

# **WATER RESOURCES COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**March 4, 2015**

### **Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 9:04 a.m.

**PRESENT:** VOTING MEMBERS:  
Councilmember Gladys C. Baisa, Chair  
Councilmember Michael P. Victorino, Vice-Chair  
Councilmember Don Couch  
Councilmember Stacy Crivello (out 11:05 a.m.)  
Councilmember Mike White (in 9:17 a.m.)

**EXCUSED:** VOTING MEMBERS:  
Councilmember Robert Carroll  
Councilmember Elle Cochran

**STAFF:** Kimberley Willenbrink, Legislative Analyst  
Clarita Balala, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

Morris Haole, Executive Assistant to Councilmember Robert Carroll

**ADMIN.:** David Taylor, Director, Department of Water Supply  
Eva Blumenstein, Planning Program Manager, Department of Water Supply (Item No. 1)  
Herbert Chang, Engineering Program Manager, Department of Water Supply (Item No. 12)  
Scott English, Lieutenant, Department of Fire and Public Safety (Item No. 12)  
Edward S. Kushi, First Deputy Corporation Counsel, Department of the Corporation Counsel

*Seated in the gallery:*

Paul Meyer, Deputy Director, Department of Water Supply  
Jeffrey Pearson, Civil Engineer, Department of Water Supply  
Simone Bosco, Planner, Department of Planning

**OTHERS:** Joanna Seto, Engineering Program Manager, Safe Drinking Water Branch, Department of Health (Item No. 1)

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Sydney Smith (Item No. 12)  
Annette Niles (Item No. 12)  
Rosemary Robbins (Item Nos. 1 and 12)  
Richard Pohle, PhD (Item No. 12)  
Eve Hogan (Item No. 12)  
Sherman Dudley-Deponete (Item No. 12)  
Mercer "Chubby" Vicens

Daniel Chang, Monitoring Section Supervisor, Safe Drinking  
Water Branch, Department of Health (Item No. 1)  
(7) additional attendees

**PRESS:** *Akaku: Maui Community Television, Inc.*

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CHAIR BAISA: . . .*(gavel)*. . . Will the Water Resources Committee meeting please come to order? Today is Wednesday, March 4<sup>th</sup>, and it's approximately four minutes after 9:00 in the morning. I'm Gladys Baisa, the Chair of the Committee, and I'd like the meeting to come to order and ask all of you, if you have your cell phones, like I do, would you please put it on the silent mode so we don't have any interruptions? I'd like to introduce the Members that are here this morning and the folks that'll be participating in the meeting. I'd like to introduce the Vice-Chair of the Committee, Mike Victorino.

VICE-CHAIR VICTORINO: Good morning, Madam Chair

CHAIR BAISA: Good morning, Mr. Victorino. I bet it feels good to be the Vice-Chair.

VICE-CHAIR VICTORINO: It's a different feeling to look that way, not this way. Absolutely. It's a little different. Thank you, ma'am.

CHAIR BAISA: I really appreciate your service now that I'm sitting in the hot seat. Thank you very much. Also like to introduce our Member from Molokai, Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha and good morning, Chair.

CHAIR BAISA: Aloha. And our Member from South Maui, Don Couch.

COUNCILMEMBER COUCH: Aloha, good morning, Chair.

CHAIR BAISA: Good morning. And excused this morning is Bob Carroll from East Maui and also Elle Cochran from West Maui. I understand Ms. Cochran is rained in. She lives in an area that is obviously very affected by rain and runoff so she can't get out here. I don't know if she'll be joining us later. And also excused at the moment is Mike White, our Council Chair, who's probably handling some administrative matters. I hope he'll join us in a little while. Also, we have non-voting Members on this

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Committee. I'll just mention it so you know why they're not here. We have Vice-Chair Don Guzman from Kahului and Riki Hokama from Lanai. They are non-voting Members. That means they are not required to attend the meeting, so you know the difference. And from the Administration we have with us Dave Taylor, our Director of Water Supply.

MR. TAYLOR: Good morning, Chair.

CHAIR BAISA: Good morning. And we have with us, Ed Kushi, our First Deputy Corporation Counsel.

MR. KUSHI: Morning.

CHAIR BAISA: Good morning, Ed, and thank you both for being here. And of course, my wonderful staff. I have Kimberly Willenbrink, my Legislative Analyst.

MS. WILLENBRINK: Good morning, Chair.

CHAIR BAISA: And Clarita Balala, the Committee Secretary. Thank you, ladies. Out in our District Offices we have Dawn Lono in our Hana Office, Denise Fernandez in our Lanai Office, and Ella Alcon in our Molokai Office. So that's the folks that'll be here. We have some other folks that'll be joining us a little later and I'll introduce them when they get here, but we have Herb Chang from the Department of Water Supply, who is the Chief Engineer, he'll be coming. We have Scott English from the Fire Department and we also had to excuse Sandy Baz, the Budget Director. He was going to be with us this morning but unfortunately got called to Honolulu to do some very important testimony there. So he has met with Mr. Taylor and I understand that Dave is ready to answer the budget questions that Sandy was going to help us with. Members, we have two items on our agenda today. The first item is a proposed resolution transmitting a proposed bill relating to wellhead protection to the Planning Commission for review and comment. The Chair's intent is that we will take testimony and discuss this briefly, but I am hoping that the Members will agree to forward it to the Planning Commissions so that they will have time to work on it with the community while we are engaged in Budget. I think all of you know we'll be going into the Budget session towards the end of this month, probably on the 25<sup>th</sup> or so, and that'll mean that they'll be a hiatus there in our meetings. So that'll give the Planning Commissions time to have their meetings, and hopefully we can meet again and our Committee will have a chance to see what comes back from them. So that is the Chair's intent with that bill. The second item is a continuation of our discussion on the \$12.6 million that Council set aside in the Fiscal Year 2015 Budget to assist water consumers with water infrastructure improvements in order to continue to construct their homes. And those are the two items that we'll be talking about today. I, again, on the second bill, we do not intend to take legislative action. Chair is still trying to find out how the public feels about this and to understand the ramifications of something like this so that when we do produce a bill, hopefully we can work on it and move it and not have it hit the ground as we all know, now we gotta go back and think

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about this. So we want to think before we get there. This morning we're ready for public testimony and it'll be limited to the items on our agenda today. If you wish to testify, please sign up at the desk at the back of the room here and, or you can sign up at one of the District Offices that are listed on the agenda. Testimony is limited to three minutes, and upon request, another minute will be given. At three minutes, the light will turn yellow and at four minutes the light will blink red. If you're still talking at the four-minute mark, please try to wrap it up and stop because out of courtesy to others, we want to be fair. When testifying, please state your name and if you're representing any group, please let us know that too, we'd like to know. We have established a connection to the District Offices and to be fair, we will rotate through the sites if there are testifiers. Ms. Willenbrink, if you would please handle the District testimony and the testimony.

MS. WILLENBRINK: Thank you, Madam Chair. Our first testifier is Joanna Seto. She is testifying from, as the Department of Health, Safe Drinking Water branch on item number one.

**. . .BEGIN PUBLIC TESTIMONY. . .**

CHAIR BAISA: Good morning and thank you for coming.

MS. SETO: Good morning, Chair. Good morning, Committee members. I am happy to provide testimony on behalf of the Department of Health, from Deputy Director for Environmental Health, Keith Kawaoka. We have provided copies to you and I'll just read it to you. One of the many functions of the Hawaii Department of Health is to ensure that public drinking water sources are free from contamination. The State Wellhead Protection Program is one of the approaches used by the Department to ensure that contaminant-free drinking water is delivered to the public. As will be discussed below, wellhead protection ordinances drafted by county and municipal governments are an important component of the State Wellhead Protection Program. The Department supports the County Council process to move this ordinance forward to the Planning Commissions for continued public comment and subsequent decision making. The Maui Wellhead Protection Ordinance seeks to manage potential sources of contamination to minimize their threat to drinking water sources. This ordinance represents the combined efforts of the Environmental Protection Agency, Department of Health, the Maui Department of Water Supply and the University of Hawaii. The EPA established the broad guidelines for the Source Water Assessment Program and provided funding to the State for its implementation. The Department developed the SWAP procedures and contracted with the University of Hawaii to delineate the time of travel overlay delineations and to estimate the relative susceptibility of contamination to each of the State public drinking water sources. Department also provides funding to water systems through its Wellhead Protection-Financial Assistance Program to develop and implement protection activities. Maui Department of Water Supply in addition to being integrally involved in the SWAP process, incorporated the SWAP into their Wellhead Protection Program by use of the overlay delineations. This is how the

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SWAP/Wellhead Protection Program process was envisioned to work. The SWAP is not intended to be an “end of road” program, but rather provide the foundation for the protection of drinking water sources. The Maui Wellhead Protection Ordinance has been drafted as a means of controlling or preventing contamination of their drinking water wells by placing controls on the activities that occur with the overlay delineation zones. The county government is the proper level for implementing the Wellhead Protection regulations. The development of these regulations commonly falls to the local government and the water system operator with the local governments or municipalities being responsible for implementing the land use tools. In Hawaii, delegating Wellhead Protection implementation to the county governments is even more logical since, unlike other States, Hawaii’s aquifers do not cross county boundaries. The State and Federal laws have made great strides in protecting the environment. More site and groundwater specific oversight is needed to provide the level of protection desired for drinking water wells. Current laws and regulations such as those dealing with agricultural use, hazardous waste disposal, and fuels transfer and storage are very broad and complex and in many cases do not provide the detailed level of regulation that is necessary to ensure the protection of groundwater. In summary, the Department supports the Maui Wellhead Protection Ordinance as a proactive measure to protect the drinking water supplies for Maui. The ordinance is necessary to, is needed to preserve the high quality of drinking water that is delivered to the residents of Maui by the Maui Department of Water Supply. This ordinance complements and does not conflict with State and Federal efforts intended to protect groundwater. Thank you.

CHAIR BAISA: Thank you very much. Members, any need for clarification? Mr. Victorino?

VICE-CHAIR VICTORINO: Thank you and thank you, Joanna, for being here. Good morning.

MS. SETO: Good morning.

VICE-CHAIR VICTORINO: My question to you is, you mentioned about private purveyors and we all know that many of our counties have a large number of private purveyors and Maui’s no, not an exception, especially if you go to the West Side of the island, some East Side, but most of the West Side. What is the Department’s assistance in that respect because Mr. Taylor has said on many occasions, we control what we control and what we don’t, we have a difficult time getting, sometimes even getting information? So how does the State Department of Health approach that to help us in that area?

MS. SETO: So the private, when you say private water systems, they are actually privately owned, publically regulated water systems.

VICE-CHAIR VICTORINO: \_\_\_\_\_, yes.

MS. SETO: So they are still under the Department’s regulation.

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VICE-CHAIR VICTORINO: Okay.

MS. SETO: And they do need to comply with our requirements and the maximum contaminant levels.

VICE-CHAIR VICTORINO: So would they be basically using the same ordinance that we're here, because you mentioned about local control, so would the State help us by following the same guidelines we setting in our policies here?

MS. SETO: We would support the Maui County's Wellhead Protection Ordinance, yes.

VICE-CHAIR VICTORINO: Okay. Thank you. Thank you, Joanna, for coming, appreciate it.

MS. SETO: Thank you.

CHAIR BAISA: Thank you, Mr. Victorino, for that clarification. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. Thank you for being here. Just so that I understand, there's Federal oversight, there's State oversight and the County, so Federal and State oversight does not preempt the County's oversight?

MS. SETO: The Federal oversight and the State oversight are broader than what you could be having for your County. So the Wellhead Protection Program is Statewide but we don't tell you how you should do it. We leave that up to your counties, individual counties.

