

BOARD OF WATER SUPPLY
COUNTY OF MAUI

REGULAR MEETING
MINUTES OF JULY 18, 2013

The regular meeting of the Maui County Board of Water Supply was held at the Department of Planning Conference Room, 250 South High Street, Wailuku, Maui, on Thursday, July 18, 2013.

CALL TO ORDER

The meeting was called to order by Vice Chair John Hoxie at 9:05 a.m. (Note: Chair Kamai was delayed and arrived at 9:38 a.m.)

ATTENDANCE

Members present: William Kamai, Chair
John W. Hoxie, Jr., Vice Chair
Patricia Eason
Donald Gerbig
Robert Joslin
Michael Suzuki

Excused: Cyrus Kodani
James Rust
Thomas Watanabe

Staff present: Dave Taylor, Director
Pam Pogue, Water Resources and Planning Program Manager
James Giroux, Deputy Corporation Counsel
Alex Buttaro, Planner III
Mariah Gill, Planner I
Gaye Hayashida, Commission Support Clerk

Others: Mary Blaine Johnston, Deputy Corporation Counsel
Daniel Chang, State of Hawaii, Department of Health, Safe
Drinking Water Branch
Robert Whittier, State of Hawaii, Department of Health, Safe
Drinking Water Branch

ANNOUNCEMENTS

Hawaii Water Works Association 2013 Conference

Vice Chair Hoxie announced that the HWWA 2013 Conference will be from October 23rd to 25th. He encouraged the members to attend the conference if they could.

Ms. Hayashida stated that if any of the board members wanted to attend they need to let her know and she will process their registration. The department will pay for each member's registration but not for the field trip or the golf outing.

APPROVAL OF MINUTES

Minutes of June 20, 2013

Vice Chair Hoxie asked for a motion to accept the minutes of June 20, 2013.

Motion: Member Gerbig moved to approve the minutes of June 20, 2013

Second: Member Joslin

Discussion: None.

Vote: Unanimous. Motion carried. The minutes of June 20, 2013 were approved.

TESTIMONY FROM THE PUBLIC

There was no public testimony.

APPEALS

Appeal No. 12-02, In the matter of Granite Fund IV, LLC/Black Diamond Management, Inc. dba The Hotel Wailea Maui, Appeal of the Director of Water Supply's Decision, Stipulation to Dismiss Appeal as submitted by the parties to this appeal; and a decision in the matter of the appeal fee

Deputy Corporation Counsel Mary Blaine Johnston, appearing on behalf of Director Taylor, explained that both parties agreed to have this case before the Board of Water Supply dismissed because this matter is now before the circuit court. So the Stipulation to Dismiss Appeal was filed with the Board of Water Supply.

In the matter of the appeal fee the following motion was made:

Motion: Member Joslin moved that the appeal fee not be returned to the appellant.

Second: Member Gerbig

Discussion: Vice Chair Hoxie noted that in previous decisions the board has has never returned the appeal fee.

Member Gerbig added that it is only right that the board not refund the fee because of all the work involved.

Vote: Unanimous. Motion carried. The appeal fee will not be refunded to the appellants.

OTHER BUSINESS

Discussion and possible action regarding the Board's recommendation to the Maui County Council on the Draft Wellhead Protection Ordinance

Director Taylor announced that this is the very first public discussion of the draft ordinance (entitled "A Bill For An Ordinance Amending Title 19, Maui County Code, To Establish A Wellhead Protection Overlay District"). He explained that this will be sent to the county council and because this is a land use ordinance the council will send it to all the county planning commissions for comments, then it goes back to a council committee.

This is on the Board of Water Supply's agenda today because the department wanted to get the board's comments on the public policy issues before it is sent to the council.

There is concern that land uses and activities on private lands that are close to the county's wells could cause contaminants to seep into the ground and eventually into our wells. The purpose of this ordinance is to protect those wells from future contamination by taking action on what activities take place on these lands. So the department is asking for the board's input as representatives of the public on this issue of protection of the public water systems versus the landowner doing what they want on their own land.

