, they got mountain to

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the sea. Okay, well what's coming down here? What is the...and what's the maximum we would like to see come off it? Okay. So we're here now, and now we're...we want to be here in terms of contaminates. Well how do we bring it down? Well you got to look at all the contributors. You know, when you start with the national park, then you got ag lands, you've got a few roads, then you got urban down at the bottom. Everybody's got to kick in their fair share, I would think--

UNIDENTIFIED SPEAKERS: ...*(laughter)*...

MR. GOODE: --of that TDML. And that's...yeah that's going to be...that's a tough one for Department of Health and those of us that got to implement it. So right now I think we're dealing primarily with the urban areas, the few ag dwellings here and there. But it will cost additional design time, right, 'cause the engineer's gotta design now for this. We would likely have additional costs in construction and really it's going to vary all over the map. It's really hard to say. It's a "x" dollars per anything. But the net benefit is that we will see much better runoff quality from these areas.

COUNCILMEMBER COUCH: Do you think it would be fair to say that it would be...the cost would be still less than having to retrofit, fix after the fact.

MR. GOODE: I'm not sure what you mean by that.

COUNCILMEMBER COUCH: Well if you...if we didn't pass this and we still needed to comply with the EPA quality standards somehow after the subdivision's built, something that the County would have to do would be much more expensive.

MR. GOODE: Yeah, if we have to do it and retrofit, yeah that's like remodel work, that's expensive.

COUNCILMEMBER COUCH: Madam Chair, one more quick...

CHAIR COCHRAN: Sure.

COUNCILMEMBER COUCH: You mentioned when...in your discussion just now, you mentioned, you know, agricultural runoff and whatnot. And we've had subdivisions that have a, have been built on wetlands. Hopefully we're not going to be doing that anymore. But we've also had subdivisions built on sheet flow coming from Upcountry down and it goes into sheet flow. So now if you have a subdivision that is built where sheet flow comes down, that's a lot of stuff in the water that's coming down. Now that subdivision is going to be required to clean all that water up? Hopefully, I'm hoping.

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MR. NAKAMURA: The rules do cover that and it depends on how they handle the offsite water. If they can separate the water and pass it through...even from a flood control standpoint, you're allowed to do that, separate the onsite from the offsite. If they keep the offsite separate from the onsite, you know, they can pass it through without treatment. And then they're going to be treat...they are going to be responsible for treating their onsite runoff that they contribute. They're not...the offsite runoff, they're not adding to that runoff. It's simply an existing condition. But if they brought that in and they mixed it in with theirs, then it's possible they would have to also treat that runoff if they couldn't separate the two.

COUNCILMEMBER COUCH: Okay. So now my concern is if they are going to rechannel the on...offsite runoff to somewhere else if that's going to cause more problems than...

MR. NAKAMURA: And that would be taken into consideration under our current drainage rules for flood control purposes. You know, they have to look at that and make sure that they design it in a way that doesn't adversely impact downstream and surrounding areas. So--

COUNCILMEMBER COUCH: Okay.

MR. NAKAMURA: --it would be looked at as part of the overall review from a flood control and water quality standpoint.

COUNCILMEMBER COUCH: Okay. Sorry, about the questions that we have...

CHAIR COCHRAN: No problem, Mr. Couch.

COUNCILMEMBER COUCH: The Kihei areas, as you well know, last...just in this year, three big floods, and I don't see an end to them until we can do some sort of control project. Now hopefully this might start helping with that. Thank you.

CHAIR COCHRAN: Okay. Thank you. And I'd like to acknowledge that Mr. Carroll has joined us. Good Morning, Mr. Carroll.

COUNCILMEMBER CARROLL: Good Morning.

CHAIR COCHRAN: Members, any further questions or comments for Department and Mr. or Mr. Souki?

VICE-CHAIR VICTORINO: No.

CHAIR COCHRAN: I had a question. You know, I think we all...I heard some concerns from all Members in regards to this is primarily focusing on new stuff

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when we really have some past ...*(chuckle)*... damages that have been done, especially from ag runoff. And so it's kind of hard for me not to look at what's occurred and how to prevent what continuously occurs. I get that we don't wanna...we wanna stop the problem before it happens type of attitude here. But it's so important that we look at what currently is occurring and has for many years where I live out in the Honolua area and as Mr. Couch mentioned in South Maui and what have you. So you know, I get this is a great step in the right direction. What I don't get is...I think Mr. Couch brought up that it's touching on...it's kind of really focused in on just, you know, the new part and urban. Mr., Chair Mateo mentioned ag, a lot of ag, a lot of fallow fields over where I live and I'll tell 'ya it's been a problem, Heavy rains are coming up and how we are addressing that? We're not. You know, are we just going to continue to die, and it's amazing that all your slides relate to CZM and yet, you know, they're not here and they're part of Planning, and so we have you, Mr. Goode, from Public Works. So I think it's all connected and they should be kind of in the fold here today. So I'm just...you know, also the whole thing about this is a first step, I think Kauai county was trying to be, you know, ahead of the game, and then they went ahead and passed what they did, and now it's, now noncompliant, you know, because new upgrades have happened. So I hate to see us going backwards to, you know, be compliant, because we're only taking it sort of piecemeal in a sense. So, I don't know where we're...what can be done at this point. I understand that this something that we need to be compliant Statewide, you know, in order to continue your Federal funding and that's so important. So you know, with that, I think if we can at least expand when needed to, you know, in a timely manner. And, Mr. Goode, the rules that would be in...laid out in more detail here for all of us to sort of go over? Okay. And when would that do you think be expected to be accomplished?