COUNCILMEMBER CRIVELLO: Excuse me, so --

CHAIR BAISA: Oh, no, please go ahead.

COUNCILMEMBER CRIVELLO: --however, you do have, Department of Health, have a means of ensuring that, you know, contamination is not allowed or, is that your role --

MS. SETO: Yes.

COUNCILMEMBER CRIVELLO: --Department of Health?

MS. SETO: Yes. The Safe Drinking Water Branch is responsible for the Groundwater Protection Program and that is also involving the prevention of contamination of the wellheads.

COUNCILMEMBER CRIVELLO: So who says who or who says what?

MS. SETO: We would provide the overall background and the support to the counties.

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COUNCILMEMBER CRIVELLO: I'm just thinking of how much layers of regulation that is set before us. Though I think it's important that we're having all avenues, you know, covering, protecting the safe, you know, drinking water.

MS. SETO: Right. So the regulations that are provided by the Federal and State laws and rules are not as specific as what you could be creating for Maui County. So, as an example, the Wellhead Protection Program provides for the entire State and so we need to make sure that we look at the State as a State agency. With Maui County, you're able to look at your specific needs.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR BAISA: Thank you, Ms. Crivello. Any further questions? Seeing none, thank you so much for being here.

MS. SETO: Thank you, Chair.

CHAIR BAISA: Ms. Willenbrink.

MS. WILLENBRINK: Our next testifier is Sydney Smith, testifying on WR-12. It says 21 but probably 12.

CHAIR BAISA: Chair would like to note the presence of our Council Chair, Mike White. Thank you.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR BAISA: Go ahead, Sydney.

MS. SMITH: Good morning, Chair, and good morning, Council. I'm not really sure that I should say WR-21 but I'm here to discuss affordable housing as kind of a crossover from all the different issues that we have with water. So, you know, Councilmembers, my name is Sydney Smith and most of you know me. I seem to be testifying here a lot these days. Most of you know that I'm a full-time farmer and I own a coffee farm in Makawao. I'm also the President of the Maui Coffee Association and a member of the Ag Working Group. What you may not know is that I also design and renovate houses. I know the cost of building and understand the difficulty in building low-cost, affordable housing. Building a 1,000 square foot cottage from the ground up with the intention of renting that house will cost about \$200,000 here in Maui County and that's without taking into consideration the cost of the land. If you use standard methods to arrive at a rental price for that house, you would use 1 percent of the cost and arrive at \$2000 per month rent and that's if you didn't add the cost of the land underneath. I don't think that's affordable. What you need to do is allow for building-attached, ohana-type additions and allow for full kitchens to be installed. Currently, Will Spence and Joe Alueta of the Planning Department have plans to eliminate the wet bar provision in the Building Code. This at least allowed for a

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rudimentary kitchen but they want to eliminate it. I think you should do the opposite and amend the Code to allow for full kitchens in attached ohanas. Get rid of the fixture count restriction. A couple of weeks ago I had a conversation with the Mayor and he didn't even know why that was a rule. Limiting the number of toilets doesn't change how much water a family uses, it just limits the amount of privacy a family can provide. And I know the theory behind the fixture count is that pressure can only be maintained for so many fixtures at a time. But no one opens up every spigot and flushes every toilet simultaneously. By encouraging, rather than discouraging families to build an apartment in their carport or garage, you lower the cost of that apartment considerably. The roof, floor, and walls are already there. If you open this up and make it easy to get a permit, Maui's homeowners can solve the affordable housing problem for you. This was done in Toronto over 20 years ago and it was very successful. Toronto had a very high cost of living and a serious shortage of affordable housing. They called this project Second Suites and even provided tax incentives for homeowners who followed building codes. Those codes were even changed to make it easier for the homeowner. They amended the building code to allow for basement apartments that didn't meet minimum ceiling height requirements. It will take smart and cooperative Planning, Water and Building Departments to make this happen but it is possible. Taking a helpful rather than restrictive approach is generally a more successful solution to any problem. Thank you.

CHAIR BAISA: Thank you very much. Members, any questions for the testifier, need for clarification? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair, and thank you, Sydney, for being here.

MS. SMITH: Thank you.

COUNCILMEMBER COUCH: I read your testimony and heard you. The question I have is are you saying that you prefer attached ohanas and another cottage?

MS. SMITH: Yes. I think we need both. I mean, I know that there's a density issue but we have that density issue now because people are living together, you know, in these houses. And, you know, when I had this conversation with the Mayor, he said he goes home at like 2:00 in the morning and there's like ten cars for every house and they're already there. I mean we already have the density issue but we have the stress on the families of having to share a refrigerator and a kitchen because they can't have their own space. If we allow people to build these carport, little apartments, they're already, the families are already there. It just reduces the stress and strain on the family unit and I think, or a lot of the times, these are family members. But if it's a completely separate apartment, then they can rent it at an affordable price to another young family that needs to get out on their own. And it's just not going to happen with building a house from the ground up. It's just too expensive. Just a short while ago concrete was \$80 a yard, and I just did a job where I used quite a bit of concrete and it was almost \$300 a yard now.



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COUNCILMEMBER COUCH: Well, right now it is okay to do attached ohanas as long as you don't have a detached ohana. But you're saying, you now want essentially two ohanas on a lot as well as the main dwelling?

MS. SMITH: Yes. And what I've heard from the Planning Department is you can't have a second kitchen in an attached ohana. And that's, that's the issue that I have, you know, is that you can have a kitchen, one kitchen in a house. The only way you can have a second kitchen if it's called a catering kitchen, which a lot of the really high-end homes have, but I think you should just be able to have a small kitchen in an apartment so that people can have their own space.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR BAISA: Thank you, Mr. Couch. Members, any further questions for the testifier? Seeing none, thank you very much.

MS. SMITH: Thank you.

CHAIR BAISA: Ms. Willenbrink.

MS. WILLENBRINK: Our next testifier is Annette Niles.

CHAIR BAISA: Good morning.

MS. NILES: Good morning, Chair. Good morning, Council. My name is Annette Niles, farmer, rancher, same ole. I'm here again. No, I just wanted to, I don't want to be repeating myself on Sydney's part but what she's saying is true. If we tend to try and take care of housing and I'm just here to kinda push forward the sprinkler system, that I think it's just a tremendous idea to have a sprinkler, because when I was building my house, it was like, you signed the paper 'cause if the house burns down, too bad, you know what I mean, 'cause the Fire Department wasn't going to get there in time. So the sprinkler, the sprinkler heads I think is very important and again with this fixtures, that needs to get out the door, you know, that needs to be done. 'Cause you born and raised drought in Upcountry Maui, you're not opening every water faucet in that house, nor are you flushing toilets, nor are you opening, watering your garden and somebody using water in the house. That's a no no. You would get cracks for that. So, no, but anyway, thank you very much and I support, you know, whatever, the sprinkler heads and housing that, you know, we need to get that, it's a real bad problem right now. I have people calling me, begging me for homes. So it's a bad problem. Thank you.

CHAIR BAISA: Thank you very much, Ms. Niles. And Members, any questions? Mr. Couch?

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COUNCILMEMBER COUCH: Thank you, Madam Chair, and thank you, Ms. Niles, for being here. When you say sprinkler system, are you talking about an automatic sprinkler system --

MS. NILES: Yeah.

COUNCILMEMBER COUCH: --for fire --

MS. NILES: Yeah.

COUNCILMEMBER COUCH: --suppression.

MS. NILES: I mean, that would help. I mean, at least if the Fire Department gets there, you know, the water would douse the house down, you know. I think that's a brilliant idea, especially for remote areas, you know, we all live in pastures. So, you know, by the time the fire truck gets through the bumpy roads, our houses is gone, you know.

COUNCILMEMBER COUCH: But keep in mind that if that is required then you definitely are going to need a bigger pipe and that's the issue that we're \_\_\_\_\_.

MS. NILES: Oh, okay, I don't know what the stipulations are on the pipe lines but, you know, I'm for the sprinklers however which way but, you know, I don't know how that, it's going to work. So, I mean --

COUNCILMEMBER COUCH: Okay.

MS. NILES: --at that time then we'll kinda come back and argue the point I guess.

COUNCILMEMBER COUCH: Okay, thank you.

MS. NILES: Thank you.

CHAIR BAISA: Thank you, Mr. Couch. Mr. Victorino?

MS. NILES: Oh, sorry.

CHAIR BAISA: Hang on, Annette.

MS. NILES: Okay.

VICE-CHAIR VICTORINO: Don't run off and, you know, and, you know, the sprinkler systems that you referring to, as Mr. Couch has pointed out, I was going to bring that up, you need certain type of pressure to run it. However, you know, I agree with you, this would be an affordable way of getting houses built without putting in a fire hydrant and all the other amenities that are needed right now. And, again, you put a fire hydrant yet the fire truck is a mile and a half away from the main road.

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MS. NILES: It ain't going to happen.

VICE-CHAIR VICTORINO: Yeah, exactly. So I agree with you. The other question I had is, you know, you mentioned about the fixture count and so in your mind, by eliminating the fixture count and allowing people to do more in their home, they won't use more water?

MS. NILES: No. Because, I mean, I mean, if you were born, I mean if you're a person that lived all your life in drought --

VICE-CHAIR VICTORINO: Uh-huh.

MS. NILES: --you tend to learn how to make do. You do not waste water. You do not ever waste water, you know, I grew up getting cracks for letting the water pot, the faucet open, you know what I mean. So you literally wouldn't do that and you would train, you know, you live in Kula, your people living there, you do not open pipes, you do not just let water run.

VICE-CHAIR VICTORINO: Well, that and the fact is you used all the water, the gray water and all the --

MS. NILES: Yeah.

VICE-CHAIR VICTORINO: --left over washing water.

MS. NILES: And exactly, that's what Gladys, I mean, Ms. Baisa wanted to do --

VICE-CHAIR VICTORINO: Right.

MS. NILES: --was do the gray water and that's an excellent idea too. That would not be wasting our water.

VICE-CHAIR VICTORINO: And I think, finally, is I think we'd like to incorporate allowing both catchment as --

MS. NILES: Yes.

VICE-CHAIR VICTORINO: --another means of water --

MS. NILES: Yes.

VICE-CHAIR VICTORINO: --\_\_\_\_\_ because when you have rainy seasons like this...

MS. NILES: Right now I just was talking to Mr. Taylor about my water meter getting buried with mud right now. So, it's, yeah, we just missing all this beautiful, you know, water

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that could be caught in tanks, you know. My father believed in tanks. He had, we, every house we have up there had a tank.

VICE-CHAIR VICTORINO: Right. I remember.

MS. NILES: And that was for a reason, the mainline would break, we would have the water --

VICE-CHAIR VICTORINO: Right.

MS. NILES: --you know, or we would catch water in that tank, you know, and it was fine. But now with all these rules and regulations, it's ridiculous.

VICE-CHAIR VICTORINO: Right. Well, thank you, Ms. Niles, and again I can tell you today, there's no water problems, we have lots of water.

MS. NILES: That we know, well know.

VICE-CHAIR VICTORINO: Today, today is okay. Okay, thank you, Ms. Niles.

MS. NILES: Thank you very much.

VICE-CHAIR VICTORINO: Thank you, Madam Chair.

CHAIR BAISA: Thank you. You know it's interesting that we're having this water discussion on a day like today.

VICE-CHAIR VICTORINO: I know.

CHAIR BAISA: It just doesn't have that pizzazz that it does in drought.

VICE-CHAIR VICTORINO: Yeah.