At this time Pam Pogue, Water Resources and Planning Program Manager, gave a short power point presentation on Maui County Wellhead Protection Program. A copy of the presentation has been made a part of these minutes. See Attachment 1.

Also attending the meeting were Daniel Chang and Robert Whittier, from the Department of Health's Safe Drinking Water Branch. Mr. Chang and Mr. Whittier answered some of the board members' questions when Ms. Pogue had to leave to attend another meeting in Honolulu.

(Vice Chair Hoxie noted the arrival of William Kamai to the meeting)

Vice Chair Hoxie suggested that the board consider deferring this to the next meeting because some of the members may not have read in detail this ordinance and the board may want to consider assigning this to a committee for further review.

Chair Kamai requested that staff from the Planning Department should be present at the next meeting to discuss this matter.

Motion: Member Joslin moved to defer this matter to the next meeting for comments.

Second: Member Eason

Discussion: None.

Vote: Unanimous. Motion carried. The matter of the draft ordinance entitled "A Bill For An Ordinance Amending Title 19, Maui County Code, To Establish A Wellhead Protection Overlay District" was deferred to the next meeting.

Receipt of Board Member request for agenda items to be placed on future agendas

1. Wellhead Protection Ordinance draft for further discussion and recommendation. Specific questions may involve zoning maps and the permitting process in contaminated areas. Director Taylor assured the board that he will work with staff to get the right people for this meeting.

UNFINISHED BUSINESS

Discussion and possible action regarding the creation of investigative committees for the Board of Water Supply

Member Gerbig submitted his suggestions for 3 Board of Water Supply investigative committees with descriptions of each committee's duties and responsibilities.

Regulatory - Legislative Items Committee - to evaluate and/or suggest regulatory changes, including site visitations, in the preparation of suggested testimony, as needed, for presentation to the BWS so the Board may take action on the Committee's recommendations

Water Rates and Fees Committee - to review and evaluate, as needed, changes in rates or fees of the DWS' current and future customer charges. Committee may be required to conduct on-site visitations to better evaluate solutions and/or changes

General Infrastructure Committee - to review and evaluate, by on-site visitations, or engineering presentations, proposed construction, replacement, and/or repair needs, of DWS projects, and justify their recommend to the BWS of their analysis for the expenditure

Director Taylor suggested that if the board approves these 3 committees then the issue of the Wellhead Protection Ordinance could be assigned to the Regulatory - Legislative Committee. Then the 3 members on this committee could come back at the next meeting and give their recommendation rather each member doing the same thing.

Motion: Chair Kamai moved to adopt this committee structure for the board.

Second: Member Joslin

Discussion: Member Gerbig stated that his descriptions for each committee are somewhat broad brush.

Mr. Giroux noted that once the board activates this committee the mandate would be that the Regulatory Committee will be reviewing the draft ordinance regarding wellhead protection and to make comments, and so that would then make the board's Regulatory - Legislative Committee into the Draft Ordinance Investigative Committee but the membership wouldn't change. This gives a clear mandate as to what the scope of their investigations would be.

Vote: Unanimous. Motion carried. The Regulatory - Legislative Committee, the Water Rates and Fees Committee, and the General Infrastructure Committee have been adopted as the committee structure for the Board of Water Supply.

At this time, Vice Chair Hoxie asked for volunteers for these committees and so the committees were filled by those members present.

Regulatory - Legislative Committee - William Kamai, Donald Gerbig, and Robert Joslin

Water Rates and Fees Committee - Patricia Eason

General Infrastructure Committee - Michael Suzuki, John Hoxie

Vice Chair Hoxie noted that at the next meeting the board could fill out the vacancies.

Mr. Giroux reminded the board that each committee will be composed of less than quorum.

COMMUNICATIONS

None.

DIRECTOR'S REPORT

Director Taylor said he had nothing substantial to add for the operations of the department; it is business as usual.

The Upcountry reservoir levels continue to drop and if it doesn't rain the department will have to shut off the Olinda Treatment Plant at some point in the next couple of months and will have to start pumping.