MR. GOODE: Well, once the ordinance passes, it becomes...signed by the Mayor, we will initiate the rulemaking process. We've already written it, so at that point we publish it in *The Maui News*, we set public hearings. And that's why the...the ordinance is currently drafted, it has 180 days, so the Mayor signs it and we have 180 days before it becomes effective. That 180-day period gives us time to go out to public hearings, get comments, finish the rules and promulgate them. So then on, you know, when the ordinance does become effective, we have the rules to implement it. Otherwise, Mr. Nakamura's going to be sitting in this position of trying to implement this ordinance without rules. We don't want that.

CHAIR COCHRAN: Thank you. And in regards to the TSS 80 percent criteria, I guess maybe there'll be a determine testing period and how that's determined? Or is there already something in place? 'Cause it doesn't really explain to me in the current sort of draft rules here.

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MR. NAKAMURA: Compliance can be either by design or performance. So, you know, you can either measure before and after, which would be performance or in our case, we doing it by design, where these formulas have been reviewed, or the process for design have been reviewed by EPA. And they are through experience comfortable that, you know, if you design based on our rules, you will achieve that 80 percent reduction. So it's not a matter of, you know, how are we going to test? We're not going to test. We're going design based on, you know, rules that EPA has reviewed and they're comfortable we'll comply with 80 percent.

CHAIR COCHRAN: Okay. And this is the practice nationwide or statewide?

MR. NAKAMURA: I do not know what it is like nationwide or statewide, but it is very similar to flood control. You know, you don't go and measure runoff before and measure it after. You do it by design, you know, you use certain formulas that have been proven over time to meet certain criteria, and that's the same way we're doing...we do flood control, we're going to do water quality.

CHAIR COCHRAN: Okay. Thank you. Members, any further discussion or comments?

VICE-CHAIR VICTORINO: No.

CHAIR COCHRAN: At this point, you know, again I'm hearing what needs to be done and also hearing that we can, you know, delve into this in more detail and expand and, and add. I will entertain a motion to recommend passage of this proposed bill [*sic*] on first of reading and filing of the...County Communication.

VICE-CHAIR VICTORINO: So moved, Madam Chair.

COUNCILMEMBER PONTANILLA: Second.

CHAIR COCHRAN: Thank you, Mr. Victorino. I have a...moved by Mr. Victorino and seconded by Mr. Pontanilla. Members, discussion? Seeing none, all those in favor say aye.

COUNCIL MEMBERS: Aye.

CHAIR COCHRAN: Any opposed, say no. Seeing none, motion carries with six ayes and zero noes.

VICE-CHAIR VICTORINO: One excuse--

MS. BOUTHILLIER: Hokama excused.

VICE-CHAIR VICTORINO: --Madam Chair.

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CHAIR COCHRAN: Oh, sorry and Mr. Hokama is excused and . . . is that right?

MS. BOUTHILLIER: (nodded yes)

VOTE: AYES: Chair Cochran, Vice-Chair Victorino, and Councilmembers Carroll, Couch, Mateo and Pontanilla.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Hokama.

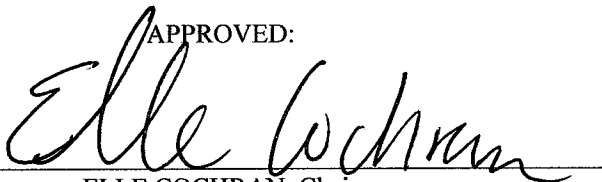
MOTION CARRIED.

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

CHAIR COCHRAN: Okay, Members, any need for further discussion here on the matter? I just wanna thank Mr. Souki for coming over from Oahu and being with us here today, and I'm looking forward to working further with this, with this topic matter. And thank you, Director Goode and Mr. Nakamura and everyone else. And with that this meeting is adjourned. . . .(gavel). . .

ADJOURN: 10:16 a.m.

APPROVED:



ELLE COCHRAN, Chair
Infrastructure Management Committee

im:min:111128:yb

Transcribed by: Karen Maeda

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CERTIFICATE

I, Karen Maeda, 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 December, 2011, in Kahului, Hawaii.



Karen Maeda