CHAIR BAISA: But it's important and I love all of the ideas that are coming up and they're all possibilities for us to work on and think about. Ms. Willenbrink.

MS. WILLENBRINK: Our next testifier is Rosemary Robbins and she's testifying on WR-1 and WR-12.

CHAIR BAISA: Good morning.

MS. ROBBINS: Good morning, everybody, peace. Okay. Would like to talk about this wellhead protection. Back in '04 the Upcountry water situation was crazy and there were concerned citizens that went to the EPA--keep in mind that the Clean Water and Clean Air Act have been around for a long time. They were initiated during the Nixon administration. And so we, there were concerned citizens, got together, we got money from the Fed thanks to Dan Inouye having pushed that through for us, we went on a

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501(c)(3) so the County took care of the money end of that and we did a lot of the legwork. I just want to clarify our current Water Director was not the Water Director at that time so these were people before him. And the other thing is that the Upcountry area is served primarily by surface water. So since then, and now we've got, now cyberspace worries about our water that's floating around up there. So when we talk about doing this for everybody, islands, all three, wide, when we're talking about wells as being the only solution right now, we haven't built them Upcountry and the need is still there plus the cyberspace. When it talks about the wellhead protection, we went over, those of us on that Upcountry Oversight and Advisory Committee that was required by the EPA before they would cut the check for ½ mil to the County, it was the same Mayor at that time, not the same Water Director. We dealt with that original study, I think original, on the '04 out of UH and the Department of Health. I don't know if that has come by your recognition before, but anyway, it exists. We dealt with that and I'd just like you to picture what we're talking about. There are three zones in that so you had the well, Zone A, you run it. Then you have Zone B, then you have Zone C, further away from the well itself. And so the most recognized deal is going to be where the well is. Well, if we haven't dug the wells, then what? And in places like Haiku, where we had the Fourth Marine Division there when we were under martial law after Pearl Harbor's attack, we ended up at the end of that driving jeeps. This is all available at the library. And at the time, from the war, after its closing, that material was not available but it is now and they just took them to the cliffs and drove them off. So all the batteries and the battery acids and everything were in there. So not only do we have the contamination in that soil, we've got it from mechanical and otherwise God-help-us ingredients. So in the binder that's upstairs, I went through that yesterday, none of that is mentioned but it does give a list of the horrible contaminants that have been around for a long time, and your most recent list has the same stuff in it, the DBCPs and those forever Latin names that are God-help-us ingredients that are in the A, B and C zones. So, and the new ones that have come along since, those were discovered, researched, things like Atrazine that are raising Cain with little boys' reproductive systems now, not fair. So that material really needs to go back to the history, whatever caused the DOH to have done that originally, and thanks that they did that, that data is there somewhere. So this is another generation years later, we need to get this done. So, just wanted to also clarify on the private situation, we had training done in '04, the EPA came out and did that training for us, and they were private people who were able to apply for those services in addition to be able to do that as a government jurisdiction. So if that helps what got brought up a little while earlier this morning, that stuff is all available somewhere in the records, and for the Oversight and Advisory Committee, we had all of our meetings audio/video taped and provided them to the then Water Director and the Assistant Water, Deputy Water Director, was at most of our meetings and the then Mayor, who just had his water people come. He was never at the, but we gave them those audio/videos. So there they are in living color and voice. And so hopefully that's a help. And when we do talk about Countywide, going on to optimizing the infrastructure improvements, if you came down from Makawao today, I came through that from the stuff at Maliko Gulch, it's all over the ground, the stuff that, the heavy rains today, we're not able to carry off and anybody who went through them looked

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like a fire boat in the harbor...pssssh, right, and then nobody could see anything. So pretty dangerous. So getting those done Countywide, I know we're hearing the real stuff in the visitor areas, not a lot of visitors Upcountry and somebody was mentioning earlier, we're not going to have a lot of affordable homes up there either if we don't do something about available water for those. So everybody's in favor of affordable homes, I'm sure, I'm trusting that. So just to make sure that it is a need and we're competing with current recognized history and without having the other history perhaps so deeply checked out, yeah, because it is there. So thank you very much for the opportunity and thanks to the State and the Fed, Alexis Strauss was the one who for Region 9, that's the nationwide slice that, geographic slice, that we belong to. They've known this for a long time too and came out and did a lot of work with us. We were trained, those of us who were in that Oversight and Advisory Committee, which was required before the ½ mil got cut loose. And we were trained as to how to go out and sample the water, and then they got sent to labs that were not in Hawaii, and we had different numbers that came back from labs in different geographies, same specimens, 'cause we got them and we sent them. So lots of work to be done, lots of history so we don't keep starting over and not building on what has been done by people who really care a great deal, both within the employed service and in the volunteer service on the island. Thank you.

CHAIR BAISA: Thank you very much. Members, any need for clarification? Seeing none, thank you very much.

MS. ROBBINS: You're welcome.

CHAIR BAISA: Ms. Willenbrink?

MS. WILLENBRINK: Thank you, Chair. Rotating to the Hana Office. Is there anyone wishing to testify in Hana?

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

CHAIR BAISA: Thank you, Dawn.

MS. WILLENBRINK: And moving to the Lanai Office, is there anyone wishing to testify from Lanai?

MS. FERNANDEZ: Good morning, Chair, this is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR BAISA: Thanks, Denise.

MS. WILLENBRINK: And finally, the Molokai Office, is there anyone wishing to testify?

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MS. ALCON: Good morning, Chair, this is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR BAISA: Thanks very much. Proceeding, Ms. Willenbrink.

MS. WILLENBRINK: Back in the Chamber, our next testifier is Dr. Richard Pohle, testifying on WR-12.

CHAIR BAISA: Good morning.

MR. POHLE: Good morning, Madam Chair, and Council. I'm testifying, I'm Richard Pohle, I'm testifying on WR-12. You have \$12.6 million to distribute Countywide but Director Taylor has said that the infrastructure requirements for Upcountry are more than \$200 million and that's just for Upcountry and that's before the latest rush, before the meter list closed. Now I have one simple request. When you pass the ordinance increasing the fire flow requirements for 400 gallons per minute for two hours, to 1,000 gallons per minute for two hours, you made all of the underground 6-inch pipes obsolete because according to the handbook, they are not capable of furnishing 1,000 gallons per minute. The 6-inch pipe missed it by about 12 percent. So my request is this. Simply grandfather in all of the 6-inch pipes so that they don't have to be ripped up except in the normal course of maintenance. Don't rip up a perfectly good 6-inch pipe and replace it with 8-inch pipe. If you want to add on 8-inch pipe, new pipes should be 8-inch, no question about that for the rural requirements, but existing 6-inch will service quite well for 1,000 gallons per minute. You see, the problem is not the flow to delivery of the 1,000 gallons a minute, the problem is that when you establish this flow and you turn it off sharply, you have a surge pressure. Well, that occurs after the fire, of course, and it also assumes that our Fire Department does not know this problem. I think they know, they're quite aware of it and they turn it off gradually. So it's just a surge pressure that is the issue and that causes you to go beyond the recommended, maximum function of the pipe, but the pipe can still deliver 1,000 gallons per minute, depending on the pressure. So that will save you an immense amount of money because it prevents digging up perfectly good pipe. And especially note that some of these things, you are responsible for 50 or 75 percent, so if you waste your money by doing this, you are going to cost the Council more. Well, that was my testimony but I cannot avoid adding my high recommendation that fixture counts should be eliminated. They do nothing but make life miserable for people because old people may want two toilets and you don't flush 'em all at once. Also the sprinkler systems should be considered in relaxing the water flow, the fire flow. So thank you very much.

CHAIR BAISA: Thank you very much, Dr. Pohle. Members, questions? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair, and thank you, Dr. Pohle, for being here. When you say the sprinkler system should be considered, are you talking about ones that are fed by tank as opposed to the line because...

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MR. POHLE: Yes, I would consider that the sprinkler system would contain a 5,000 gallon tank to provide the early stages of it, and the, I'd like to also submit something else for your thought. If I have 100 people on a line and I add one more, it does not impact fire protection. That one more person only uses, the fire, if there's a fire and there are very rarely two fires on the same line at the same time. So why don't you lower the fire flow feed to something reasonable and then you'd be able to use the money--by reasonable, I mean \$20,000 that can be put on the mortgage instead of all up-front stuff. And if you did that, you might get some more construction, especially Upcountry, which is...there is a, I have this, if you'd pass it, this is my calculations for the fire flow, it does show the website and I've, you might get a little thing that says the website is not secure. I just didn't bother paying my \$70 for the certificate, it has not been hacked if anyone cares.

CHAIR BAISA: Thank you --

MR. POHLE: Thank you very much.

CHAIR BAISA: --Dr. Pohle, we'll share that. Members, any further questions for the testifier? Seeing none, thank you very much. Ms. Willenbrink?

MS. WILLENBRINK: Thank you, Chair. Our next testifier is Eve Hogan.

CHAIR BAISA: Good morning.

MS. HOGAN: Good morning. Good morning, Council. I'm going to reiterate a little bit of what the rest of the crew has already said. But one of the things I've noticed over and over again is Maui County, is that we have a whole lot of laws that are written to stop bad people from doing some bad things, but it stops good people from doing good things, and this is also impacting our affordable housing on Maui. And so I want to address a couple of what I lovingly call stupid rules. I hope you know I say that with all due love and respect.

CHAIR BAISA: We understand.

MS. HOGAN: I'm lumping them together as they relate to housing and water. And, again, it's the one kitchen per house rule that it makes it illegal to have two food preparation areas in one home. That's all ohanas in which people could rent a portion of their home to others affordably, either become impossible because it's not legal, or makes Maui's citizens illegal by providing such facilities, or forces people to share their kitchen, hide their kitchen, or what often happens, to prepare their food using both far less sanitary bathroom sinks and counters or outdoor facilities that are subject to dirt, chickens, rats, insects, et cetera. It's also my understanding that the no wet bar rule in a bedroom is not actually be a rule yet but I assure you the Planning Department is already enforcing it as if it is a rule, and this rule states that you cannot have a sink or any food preparation area, anything that could be used for food preparation, in a bedroom. This eliminates studio apartments entirely and as you were asking,



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Mr. Couch, about whether you would suggest an in-house ohana as well as a second dwelling, I say yes. I have a house in Kihei that has an attached room that could be used as an affordable accommodation, but I can't rent it because I can't put a kitchen in it and it's not legal to have it. So, you know, you could have a lot--we all know it's already there--it's just not allowed to be used. And when you ask the Planning Department why a no wet bar rule, they cite one wealthy man who has four wet bars in his house who wants to provide non-affordable housing, and they use, they made the rule to stop him from having non-affordable housing and it stops other people from being able to provide affordable housing. And then there's the faucet count, which, of course, I also consider a stupid rule, which eliminates the homeowner from adding any additional faucets. As you've already heard, this doesn't stop the use of water, it doesn't make us use the toilet less, we just aren't using them all at the same time so it's just really absurd. And I'd also like to address the belief that a vacation rental is eliminating affordable housing. The majority of these properties are not affordable by any standard. Thus any long-term rental provided by people paying huge mortgages will not be affordable housing. This is like saying we should turn the Grand Wailea into affordable housing apartments. That facility will never be where we turn to for affordable housing, and people's vacation rental properties or homes where they're paying a lot of money, should also not be turned to for affordable housing. My heart goes out to you all on how you're going to resolve all of this. My invitation to you is to look at the already existing rules that may be able to be changed or modified to solve your problems rather than creating additional ones. Thank you.

CHAIR BAISA: Thank you very much, Ms. Hogan. Members, any need for clarification? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair, and thank you, Ms. Hogan, for being here. This kind of addresses the, everybody's talking about allowing a little but more density. We do want to try and add density in places in a manner that has been planned.