The council is still struggling with the Water Shortage Rates. This is an integral part of the department's operational plan to move forward. These special rates would spur consumers to pursue conservation when there is less water. The department is still working with council on this. This is a very difficult issue because the Upcountry agricultural users continue to testify that they really don't think they can cut back in those times, which becomes a real operational problem when ag use is 38% of the total use for Upcountry.

DIVISION REPORT

June Division Reports

There was no further discussion on this matter.

ADJOURNMENT

There being no further business the meeting was adjourned at 10:36 a.m.

Prepared by:

Gaye Hayashida
Commission Support Clerk


Approved by:

Dave Taylor
Director


Attachment 1

7/18/2013

**MAUI COUNTY
WELLHEAD PROTECTION PROGRAM**

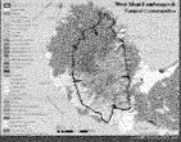


Maui County Department of Water Supply
with assistance from
Safe Drinking Water Branch
Hawaii Department of Health
and
Department of Geology and Geophysics and
the Water Resources Research Center,
University of Hawaii



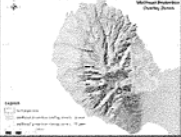
SOURCE WATER PROTECTION

Watershed Protection & Restoration:
Intact forests protect recharge area for aquifers
Ground and surface water quantity and quality

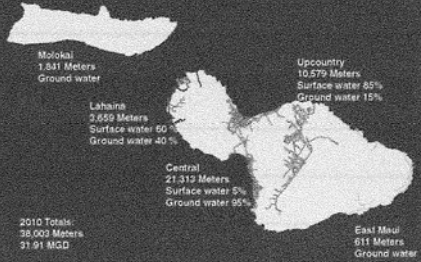


Wellhead Protection:
Protection of the area surrounding a well from which
the well's ground water is drawn.

Wellhead Protection Area:
The surface and subsurface area surrounding a
water well or well field, supplying a public water
system, through which contaminants are
reasonably likely to move toward and reach
such water well or well field.



DWS SERVICE AREAS & SOURCES




Molokai 1,881 Meters Ground water	Upcountry 10,579 Meters Surface water 85% Ground water 15%
Lahaina 2,559 Meters Surface water 60% Ground water 40%	Central 21,319 Meters Surface water 0% Ground water 95%

2010 Totals:
38,003 Meters
31.91 MGD

East Maui
511 Meters
Ground water

7/18/2013

WHY WELLHEAD PROTECTION?




Dependence - 79% of Maui's drinking water is ground water

Threat to water quality - A variety of land uses can contaminate drinking water sources

Recreation - Catches clean up ground water far exceed prevention costs

CRS mandate to states - public water system assessment, intended for protection measures on a local level




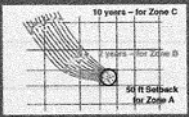
Maui Island Plan
"Complete and implement OHS wellhead protection program to protect the water quality of public and private wells"

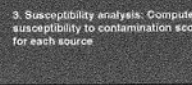
Community Plans
"Protect water resources in the region from contamination"
implementing action: "Promote and implement programs for ground water and wellhead protection."


SOURCE WATER ASSESSMENT

1. Delineation of the contributing area (Wellhead Protection Area)





2. Inventory and survey of potential contaminating activities (PCAs) in the contributing area
3. Susceptibility analysis. Compute a susceptibility to contamination score for each source






WELLHEAD PROTECTION STRATEGIES

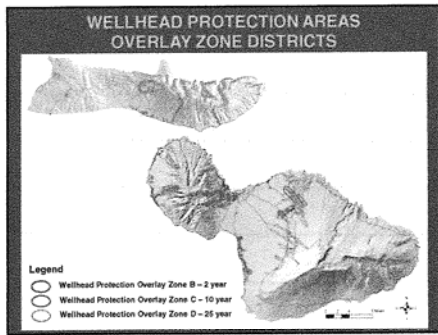
- Apply in modest capture zones
- Reviewed by stakeholders
- Land use restrictions
- Overlay Zoning Ordinance

