

BOARD OF WATER SUPPLY, COUNTY OF MAUI
REGULAR MEETING

BOARD MEMBERS: William Kamai, Chair
John W. Hoxie, Jr., Vice Chair
Patricia Eason
Donald Gerbig
Robert Joslin
Cyrus Kodani
James Rust
Michael Suzuki
Thomas Watanabe

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2014 JAN -9 PM 12:13
OFFICE OF THE
COUNTY CLERK

DATE: Thursday, January 16, 2014

TIME: 9:00 a.m.

PLACE: Planning Department Conference Room
First Floor, Kalana Pakui Building
250 South High Street
Wailuku, Hawaii 96793

AGENDA

- I. CALL TO ORDER
- II. ATTENDANCE
- III. ANNOUNCEMENTS
 - A. None.
- IV. APPROVAL OF MINUTES
 - A. Minutes of December 19, 2013
- V. TESTIMONY FROM THE PUBLIC

All testimony shall be relevant to the meeting agenda's specific items and shall be relevant to the authority of the Board of Water Supply under the Maui County Charter – Article 8, Chapter 11, Department of Water Supply, and the Maui County Code, Title 14, Chapter 14.11, Appeals to the Board of Water Supply.

(Continue)

The Board shall receive testimony first from persons whose testimony forms are submitted prior to the convening of the meeting. Three (3) minutes will be granted for each testimony item. At the discretion of the Board Chair, an additional minute may be granted to conclude testimony. An additional three (3) minutes on each testimony presentation may be granted to those who are unable to conclude their testimony in the originally allotted time period, after all testifiers have been heard. Persons whose testimony forms are submitted after the meeting convenes, but before the testimony portion ends, may be allowed, time permitting, to present oral testimony for three minutes on each agenda item. The Chair may grant an additional minute to conclude testimony.

VI. APPEALS

A. Appeal No. 13-04, an appeal by Audrey Moniz on behalf of Harold Moniz. The appellant is appealing the decision by the Director of the Department of Water Supply denying her request to be granted a waiver of the Water System Development Fee. The Board may go into executive session to deliberate on this matter.

For this matter, the board may convene in executive session pursuant to HRS §92-5(a)(4) in order to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities.

VII. UNFINISHED BUSINESS

A. Discussion and possible action regarding the Regulatory - Legislative Investigative Committee's draft recommendation letter regarding the Draft Wellhead Protection Ordinance. See page 5 of this agenda.

VIII. OTHER BUSINESS

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

IX. COMMUNICATIONS

A. None.

X. DIVISION REPORTS

A. December Division Operational Reports (copies available upon request)

1. Plant Operations

(Continue)

- a. Monthly Source Reports
 - b. Monthly Report – December 2013
2. Water Treatment Plants
- a. Water Treatment Facilities Production Log
 - b. Water Treatment Monthly Report
3. Water Resources and Planning
- a. Groundwater Use – Maui for December 2013
 - b. Groundwater Use – Molokai for December 2013

XI. ADJOURNMENT

Agenda items are subject to cancellation. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Board of Water Supply secretary at 270-7304.

Oral or written testimony on any agenda item will be accepted. Written testimony must be submitted by delivering a legible copy to the Board of Water Supply secretary, 200 South High Street, Fifth Floor, Wailuku, Hawaii 96793-2155; or faxing to 808-270-7951, 24 hours prior to the meeting so copies can be provided to the Board members. If written testimony is submitted at the meeting, please provide 15 copies prior to the close of oral testimony.

Individuals who intend to attend the meeting who have special needs or require special accommodations that will assist in his or her successful participation in the meeting (e.g., large print, taped materials, sign-language interpreter, accessible parking, etc.), should call the Board of Water Supply secretary at least three working days prior to the meeting date.

Documents on file with the Board and which may include correspondence relating to the agenda items above, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec 2.64.010). Please contact the Board of Water Supply secretary to make arrangements for inspection or photocopying of documents.

(Continue)

Board of Water Supply
Agenda – Regular Meeting
January 16, 2014

Pursuant to HRS §92-5(a)(4), an executive session may be called in order for the board to consult with their attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities.

Board's Draft Letter - WPOD Proposed Ordinance

Board of Water Supply
Maui County

Draft Ordinance 19.94 Wellhead Protection Overlay District.

Mr. David Taylor – Director
Maui Department of Water Supply
200 South High Street
Wailuku, HI 96793-2155

Date: December 18, 2013

Subject: The Board of Water Supply Concerns with Draft Ordinance Title 19, Maui County Code Chapter 19.94 Wellhead Protection Overlay District.

Director Taylor,

Please review the County Board of Water Supply's (Board) concerns as summarized below.

1 - Requirement For This Ordinance

The Board has reviewed the forty (40) plus county, state and federal overlapping regulations meant to protect our groundwater systems as provided in recent testimony.

While the department's concern for additional protections is well intended, there did not appear to be any justifiable need, nor were there any historical examples presented during testimony that showed any failures of these current county, state and federal regulations. Adopting additional groundwater regulations, such as this ordinance before the Board, would be redundant unless there could be some clearly demonstrated scenarios presented by the department detailing prior failures within our current regulatory system. Neglecting to show such a need has become a primary source of our concerns for supporting this additional groundwater regulation.

2 – Source Water Protection Models' (SWAP)

The Board is also concerned that the single peer review, and the related methodology that was applied to support the SWAP, does not rise to a sufficient acceptable level when it comes to implementing a program that would set into motion an overbearing set of parameters with increasing reviews and oversight that will cripple a property owner's allowable use. The Board, however, **would be in favor of having additional studies** performed by other experts prior to the acceptance of -or the shelving of- this proposed county policy.

3 – Impact of Establishing a Wellhead Protection Overlay Districts (WPOD)

This ordinance would fortuitously instigate newly prohibited uses that will not be clearly understood by the public-at-large. Such a vastly imperious ordinance will affect most, if not all, property uses and their related property values if that property falls under the prevue of these WPODs. This proposed ordinance, with its rather large WPOD envelopes, will literally have the unintended consequence of a *taking* of the affected owner's property.

The Board, consequently, cannot support the current Draft Ordinance Title 19, Maui County Code Chapter 19.94 Wellhead Protection Overlay District in its present form.

*William Kamai, Chairman
Maui Board of Water Supply*