MS. HOGAN: Right.

COUNCILMEMBER COUCH: And the issue is, the way the rules are now are to be able to help predict how much the infrastructure is going to be needed, how much, you know, how many parks are we going to need. If you start having --

MS. HOGAN: Right.

COUNCILMEMBER COUCH: --unlimited number of ohanas in a house and parking and water.

MS. HOGAN: Well, I'm not suggesting unlimited.

COUNCILMEMBER COUCH: Well, and neither, and the County right now doesn't, they have a limit, it's two. So we're trying to figure out how to do it and I can see, you know, you

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okay with in future development allowing, you know, for the possibility of that. And, again, it's the, all the infrastructure --

MS. HOGAN: Right.

COUNCILMEMBER COUCH: --that you have to plan with it.

MS. HOGAN: I understand that the problem is huge. I mean, but what we have now is no limit on how many people can live in a house. So I have a house in Kihei and the people next door have at least 16 people living in that one house, you know, so the density issue is not being addressed by whether it's legal or not or whether there's an additional apartment or not, they're all just sharing the same house.

COUNCILMEMBER COUCH: Okay, that's interesting 'cause there is a limit on...

MS. HOGAN: There is?

COUNCILMEMBER COUCH: Oh, yes.

MS. HOGAN: What's the number?

COUNCILMEMBER COUCH: It's either eight or ten members, non-related, I think it's eight non-related members.

MS. HOGAN: But these are all related. This is a humongous family and they're all related and I'm not suggesting they shouldn't be able to do it, I'm just saying your density issue is not addressed by ohanas, it's addressed by number of people in a house. And how do you do that? It's a really tricky situation. And then you look to the ag land, where there's huge limitations in the one area where we could--I could add another unit and, you know, affordably, ha ha ha, rent it, but I can't unless I'm making \$35,000 a year on ag, which is ridiculous. So if I make more money, I can apply, I can afford to put in a unit that allows for more affordable housing or at least housing. It's a convoluted situation and one thing is not resolving the other.

COUNCILMEMBER COUCH: Okay. Thank you, Madam Chair.

VICE-CHAIR VICTORINO: Madam Chair?

MS. HOGAN: Thank you.

CHAIR BAISA: Yes, Mr. Victorino. Hang on, Eve.

VICE-CHAIR VICTORINO: Thank you, Eve, for being here. And, you know, you hit the nail right on the head. No matter which way we approach this, there's two sides to every coin.

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MS. HOGAN: Yeah.

VICE-CHAIR VICTORINO: And Mr. Couch is trying to make the issue about number of people limited in a house and I can tell you there are many in Central Maui. Sixteen is small.

MS. HOGAN: Yeah.

VICE-CHAIR VICTORINO: It's small.

MS. HOGAN: I know.

VICE-CHAIR VICTORINO: Okay. And they can't afford it. I mean, let's be honest, you know, let's call a spade a spade. We are at a very critical juncture for our housing in this County. We've done all kinds of rule changes. We've tried everything humanly possible. We just recently changed our affordable, our workforce, I should say, policy to make sure that we can open up to developers to develop more affordable housing. But affordable here is ha ha, like you said --

MS. HOGAN: Yeah.

VICE-CHAIR VICTORINO: --400,000, that's what they call affordable.

MS. HOGAN: Right.

VICE-CHAIR VICTORINO: I can tell you right now, many of us in this room probably would have a hard time qualifying for \$400,000 loan --

MS. HOGAN: Uh-huh. Right.

VICE-CHAIR VICTORINO: --you know. And the 20 percent down and et cetera, et cetera. So my question to you is, you know, you've kinda taken these stupid rules, and thank you, they are, they are stupid rules, and kinda breaking 'em down and saying, hey, why don't we take these rules away and, like everything else, Mr. Couch's famous saying, we got 80 percent of the problem solved --

MS. HOGAN: Uh-huh.

VICE-CHAIR VICTORINO: --you know. Well, maybe we take this and we get 80 percent of the problem, now we still have 20 percent --

MS. HOGAN: Right.

VICE-CHAIR VICTORINO: --but right now we have 100 percent.

MS. HOGAN: 100 percent. Yeah.

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VICE-CHAIR VICTORINO: And it's --

MS. HOGAN: Yeah.

VICE-CHAIR VICTORINO: --unretrievable at this point.

MS. HOGAN: One of the ones that Annette raised to my attention is that it used to be on ag land that you could have two 500 square foot cottages and then they eliminated that and made it one 1,000 square foot cottage, and if we were able to have two 500 square foot or two 800 square foot, who cares how, you know, I mean like, two 1,000 square foot cottages, we would be able to provide housing for people Upcountry. You know, it may not be as affordable as it might be in downtown Los Angeles, but, you know, for Maui we might be able to address some of the housing issues if we were not so completely limited in what we can do.

VICE-CHAIR VICTORINO: Ms. Hogan, I beg to differ, don't go downtown Los Angeles --

MS. HOGAN: Yeah.

VICE-CHAIR VICTORINO: --as a comparison because I think you'd get, you'd get more gray hairs that you can count. But --

MS. HOGAN: You might --

VICE-CHAIR VICTORINO: --anyhow --

MS. HOGAN: --I don't want to go there anyway.

VICE-CHAIR VICTORINO: Yeah. And the catchment and other issues are still part of this whole equation.

MS. HOGAN: Uh-huh.

VICE-CHAIR VICTORINO: And I think, Madam Chair, once we can really, honestly fit these and take these stupid rules out and allow things to happen, maybe and only then would we see some positive results.

MS. HOGAN: I agree and, as you said, with catchment, what if we were to do like they did with solar and give tax write-offs to people to catch. I mean, I'm looking at catchment systems, it's expensive. I'm happy to do it, it's the responsible thing to do but it's not affordable, and if we had abilities to do gray water, had abilities to get tax write-offs for putting catchment in, all of these things are so systemic and related to each other and everybody looks at things so it seems, seemingly so isolated in one thing, one's the housing, and one's the water, and one's planning. When you look at them all together, they link in such an amazing way to resolve the problems.

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VICE-CHAIR VICTORINO: Well, I get larger communities than this, than Kahului and Wailuku, throughout the area called Ka`u, Paho, going down to Keaau and all these areas, 90 percent, 90 percent, and you can go check the records, is in catchment.

MS. HOGAN: Uh-huh.

CHAIR BAISA: My daughter is on catchment.

VICE-CHAIR VICTORINO: All catchment. All catchment. And so, they survive. It's not easy, but they survive. So I think there's a time when we have to look at this and it ought to be now when we keep talking about it, Madam Chair, we gotta do something now and allow this to move forward.

MS. HOGAN: Thank you.

VICE-CHAIR VICTORINO: Thank you, Madam Chair. Thank you, Eve.

MS. HOGAN: Thank you.

CHAIR BAISA: Thank you very much, Mr. Victorino. Chair, as you know, has given a lot of latitude in the testimony today about different issues but I think they're all related.

VICE-CHAIR VICTORINO: Yeah.

CHAIR BAISA: And, you know, in Ms. Crivello's Committee, we're talking about affordable housing. In Mr. Couch's committee, we're talking about planning, you know. In your Committee, we're talking about other things, you know, it's all related.

VICE-CHAIR VICTORINO: Yeah.

CHAIR BAISA: Everything is all related and if we're going to be effective, we gotta look big picture. And, yes, some of it is strictly water related but it all fits together. Without water, none of this affordable housing is going to happen. So, thank you, Ms. Hogan. Ms. Willenbrink?

MS. WILLENBRINK: Yes, Madam Chair. The final person to sign up for testimony in the chamber is Sherman Dudley-Deponte, testifying on WR-12.

CHAIR BAISA: Good morning. We'll let you talk if you sing.

MR. DUDLEY-DEPONTE: What's that?

CHAIR BAISA: We'll let you talk if you promise to sing.

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MR. DUDLEY-DEPONTE: I have hard on hearing, very hard. My dad used to scream at me and I'm gonna blame him.

CHAIR BAISA: Oh, okay.

MR. DUDLEY-DEPONTE: But maybe not. In any case, I'm wearing the red shirt again, 120 years now at Kula Church, we've been praying for rain and I think we gotta stop, slow down a little bit right now. I don't know if we ever have a happy in-between. Today, I think looking at the, I think it's W-12, whatever it, infrastructure, building infrastructure. I think as a Council I think, for me, for my home, I'm always watching the budget, watching what I spend, where I spend it, how I spend it and making sure it's a good investment all the way around, all the way to the end. Wasting money on big pipes, large pipes, to provide something that's, it's not gonna provide, and that thing, what I do is, I put it one hand, one hand we have 120,000 gallons of water waiting in a tank with 8-inch waterline going up for miles with, we can put 20 fire hydrants right there in my yard. If that fire truck cannot reach to that fire hydrant, what have we got? We got a problem, okay. We spend, on my instant, as an example, it's over, it's like three point something million right now to put in that fire protection. That's not going to happen. On the other hand, we do a private sprinkler system. The private sprinkler system, 500, 600, even 1,000 gallons tank that we put, private, on a property, it goes off when a fire comes on at a certain level, of course. Which one on those two do you, Councilmembers and Chair, and even the Water Director, which one of these will save a life now, this instant? That fire hydrant do not work if there's not an attachment to it. The sprinkler systems work and they save lives. We have sprinkler systems even in this building. The reason is the Fire Department cannot get to it in the amount of time. For my house, for a lot of people that is considered insignificant by our Department of Water Supply, way out on a line because they can't get the water to 'em or they can't enough water. That sprinkler system will save their lives and I feel every single one of us, every one of us in this County, is significant and should be treated so, including turning off our cell phones when we're in this building here and we keep it off so that we pay attention to what the testimony is and we try to adhere to whatever is in front of us. We have a large system. We're putting in big pipes, wasting lots of money. In the areas that we're talking about, it's been zoned that way for years. We're talking about density. There is 10, 15 people in a house, yeah. What are we gonna do with them? We're gonna follow the rules. Who's going to police 'em and then that person policing them, how can, how would you feel telling the people, okay, you have to move out of that house and go homeless, basically, lot of 'em, cause you can't afford the housing. I've seen too many, too many dreams get stolen by the Water Department because of fire protection, because the lines not right, because any reason that you can think of why not. I'm saying why not we try something, we start here, today, because we're in the modern age. We, this is the future. Let's start today and let's start looking forward for answers to solve our problems, one of which I see is the private fire protection sprinkler systems, getting in there and putting that in. Looking forward, not staying back, we can work the rules a little bit and change it and make it happen. I've been doing this for 40 years now,

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surveying, and I've watched too many dreams get taken. Please help us. We need you, all the Councilmembers, to help us. I got flashes so I better stop.

CHAIR BAISA: Thank you very much, Mr. Deponte, and please understand, we are trying to move forward and I think all of the Councilmembers are very much aboard in trying to make sensible rules and to deal with our problems. So, you know, what happened in the past, happened in the past. We moving forward. We want to try to get some good rules made and to take care of problems and I really, really appreciate all of the suggestions. I think you gonna be very pleasantly surprised when you listen to the folks that are here today to help us. I think they too are aboard and want to help. Any questions, Members? Seeing none, thank you very much.

MR. DUDLEY-DEPONTE: Thank you.

CHAIR BAISA: Ms. Willenbrink?

MS. WILLENBRINK: Thank you, Chair. Is there anyone else in the Chamber wishing to testify? Okay. Hana Office, is there anyone else wishing to testify in Hana?

MS. LONO: The Hana Office has no one waiting to testify.