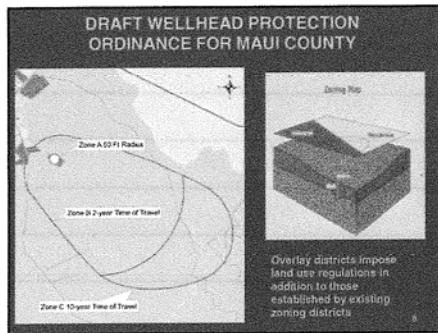


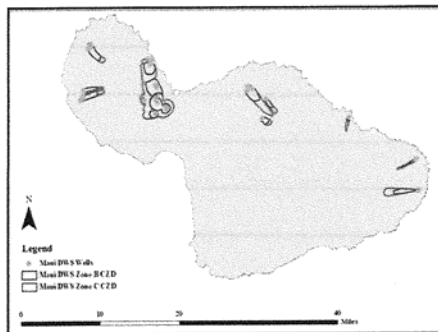


- Minimum performance standards
- Development guidelines
- ASOP for non-conflicting uses
- Land use agreements & easements
- Public education

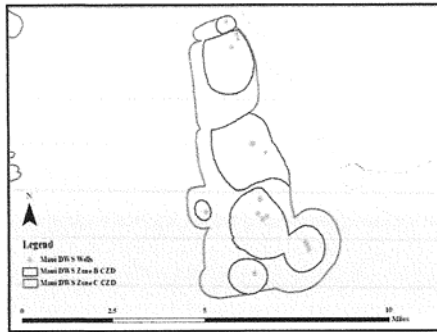
7/18/2013







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PUBLIC EDUCATION & PROTECTION INITIATIVES

IT ISN'T A WIP-SMALL AMOUNT OF CHEMICALS IN YOUR HOME CAN CAUSE A LOT OF DAMAGE TO YOUR HEALTH.

READ THE LABEL FIRST for proper use, storage and disposal.

Protect Your Ground Water Because it's hard to find and it's hard to clean up.

Call 1-800-368-5848 for more info.

A CLEAN THERMOPHORE KEEPS OUR DRINKING WATER CLEAN.

PLEASE REUSE, REPAIR, RECYCLE anything you can.

Keep on-site chemical spills and parts storage in a container.

Use a drip pan.

Protect Your Ground Water Because it's hard to find and it's hard to clean up.

Call 1-800-368-5848 for more info.

DON'T DUMP IT IF YOU WON'T DRINK IT!

Don't dump paint, oil, or other hazardous materials down the drain or in the ground.

AND YOUR DRINKING WATER SUPPLY!

Protect Your Ground Water Because it's hard to find and it's hard to clean up.

Call 1-800-368-5848 for more info.

• Technical assistance
 • BMP workshops
 • Pollution prevention advertisement
 • Street signs
 • Recognition programs

EPA/DOH Source Protection Grants

- \$200,000 Source Protection Grant
County PCA survey – results on geo-spatial data layers
- \$750,000 Source Protection Grant
Implementation of the Wellhead Protection Program
- \$ 750,000 Source Protection Grant
Support of Maui Watershed Partnership activities at locations primary to DWS water resources

7/18/2013

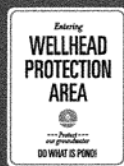
DOH Wellhead Protection Grant Projects (FY13 Grant)

- Wellhead and groundwater protection awareness through public outreach and education initiatives
- Cesspool remediation project – financial assistance available
- Implementation process of BMPs in wellhead protection areas
- Abandoned vehicles removal pilot project
- Acquisition of 50 foot zones surrounding wellheads
- Wellhead protection signage
- Wellhead Protection Ordinance

Wellhead Protection Ordinance

- Protect public's health, welfare and safety by minimizing contamination of drinking water supplied by aquifers
- Preserve and protect existing and future drinking water sources
- Implement land use policies consistent with Maui County General Plan and Community Plans
- Restrict and prohibit land uses that are incompatible with groundwater protection

Questions?



www.mauiwatrec.org

"By Water All Things Find Life"