MS. WILLENBRINK: Lanai Office, is there anyone wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

MS. WILLENBRINK: And Molokai Office, is there anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

MS. WILLENBRINK: Madam Chair, there's no other members signed up to testify.

CHAIR BAISA: One last chance. Anybody in the gallery feel moved to testify? Seeing none, Members, without objections I'd like to close public testimony.

COUNCILMEMBERS: No objections.

CHAIR BAISA: Thank you very much. So ordered.

**. . .END OF PUBLIC TESTIMONY. . .**

CHAIR BAISA: We also have received written testimony and I'd like to accept that into the record with no objections.

COUNCILMEMBERS: No objections.

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CHAIR BAISA: Thank you very much. So ordered. Members, it looks like this might be an opportune time to take our morning break so we're going to take a very short break here. I'd like everybody back in ten minutes if that's possible, and we're gonna go ahead with our presentation from the Department and working on our work for today. So we are in recess. . . .(gavel). . .

**RECESS: 9:59 a.m.**

**RECONVENE: 10:13 a.m.**

CHAIR BAISA: . . .(gavel). . . Will the meeting please come back to order. We're going to proceed with our first item on our agenda today, folks, and that is the Wellhead Protection Overlay District, WR-1. I turn your attention to correspondence from the Department of Corporation Counsel, transmitting a proposed resolution entitled Referring to the Lanai, Maui, and Molokai Planning Commissions a Proposed Bill Amending Title 19, Maui County Code, Relating to Wellhead Protection. Generally, any bill amending Title 19 is referred to the Planning Commissions for their comments and recommendations. That is today's purpose of this wellhead ordinance. I don't want to get into a lot of discussion today. I think that we will be able to do that when we get the bill back from the Planning Commissions. My objective is to get this to the Commissions so they can begin their review and transmit their recommendations for discussion as soon as possible. Mr. Taylor, would you like to help us with a summary of what's before us?

**ITEM NO. 1: WELLHEAD PROTECTION OVERLAY DISTRICT (CC 15-50)**

MR. TAYLOR: Thank you, Madam Chair. Thanks for the opportunity to bring this before you. We, the Department, supports your intention to send this to the Planning Commissions for public comment, and review, and discussion while this body's in Budget so that this summer we can take this up in this Committee. Just in general, what we're trying to do with this bill is protect the existing County wells from future contamination. This bill does not impact any privately owned wells, only the Department of Water Supply present and future wells. I think what we all know is it's very expensive and time consuming to develop new groundwater sources. We also don't have a lot of extra groundwater sources. So protecting our current groundwater sources becomes important because if we're working on new water sources and one of our existing sources becomes unusable, that new source just becomes a replacement, not an expansion. And so we all know how hard it is to develop new water sources, so one of the first things we need to do is make sure that our existing sources don't become contaminated. So hopefully we can all agree that that's generally a good idea. So I would just ask everyone to look at this from the concept of either existing laws and regulations are okay, we don't need to do anything on one end, versus the far other extreme end is we need to take all the areas where they're wells and put up fences and kick all the people out, you know, those are the two ends. What we're saying is, let's stick to the do as little as we can to get the biggest bang for the buck



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end. So that's what this bill intends to do. We have no intention of fencing off the areas, keeping private owners from doing, pursuing their dreams on their land. At the same time we're saying, these wells are so important to the community that it's in our all of our best interest to take some action to prevent the worst from happening and doing that beforehand. I would make this analogous to when we look at a school, near a school, we have lower speed limits, there's certain things you're not allowed to do near a school like have liquor establishments. We're saying for the good of the community, there's certain areas that need a little more protection. So what happened here is the Department of Health, in conjunction with the University of Hawaii, did some hydrogeological modeling. And essentially, if you dump some stuff on the ground, that seeps into the ground and moves through the water. They took the location of each of our wells and they back tracked that one year, two years, back to ten years. So they said, where do you dump it on the ground so it will take ten years to get to the well, where do you dump it on the ground that it takes one year to get to the well, and they drew those for each of our wells. Those are the overlay districts, we call them. And essentially what this bill says is if you're within one year of that well, meaning something you do to the ground, can get to that well within one year, there's some restrictions on what you can do in that area. If you're within ten years of that well, there are much, much lower levels of restrictions, mostly best management practices that would need to be done. So essentially we've mapped these areas upstream of our wells and said if you're really close to it or pretty close to it, you've got to be careful. That's the basis of this bill. It prohibits outright very few things. Mostly it's about best management practices within those areas. And, again, what we're trying to do is get the best bang for the buck, recognize that this is private property but also recognize that these wells are vital to the future of the community, and so to ask people who are doing activities in these critical areas to be a little more careful, we think is a very reasonable way to approach this. Let me just say, I think this body knows that from my previous comments relating to things like water-saving issues, I have not wanted the Department to get into what's happening on private property. I try to stay out of being the water police. When I first saw this bill, I didn't really want to get involved with what people were doing on private property, but as we went through it, we realized, I realized there is no other way to protect these wells than to have some impact on these private property owners that are in direct upstream connection to our wells. So although I would rather not have to do this, I think it's in the best interest of the community that the Department stretch a little bit, get a little bit more involved with what's happening in these private properties because it is so critical to protecting these wells for the future. So that's the big picture of what we're trying to do. There's a lot of details. My hope would be to skip the details for now, vet it out in front of the Planning Commissions, and then when we bring this back in front of this Committee in the summer, obviously there'll be a lot more public input and we can get into the more details at that time. So, Madam Chair, I hope that at least bookends the overall issues with this bill. Thank you.

CHAIR BAISA: Thank you very much, Mr. Taylor. That's pretty clear what we're trying to do here. Members, questions? We have Mr. Victorino and I'll get to you, Mr. Couch.

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VICE-CHAIR VICTORINO: I'll yield to Mr. Couch. I just, you know, I believe that you've done a yeoman's job and I've read through this report and, you know, I'd like to see it forwarded to the Planning Commissions. So we're not, I'm not into asking a lot of questions today, Madam Chair, I'd rather just see this sent on and get the public testimony and public input, and then we can go from there. Thank you, Madam Chair.

CHAIR BAISA: Thank you, Mr. Victorino. Mr. Couch, and then Ms. Crivello.

COUNCILMEMBER COUCH: Thank you, Madam Chair. Just in my experience with trying to send things to the Planning Commission, we've been requested, at least through my Committee, to at least do a go-over just to see if there's anything that we intend to either change or whatnot. They've asked us to do some work in advance but that's totally, either way you want to do it. I just want to let you know that those comments have come back to us so you may want to consider that, I'm not sure.

CHAIR BAISA: Thank you, Mr. Couch. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. I'm not sure if I'd like to see this go directly to the Planning Commission at this stage, because, you know, I think we need to, at least for me, I need to have more details, and I would like to know more about existing State and Federal rules, what does exist. And I agree that we need to protect our water resources, there's no question about it, but my question is, in regards to new sources or raw water supply, don't you as a Director have to approve or release some permit for the use of these new sources?

CHAIR BAISA: Mr. Taylor?

MR. TAYLOR: I'm sorry, Member Crivello, could you --

COUNCILMEMBER CRIVELLO: You mentioned about--

MR. TAYLOR: --could you repeat your question?

COUNCILMEMBER CRIVELLO: --the lands that may have wells on it as far as the private landowners or what have you, and say if it's new water sources that they're going to develop on their land, I guess I call that raw sources. Is the permit issued from the Department of Water Supply?

MR. TAYLOR: Let's see, so if somebody owning private land were going to, at their own expense, build a water well and they were going to give that well or dedicate that well to the County, that would come through our Department and then for approval by this body. In that case, even without this bill, in that case we would probably, if this bill didn't exist, want that well development agreement to define the same kind of things that are in here. If that private well was not going to be dedicated to the County, this

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bill would have nothing to do with that and my Department would have no regulatory jurisdiction over anything they did in that area.

COUNCILMEMBER CRIVELLO: Okay, so, also, if I may?

CHAIR BAISA: Sure, go right ahead.

COUNCILMEMBER CRIVELLO: I have couple questions. What is CWRM's role in the water well protection?

MR. TAYLOR: The State Water Commission's role, CWRM is short for the Commission on Water Resource Management, which is a branch within the Department of Land and Natural Resources, they are primarily about quantity of water, this is about quality of water. So the State Water Commission doesn't, to my knowledge, take a leading role in defining activities that may or may not contaminate water. That is really the role, you heard Ms. Seto, from the Department of Health this morning, of the Department of Health Safe Drinking Water Branch, which is why they're our partners in this action, to make sure that the water quality coming out of our wells meets Federal, State standards.

COUNCILMEMBER CRIVELLO: And this bill will add another layer for us to assure that we're meeting the State and Federal requirements?

MR. TAYLOR: Not as much as another layer, but it adds a layer that, I would say, there isn't anything for. Right now, I mean if you just look at the, even just the Hawaii news in the last year, on Oahu there's been two big leaks. There's been the Red Hill fuel leak.

COUNCILMEMBER CRIVELLO: Uh-huh.

MR. TAYLOR: And then there's been this recent Sand Island fuel leak.

COUNCILMEMBER CRIVELLO: Right.

MR. TAYLOR: The Red Hill leak is in danger of contaminating a large portion of City and County of Honolulu's drinking water supply. The Sand Island leak, I think, is just in danger of not affecting the drinking water, but the ocean. In both cases, once it happened, they're monitoring it, there may be people fined for it, et cetera, but we can see there was no rules to prevent it. So there are plenty of rules at the State and Federal level to fine people once they're caught, but not necessarily to prevent it from happening. And in the case of our wells, just imagine we have a well, you know, out here in the fields out here and we start picking up contamination from diesel fuel, we have to shut the well down. There is no way to trace that back to who, one or five years ago, illegally dumped something. So, basically, the County would just have to shut that down, find some way to treat it and there'll be no way to go back to find who did it. So this is a layer that doesn't exist anywhere, to identify critical drinking water

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sources and take some proactive measures to try to keep bad things from happening. And that's something that there are currently really no laws that do anything about.

COUNCILMEMBER CRIVELLO: Okay. I just have one more.

CHAIR BAISA: Go right ahead.

COUNCILMEMBER CRIVELLO: So as far as your advisory, Board of Water Supply, are they in support? I've seen correspondence that they're ...

MR. TAYLOR: The Department of, the Board of Water Supply wrote a letter that they are not in support of this bill and I'm not sure if that was included but we don't agree with them and I will take full responsibility. I think that I personally thought it was such a no-brainer that I don't think I did enough explanation to them about what we were trying to do and why, and I think it was a bad, I think our Department and myself didn't do a very good sales job with the Board, and I think we learned a lot about how to better explain something really, really complicated to regular members of the public. Frankly, I think we started that whole thing with a Ph.D. hydrogeologist, with a big presentation, and I don't think we ever gave the explanation that I gave in my opening comments today. I didn't do that 'till the end when I realized it had already south. So what we learned there, I think, is that we need to do a better, cleaner job explaining it up front and not jump right into all of the Ph.D. details.

COUNCILMEMBER CRIVELLO: Okay. Thank you, Chair.

CHAIR BAISA: And thank you for asking that question because I had already asked Mr. Taylor about that and, you know, I was concerned like you, but he fully admitted that, you know, he probably did a bad job of explaining it to them so when people don't understand, they don't feel comfortable in saying okay and that makes perfect sense. Are there any further, Mr. White?

COUNCILMEMBER WHITE: Thank you, Madam Chair. The question I have is, you mentioned here that there were 11 stakeholder meetings throughout Maui County. Could you share with us where those meetings were held and who was included in the stakeholder groups?

MR. TAYLOR: I'm going to bring down our Water Resource Division head, Eva Blumenstein, who, long before I joined the Department, had been managing this effort and I believe that she has run all of those meetings you mentioned and knows exactly when they were. So she'll be down in about 30 seconds.

CHAIR BAISA: Members, no objections?

COUNCILMEMBERS: No objections.

COUNCILMEMBER WHITE: Do you --

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CHAIR BAISA: Thank you.

COUNCILMEMBER WHITE: --and do you have any, any lists of the folks that were included?

MR. TAYLOR: I'm sure Eva will be able to tell you who, how those were run.

CHAIR BAISA: Eva, if you can please help us.

MS. BLUMENSTEIN: Good morning. Thank you, Chair --

CHAIR BAISA: Good morning.

MS. BLUMENSTEIN: --and Members. Yeah, I was part of this process.

VICE-CHAIR VICTORINO: Can she introduce herself and her position, Madam Chair, please?

CHAIR BAISA: If you would please.

MS. BLUMENSTEIN: Eva Blumenstein, Planning Program Manager for Department of Water Supply.

CHAIR BAISA: Thank you.

MS. BLUMENSTEIN: We started having meetings with the community as early as 2002. Department of Health, the University of Hawaii was active in all those meetings. We sent out, those, open public meetings so we sent out invitations to, trying to get representatives from big landowners, environmental groups, Councilmembers, business owners. We do have the records for all meetings, they were hold both on Maui, on Molokai, as well as Lanai, primarily in Central Maui and on the West Side. I think we started off with a pretty large group, about 40 people, and it dwindled over the years and there was a gap, I would say between 2004 to '10 where there were just other priorities going on in the Department so there were no public meetings held and we started up again in 2011, so I can absolutely get the ...

COUNCILMEMBER WHITE: So these 11 meetings date back to 2002?

MS. BLUMENSTEIN: The first one, I believe, was 2002.

COUNCILMEMBER WHITE: How many have been held within the last couple of years, or I guess ...

MS. BLUMENSTEIN: We had only two in 2011, then we started on the final draft of this wellhead protection ordinance, which is the result of all these prior meetings between the Planning Department and us and Corporation Counsel. So this draft was worked on from that last meeting in 2011 through 2012 and the final version is dated 2013.

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COUNCILMEMBER WHITE: So in the period between 2012 and today, have you reviewed this with any of the large landowners or other community groups?

MS. BLUMENSTEIN: We had some of those same members come and testify at the Board meetings that were held over last year, 2013 and 2014.

COUNCILMEMBER WHITE: Okay. It seems like a pretty broad, broad stroke, to me, what you're trying to accomplish, and I think it's something we can all get behind to protect the water but at the same time it's having a fairly significant impact on some of the large landowners. Do you have a map outlining where the wellhead protection areas are? Cause it's ...

CHAIR BAISA: Please answer.

MS. BLUMENSTEIN: We do. We shared maps and they have evolved over time. In fact ...

COUNCILMEMBER WHITE: Do you have a map that we can look at today?

CHAIR BAISA: Mr. Taylor?

MS. BLUMENSTEIN: Yeah, I have.

CHAIR BAISA: Do you want the map?

COUNCILMEMBER WHITE: I'd like to see, I mean ...

COUNCILMEMBER COUCH: Yeah.

COUNCILMEMBER CRIVELLO: Is it with the overlays?

COUNCILMEMBER COUCH: Yeah.

CHAIR BAISA: Okay, that's fine. We'll get a copy of that. Is that going to take time so we need a recess? While she gets the map, can we, is there anything else that we can talk about 'til she gets down here? And I don't know what the chickens are talking about. We probably need some copies too.

VICE-CHAIR VICTORINO: I hate to mention it, Madam Chair, was the Kula chickens, by the way.

CHAIR BAISA: Was the Kula chickens?

VICE-CHAIR VICTORINO: Was Kula chickens, yes.

MR. TAYLOR: Madam Chair?

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VICE-CHAIR VICTORINO: I can tell by the sound, it was the Kula chickens. We don't want to say anything negative.

CHAIR BAISA: I'm sorry.

MR. TAYLOR: Madam Chair, if there are going to be some time where copies are going to be made and because it's a rare opportunity to have her here, it might be good to have Department of Health, Safe Drinking Water Branch Chief, Joanna Seto, who happens to be here, talk about her knowledge of how similar ordinances exist all throughout the country and that this isn't something we just made up, because it's going to be very rare in these discussions that we're going to have the ability to have Ms. Seto here. So if there are any questions about that, you know, that is why...

CHAIR BAISA: Thank you very much. Members, what the Chair will do is ask copies be made of this and while we're doing that, without objection, we'll hear from the lady who's here.

COUNCILMEMBER CRIVELLO: Chair, no objections to that but can we still have questions to this?

CHAIR BAISA: Oh, absolutely. It's important that we get these copies made so let me get that going, and why don't you ask your questions and then we'll have her. How's that?

COUNCILMEMBER CRIVELLO: Okay, thank you. Thank you, Chair. So in the bill, it doesn't note any kind of additional cost to the County for implementation. You have any idea? Is there a cost involved and like what kind of dollars are you talking about?

CHAIR BAISA: Mr. Taylor?

MR. TAYLOR: It would only be, it would be Staff time. No large cost. We're not expecting that this is going to have, you know, hundreds of applications or anything so it would just be something that staff would absorb within their normal time.

COUNCILMEMBER CRIVELLO: Okay. So you also mentioned that, you know, it's really, really complicated and, you know, you felt that you should've done a better job, at least to your Board. I find it, I support every effort we need to do to make sure our water is clean, but you also mentioned that what happened on, in Honolulu for instance, the Red Hill as well as I think it's Kewalo that they've had some problems, but how, what attempt or what role will we do to prevent, County, that will not be costly, do you just send staff to do that or...I'm sorry, just like you said, it's quite complicated on how you're trying to approach this?

MR. TAYLOR: It is, and thank you, 'cause I realize how, it's a big bill and even the science behind it gets a little complicated. It started with, as I mentioned earlier, identifying

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the areas that are upstream of our wells and prioritizing those areas, areas that if you spill something on the ground, that something can get to the well within one year --

COUNCILMEMBER CRIVELLO: Right.

MR. TAYLOR: --versus further areas where it could take 10 years. And them coming up with reasonable precautions that people in those areas could take. So any future development in those areas, that would then come to us, we'd look at what they were doing, have things that were approved, let's say they're putting in a fuel tank and this might call for double containment of fuel tank or something like that. So just something as simple as that to make sure that got build, we'd be finished with that. It's not something where we're going to go inspect them every week or something like that but making sure that what they're doing matches that, those zoning areas and make sure anything they build and their activities meet these general criteria.

COUNCILMEMBER CRIVELLO: Will there be any cost to the landowner or say there's building, a development to build homes, is this another layer of permits and, you know, we've heard discussion on affordable homes and would that add another layer of cost?

MR. TAYLOR: It could, it would possibly add, more they have to do with more costs --

COUNCILMEMBER CRIVELLO: Okay.

MR. TAYLOR: --there's no question about that.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR BAISA: Okay. Any further questions, Ms. Crivello --

COUNCILMEMBER CRIVELLO: ...*(inaudible)*...

CHAIR BAISA: --for Ms. Blumenstein? If we could ask the resource person to please come down. And if you'll tell us again who you are and who you represent and go right ahead.

MS. SETO: Joanna Seto, Engineering Program Manager for the Safe Drinking Water Branch of the Department of Health, representing the Department of Health. So the Wellhead Protection Program is in effect in all 50 states but there are 49 states that have ordinances and those ordinances are done on a case-by-case basis for each municipality or state. So in this case, we are the last state that does not have a wellhead protection ordinance in any of our counties.

CHAIR BAISA: Members, any questions for...Ms. Crivello and then we'll get to Mr. Couch.



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COUNCILMEMBER CRIVELLO: Thank you. So you say it, none on the county level but we do have that under Federal and the State level?

MS. SETO: Yes.

COUNCILMEMBER CRIVELLO: Okay.

CHAIR BAISA: Mr. Couch?

COUNCILMEMBER COUCH: Thank you, and thank you for being here, Ms. Seto. You said that the other states, is it a state law and then each individual municipality can or cannot, or does or doesn't have a ordinance?

MS. SETO: Their ordinances, yes. So these, the Environmental Protection Agency has provided us with laws, Code of Federal Regulations, and then the states take that and develop their own rules, so in, let's say, Hawaii Administrative Rules, and then the counties would take it and put it into their ordinances.

COUNCILMEMBER COUCH: So why aren't we doing it that way instead of we doing it first and you guys...

MS. SETO: No, we, we have it? Sorry, excuse me.

CHAIR BAISA: It appears that we may need some additional help.

MS. SETO: Yes. So this is Daniel Chang. He is my --

CHAIR BAISA: Members, you don't mind?

COUNCILMEMBERS: No objections.

CHAIR BAISA: Okay. ...*(Inaudible)*... sir.

MS. SETO: He's my...

MR. D. CHANG: Daniel Chang --

CHAIR BAISA: Again, please tell us who you are.

MR. D. CHANG: --with Monitoring Section of the Safe Drinking Water Branch, Department of Health. The Wellhead Protection Program basically was part of the Safe Drinking Water Act requirements that required states to try to protect their drinking water sources. It was developed primarily as a voluntary program. So states had the opportunity whether they could develop regulations or not develop regulations but run their program on a voluntary basis. I think certain states have actual wellhead protection requirements, which actually requires the counties to develop a county or

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municipality level program for protecting their water sources. In Hawaii, what we've done is we've taken guidelines from EPA to develop Statewide baseline for the State, which we passed on to the county water departments to decide what, how the county should best protect their water sources. And part of that is because of our funding levels, we are able to provide funds to the counties to develop and implement wellhead protection as they see best fits for their particular county. So with that said, each state may have different regulations on how they envision protection of water sources as well as at the county level, how each county wants to or the county level to do protection. I think one of the things is that the land use requirements and regulations are basically more at the county level than it is at state level so the county has the advantage of colloquial land use requirements that can fit in to trying to protect water sources.

CHAIR BAISA: Thank you very...

MR. D. CHANG: And that's why we've, the approach that the State is taking is to, we did work with UH to create the delineation of the protection areas, and then we passed that on and then we left it up to each county to determine, as a county, how best to protect their water sources.

CHAIR BAISA: Thank you very much. Members, questions? Mr. White, I saw your hand.

COUNCILMEMBER WHITE: Thank you. I understand that we have 48 states that have municipalities that have implemented it based on the state direction. How many municipalities are you aware of having implemented the wellhead protection?

MR. D. CHANG: Locally or nationwide?

COUNCILMEMBER WHITE: No, I assumed, I'm understanding there's no one locally.

MR. D. CHANG: It varies, it depends on what the state requirement is. Massachusetts, certain states require all their counties to have a program at the county level. So I can't give you a number as to --

COUNCILMEMBER WHITE: Okay.

MR. D. CHANG: --'cause I don't have a idea how many counties there are in the entire 50 states.

CHAIR BAISA: Over 3,000 --

COUNCILMEMBER WHITE: About 3,500.

CHAIR BAISA: -- if I remember.

MR. D. CHANG: Okay. Well, that's ...

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COUNCILMEMBER WHITE: So I guess my question is, how many states require their counties to implement wellhead protection? And have you looked at the ordinances that have been required to be put in place?

MR. D. CHANG: We haven't looked at every single one, no.

COUNCILMEMBER WHITE: I'm not saying every one. I'm just saying, you mentioned there are states that have required, I'm assuming those would be a consistent requirement.

MR. D. CHANG: Well, the requirement is broad at the state level because it's left up to the counties to decide how best they are going to protect their water resources. So it's, you know, we, it's not like a recipe saying okay, you do this, number one, number two, number three, number four, number five, number six and when you through with all that, this is your program. If a county decides that they want to use ordinances to protect areas, that's their choice. If they wanted to use solely best management practices, that's --

CHAIR BAISA: Their choice.

MR. D. CHANG: --their choice. It's left up to the county that, otherwise, if the state were to put in requirements and say, okay, now every county has to follow what the state says, a lot of the counties are going to say ...

COUNCILMEMBER WHITE: Yeah, let me make this easier for you. I'm trying to get a sense of, it's been presented that this bill that we have before us is what's being done everywhere else. So I'm trying to get a sense of whether this is a best practices type of legislation that has been implemented and works in other areas or not. I'm just trying to get a sense of whether this is a blue ribbon or a yellow ribbon or ...

CHAIR BAISA: Or no ribbon.

MR. D. CHANG: That, I couldn't tell you because, like I said, each county is set up differently --

COUNCILMEMBER WHITE: Okay, thank you.

MR. D. CHANG: --and if this what, you know, and, of course, the Water Department is closer to what is happening locally.

COUNCILMEMBER WHITE: No, I understand that. But I took it to understand that the bill that before us is a best practices that's come through a significant amount of review, and if it is, then there's less of a concern on my part of sending it right on down to the Planning Commission.

MR. D. CHANG: Well, I'm sure ...

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COUNCILMEMBER WHITE: But based on some of the comments that I've heard from others, I'm not sure that this is a best practices bill that I'm comfortable just releasing at this point, 'cause I kind of, Madam Chair, I kind of agree with Mr. Couch that we should, when we send something to the Planning Commission, it should be done in a way that they can at least say that it's come to them with some review by the Council and some, you know, some assurances that there's been public input prior to us just sending it on down to them.

CHAIR BAISA: Thank you, Member White.

VICE-CHAIR VICTORINO: Madam Chair?

CHAIR BAISA: Mr. Victorino, and then we'll get to Ms. Crivello.

VICE-CHAIR VICTORINO: Thank you.

CHAIR BAISA: By the way, the Chair does not intend to prolong this discussion, okay.

VICE-CHAIR VICTORINO: I was going ...

CHAIR BAISA: I'm feeling that there is a bit of concern here and that Members of this Committee would like to look at this a little closer --

COUNCILMEMBER CRIVELLO: Yes.

CHAIR BAISA: --before we move this on and if that is the feeling of my Committee, I have no problem with it. I am just your facilitator and I react and, you know, to the wishes of my Members. And if you feel that you would like to spend some time on this, I would rather not do it today because I have the resources that are here to help us with the second bill. I don't know if they're gonna be able to be here and we're going to have, I'd like to get this information that they have to present, out to the Committee, to the community today. So if you're feeling discomfort, just tell me and I'm willing to defer this until we have time to take a closer look at it. Is there any objection to that? Mr. Victorino, you --

VICE-CHAIR VICTORINO: Madam Chair?

CHAIR BAISA: --wanted to say something.

VICE-CHAIR VICTORINO: Yeah, I was just gonna say, I was going to move to defer this matter because I understand my colleagues having difficult time --

CHAIR BAISA: Good.

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VICE-CHAIR VICTORINO: --and because I've done this for so long and that's cheating in a sense, I understand it well but they don't and I think maybe at this point I would like to see this matter deferred so that we can spend more time going over it.

CHAIR BAISA: Members, I'm very happy also, you got your copies of your maps to take a look at and, unfortunately, like I said, we'll probably have to schedule this after Budget again but if you guys are comfortable doing that, I have no problem.

COUNCILMEMBER CRIVELLO: Yes.

CHAIR BAISA: Any objections.

**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: RC and EC)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

CHAIR BAISA: Okay, so ordered. We will defer.

COUNCILMEMBER COUCH: Madam Chair, before ...

CHAIR BAISA: Yes, Mr. Couch?

COUNCILMEMBER COUCH: I would like to ask the Department to come up with some answers, I guess, regarding, especially Map 5. All of Wailuku is in either Zone B or C. So what does that mean as far as monetarily?

VICE-CHAIR VICTORINO: That's the whole aquifer and it's under us.

CHAIR BAISA: Members?

VICE-CHAIR VICTORINO: And I know exactly what it's gonna be, so.

COUNCILMEMBER COUCH: Yeah.

VICE-CHAIR VICTORINO: But anyhow ...

CHAIR BAISA: Members, we'll just --

VICE-CHAIR VICTORINO: Yeah, ask questions...

CHAIR BAISA: Yes. And if you have any questions that you would like the Department to embellish or get prepared for the next time we bring this up, please address them to me and I will get them to the Water Department and I know they're more than willing to provide you anything you need. Ms. Crivello?

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COUNCILMEMBER CRIVELLO: Thank you, Chair. I just want to, since we have the Department of Health --

CHAIR BAISA: Sure.

COUNCILMEMBER CRIVELLO: --resources. Would you, is it fair to say that, today, counties, or I would say, we have existing opportunities to make those kind of determination in protection? Yes?

MS. SETO: Yes.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR BAISA: Members, anything more about this? If not, I'd like to thank both of you very, very much for being here, and I look forward, we're going to be working together again, I'm sure. Thank you.

MR. D. CHANG: We appreciate the opportunity to provide input as well as assist in any way we can. Thank you, Chair.

CHAIR BAISA: Thank you, and thank you, Members.

MS. SETO: Thank you, Chair.

CHAIR BAISA: Members, we're going to take five minutes and we're going to start on the next bill. I'm going to get the Water Department and the Fire Department and everybody down here so that we can proceed with the second item. So we'll be in a very short recess. . . .(gavel). . .

**RECESS: 10:48 a.m.**

**RECONVENE: 10:54 a.m.**

CHAIR BAISA: . . .(gavel). . . Will the meeting please come back to order. Chair would like to thank you for that little break. We've got everybody situated in the front of the room that is going to be helping us with our second item. And our item, our second item is Optimizing the Investment of Countywide Mainline and Water Infrastructure Improvements, WR-12. After considering everything we discussed at our last meeting on this issue, I met with Dave Taylor, Herb Chang, Lieutenant Scott English and Sandy Baz, along with Staff, to discuss a different approach to best utilize this money. I'd like to introduce these folks 'cause we weren't able to actually do that earlier. They were sitting in the gallery patiently waiting all this time along with Deputy Director, Paul Meyer, who, I guess, had to leave but we have Herb Chang and we also have Lieutenant Scott English. Mr. English is from the Fire Department and Herb, of course, is from the Water Department and everybody knows Herb Chang. He's the person that everybody says, oh, we all know him, he's the Chief Engineer for the

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Department of Water Supply. I'd like to start a discussion with Mr. Taylor and Mr. Chang in whatever order you guys think works. Mr. Taylor, you want to start? Talking about the, how we are going to deal with some of the issues that were brought up at the last meeting, I think one of the issues that was brought up, and Mr. Couch, very eloquently asked about it and it was brought up earlier today in testimony, was the idea of can we lower or change or amend or do whatever we have to do, in order to reduce some of the costs that are associated with the fire protection requirements that, you know, could, would that be a good place for us to start in trying to reduce the costs involved in adding meters and houses and whatever? And, of course, we're concerned about engineering. We have to make sure that we don't do anything that is, you know, not going to work engineering-wise. We also have to be sure we don't do anything that is going to cause problems with the Fire Department. So we have the two experts here and we want to hear from them. Mr. Couch, did you want to say something?

**ITEM NO. 12: OPTIMIZING THE INVESTMENT OF COUNTYWIDE MAINLINE AND WATER INFRASTRUCTURE IMPROVEMENTS (MISC)**

COUNCILMEMBER COUCH: Yeah. Thank you, Madam Chair, and thank you for that introduction. The first question that I think we had, the Members all had, was that how much, how many of these parcels or requests for water meters on the Upcountry Water Meter List are being requested to have, required to have the pipe's size increased due to fire flow versus due to pressure? You know, somebody was saying if you add the 101<sup>st</sup> house then the pressure for all the other previous 100 users will be reduced. I think that was one of the questions that we had was, is it, that, is that the bigger issue or is it strictly a fire flow issue?

CHAIR BAISA: Also, I'd like to tell Mr. Chang and Mr. English that, you know, Chair is not going to call on you in a formal manner. Just go back and forth and if you think you can be helpful, please, you know, just be respectful of each other, but go right ahead.

MR. TAYLOR: I think Mr. Chang and I discussed this. The water system, there's really two, there's two things we look at. There's normal flow. Are the pipes big enough for normal flow, if you want to put it that simply. And then, during fire, are they big enough for fire flow for that single house. And it tends to be fire flow that ends up being the bigger issue because you need so much flow for fire flow. So reducing the fire flow requirements would certainly lessen a significant number of the people who have to do improvements. We've had some discussions with Mr. English and, frankly, I think he's the best one to talk next about, he has some history about how some of these requirements came into effect based on fire insurance rates and things like that and how we got here. And I think it would be helpful for everyone to hear his historical perspective of that.

COUNCILMEMBER COUCH: Okay. Thank you, Chair

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CHAIR BAISA: Go ahead, Mr. English. And thank you very much for being here today.

MR. ENGLISH: Good morning, Chair. Good morning, Members. So I guess going way back as far as this last meeting we had as far as for fire flow and the way the Fire Department looks at it right now, right here I have like the water standards from 1977, which had the lower fire flow for Rural and Agricultural lots and, like I said, if you are, if your lot was subdivided back then, we should have that minimum infrastructure in place any time after '77. Back in 2000, we upgraded our fire flow in 2006 to upgrade Agricultural requirements from 250 to 500, Rural from 400 to 1,000 and then a Residential water fire flow stayed the same. The reason we did this back in like 2000, 2001, strategic planning meeting with the Administration, one of the requirements for fire prevention was to try to help the homeowners get a better fire insurance rating. After that discussions, we had discussions with the Hawaii Insurance Bureau as far as what do they look at as far as giving areas different rating for their fire insurance. Discussion came up of type of construction, the distance from a fire station, the fire flow in the area, distance from a hydrant, and the manpower in the fire house, the fire station. So on a fire prevention side, we could adjust, we could enhance only those two things, the fire flow in the area and the distance to the hydrant. So back in 2006 when we adopted the Fire Code, we have a section in there that we upped the Rural area to 1,000 gallons a minute to meet the Hawaii Insurance Bureau rating, and we also had a provision in there that the homes need to be within 500 feet of a fire hydrant. And that's pretty much what the insurance bureau looks at when they do the insurance rating of certain areas. So, yes, we did up those standards to try and help the homeowners to get better fire insurance. Other than that, the agriculture fire flow from 250 was bumped up to 500 gallons a minute, which pretty much will stay a 6-inch waterline for the fire protection.

CHAIR BAISA: Thank you. Questions, Mr. Couch?

COUNCILMEMBER COUCH: Oh, lots

CHAIR BAISA: Go right ahead.

COUNCILMEMBER COUCH: First of all, you said you amended the Fire Code in 2006. Is that, you amended the, whatever the international or the national standard is, you actually added to it or do you just use the national standards?

MR. ENGLISH: When we adopted the '97 Fire Code in 2006, our local amendments were put in there to raise the fire flow for certain areas, certain zonings when they subdivided.

COUNCILMEMBER COUCH: Including Agricultural, Rural?

MR. ENGLISH: Agriculture and Rural, and that is only for new subdivisions. Existing subdivisions that met these rules are still in play. We don't go back and retrofit, tell them to retrofit it up to the new rules. You were subdivided to Code back then, you remain with that standard.



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COUNCILMEMBER COUCH: Okay. And, Madam Chair, maybe this is a question directed at Mr. English and possibly Mr. Victorino because of his other knowledge, if you would allow a little ...

CHAIR BAISA: I certainly would --

COUNCILMEMBER COUCH: Okay.

CHAIR BAISA: --if Members have no objection, since we are lucky enough to have an insurance person here.

COUNCILMEMBER COUCH: So the question is, essentially it's a matter of lowering a few folks, some folks' insurance that are in the outlying areas. So would a, as was mentioned by several testifiers, would an in-home sprinkler system have the same or similar effect on the insurance rates if the fire flow was still at, say a 6-inch line, when you wanted to require an 8-inch line? If they had a automatic sprinkler system with say a 1,000 gallon or as one person mentioned up to 5,000 gallon tank, would that be equivalent to the fire flow as far as insurance rates?

MR. ENGLISH: Speaking of personal experience, I sprinkler'd my home and I do have a insurance break. Other insurance company, when I did discuss it, did not give it. So maybe Councilmember Victorino would have a better discussion on the insurance side.

CHAIR BAISA: Mr. Victorino, any comments?

VICE-CHAIR VICTORINO: Yeah, thank you. And, Mr. English, you're absolutely correct. It is really a company by company issue. You follow the fire standards and you mentioned a number of 'em. The one that most concerning to the insurance or ISO group, is the distance from the fire station to the home, that's number one. Once you fall out of that five-mile radius, almost everything else you do doesn't help too much, you know, it really doesn't help too much. Although, sprinkler systems have, in some companies, they will give you a discount based upon the fact that they know that that sprinkler system will at least mitigate and slow the fire from being a total loss, okay, and I think that's the whole premise they work on. But to say across the board, unless you follow those five that you mentioned, that Mr. English mentioned earlier, distance, fire hydrant, everything had to be in play, you cannot, you're not going to be in Group 6 or lower, you'll always be in Group 7 and higher, which then you have higher rates. And if you're in 9 and 10 sometimes even the standard markets won't even touch you. In other words you have to go to what we call the surplus market or the high-risk markets to get insurance. So I hope that answers your question, Mr. Couch, because, again, I'm not an expert, just my knowledge of the business itself. Thank you.

COUNCILMEMBER COUCH: That brings up another question, if I may, Madam Chair?

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CHAIR BAISA: Yes, please proceed.

COUNCILMEMBER COUCH: And, again, potentially for Mr. Victorino as well. It sounds like we're saying in order, we're having this problem because we want to increase the fire flow to decrease someone's insurance rates. Would it be cheaper for that person to have the higher insurance rates so they don't have to put in the \$300,000 or have the rest of the taxpayers put in this big, huge line, wouldn't it be cheaper for them to do that, to actually have the higher insurance rate over the length of time?

CHAIR BAISA: Mr. Victorino, can you give us some ideas? I mean, I don't know if any of us know what, more or less, fire insurance on a standard house costs.

VICE-CHAIR VICTORINO: Well and, again --

CHAIR BAISA: And I understand that --

VICE-CHAIR VICTORINO: --there's gotta be factors, yeah.

CHAIR BAISA: --it varies from company to company but are we talking about thousands or...

VICE-CHAIR VICTORINO: And it could range, the range can be quite substantial, okay. And when I say substantial, in the regard that people decide to build homes--I'll give you a couple examples, Madam Chair--

CHAIR BAISA: Yes.

VICE-CHAIR VICTORINO: --you see 'em.

CHAIR BAISA: Please.

VICE-CHAIR VICTORINO: When you drive up Haleakala Highway, up on that mountain, there's a house way up by itself and I know that's not within the five-mile radius of the Fire Department. Okay. I don't care what that house does, I will guarantee you, their rates are going to be probably very high and they'll probably be in the surplus market. I don't think any standard company's going to touch that. It's a new house. If they put in sprinkler, they may get a discount, but fire flow only insures the amount of water that it will take to fight the fire upon not only the Fire Department arriving but if anyone, especially a sprinkler system was there. Again, the storage tank is the initial draw but as that storage tank goes down, you know, water has to be augmented in there and so then you need additional source to get there. So to answer your question, Mr. Couch, there is no ability to put extra pressure if you using a smaller pipe, so that's one problem. Number two, the further you get out, the longer it takes for the Fire Department to get in, it may be more plausible to go buy the higher insurance and live with that, until the day the Fire Department gets closer to you. I remember Kula was all 9 and 10 for many years until they built the Kula Fire Station,

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but then a lot of people had only standpipes so that didn't change. So they got the fire department but now they don't have the proper fire fighting tools, which is a fire hydrant. A standpipe doesn't cut it. And am I correct in saying that, Mr. English?

MR. ENGLISH: Correct.

VICE-CHAIR VICTORINO: Yeah, so, you know, again, there's a multiplicity of issues here but I'm saying, if you gonna give a break to these people, they have to understand that they are at risk, their property is at risk. If a sprinkler system, which you've heard a few testifiers talk about, and Mr. English and I and though all the years in this community, Ms. Baisa, we've talked about sprinkler system, we've encouraged sprinkler system but one of the big drawbacks was, oh, it's so expensive. Now they beginning to see the light that either you do it that way or you're going to do a 300 or \$3 million pipe. So I guess now reality setting in, maybe there's a change in attitude. But, again, there's no clear-cut one answer fits all. It is a multiplicity of answers that have to be put out there, really based upon the five factors Mr. English put out there. And, again, the biggest factor is the ability of the Fire Department to get to that property to put the fire out, and if it's not within that five-mile radius, or not, you can be even 3½ miles but if you've gotta go through narrow, windy roads, like some of the Upcountry roads, you still almost back to square one. So, again, I hope that helps you, Mr. Couch, in what you were asking.

COUNCILMEMBER COUCH: Oh, yeah. Thank you and thank you, Madam Chair. I just gotta say, I'm flabbergasted that we're having this issue that's going to be \$200 million to help lower some people's insurance. That's a significant amount of the issue we have here. If that's all that is, I'm sure that everybody here will have a little bit of common sense and say, hey, let's not put this burden, \$200 million, on all of the taxpayers to save somebody a couple thousand dollars a year in insurance. If they choose to be out there, if they want to put the million dollar thing in to get lower insurance, it just doesn't make sense. If their house was worth \$500,000 and they want to put a million dollar waterline in there just to protect their house, I would think they'd want to do insurance better. I think if you told the folks Upcountry that that's what most of this is about, they're going to say, give us our meters, please, at 6-inch versus, you know, making us put an 8-inch line in. But I'm not, you know, I don't live Upcountry so I don't know. But I'm guessing that those folks will say, we'd rather have the meter and we'll deal with the fire insurance issue. Anyway, that's my thought.

CHAIR BAISA: Thank you very much, Mr. Couch. Mr. Victorino?

VICE-CHAIR VICTORINO: Yeah, and I think I disagree with Mr. Couch that this is the only subject matter.

CHAIR BAISA: No.

COUNCILMEMBER COUCH: Significant.

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VICE-CHAIR VICTORINO: Well, it's not even a significant because I can tell you, one of the biggest concerns with the Upcountry system--and Mr. Taylor, Mr. Chang, you may have to interject here--is that we go with pipes that are maybe 4 inches, then drop to 2 inches, then grow to 6 inches, I mean, there's a whole array of piping that goes through the Upcountry system. Some of it is so old, let me say that some of us weren't even on this Earth when those pipes were put in. I mean, this rehabilitation is not just a fire issue. So let's stop right there. It may be part of it, but it isn't the biggest part. The biggest part is the long, neglected Upcountry system and the lack of storage --

CHAIR BAISA: Thank you.

VICE-CHAIR VICTORINO: --and the lack of source. That's the problem, okay. All of this is just BAND-AIDS again, we're just putting BAND-AIDS, okay. So let's get to the source of where we really want to go. This will help the people who want to build houses on, yeah, great, this will all help, but this is not where the end of the story is, this is really the beginning. And, Mr. Taylor or Mr. Chang, you tell me if I'm incorrect in my assessment of what we are talking about, the Upcountry water system.

CHAIR BAISA: Gentlemen, jump in.

MR. TAYLOR: Well, I think in general, I think we've always acknowledged that if the end goal is to get 1,800 people on the list, get them all meters and have them build whatever they're going to build then source, treatment, storage, transmission, distribution, all of these things, and this is a multi-hundred million dollar problem, my understanding that the Chair's goal for this is to try to find a way that as people's names come up on the list, that those individuals, some portions of those individuals, have an easier time and it makes it easier for at least some people to accept their meters rather than having to pay. So I think we would agree with your overall assessment. At the same time, I think this is only meant to solve a very specific problem for some very specific people that are in that category. I believe that's what the Chair is trying to do.

VICE-CHAIR VICTORINO: And I think that was the intent behind of this bill.

CHAIR BAISA: Yes.

VICE-CHAIR VICTORINO: So, again, we've gone to one gamut where we really should be at this level. And, again, fire flow isn't the biggest issue because, again, you can do a number of aspects --

CHAIR BAISA: Yes.

VICE-CHAIR VICTORINO: --but I'm just saying, we need to have a way so that these homes that they want to build, we gotta have distance, if it's three miles away, hey, whoa, that still cost money no matter what pipeline you put in. Thank you, Madam Chair.

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CHAIR BAISA: Yes, you know, we haven't had an opportunity to hear from Herb Chang and during our meeting, Herb was very helpful in, you know, trying to help us understand these requirements and why we have them. And we did work on a draft of a draft language, and we were thinking of some criteria as to who and what kind of property or what kind of meter request would qualify for reduced fire protection requirements, and maybe Mr. Chang would like to comment on that. We are not prepared yet to draft a bill but we're trying to figure out if we are going to do exceptions or reductions, who would that, would be for, and why we would be able to do it. Herb, any comments?

MR. H. CHANG: Good morning. I'm Herb Chang, Water Department Engineering Program Manager. During our discussions a few weeks ago, we looked at the possibility of limiting these called, maybe waivers, or lessening the requirements for fire protection to like low density type areas 'cause those people are the most impacted by the Department's current requirements for fire protection. So that is the, one of the most key components of what we're talking about as far as possible changes. We also talked about maybe limiting how much money we could actually, you know, provide to each project, 'cause we don't want a big project to take away the bulk of the \$12 million that we have earmarked. But it does require a lot of changing of the ordinances 'cause as we talked about earlier, we do have stricter requirements depending on zoning for fire protection, and if you're going to start creating these waivers for certain low density areas, there's a whole bunch of ordinances we need to amend. Thank you.

CHAIR BAISA: Questions for Mr. Chang? Mr. Couch?

COUNCILMEMBER COUCH: Yeah. You're right, if we start doing waivers and whatnot, I guess the question would be for either Mr. Chang or Mr. English, or even Mr. Taylor, is, you know, if we just change the fire flow requirement to whatever the nationwide standard is, it sounds like we added a little bit because of the insurance, if we bring that back down to the standard, I guess the question is, how many people would be affected? If we said, the standard, whatever the national standard is, just bring that 1,000 gallons per minute down...

MR. ENGLISH: The 1,000 gallons a minute is a national standard.

COUNCILMEMBER COUCH: Oh, I thought you said you added that to the national standard?

MR. ENGLISH: What happened was, our County standards were set at Agriculture at 250, Rural at 400 gallons a minute. We pushed the rule up to 1,000 gallons a minute to meet just the national standard and that also meets the insurance bureau, as far as what they're looking at as far as flow. We just bumped up Agriculture from 250 to 500 basically because the homes that are being built on agriculture is not farm dwellings, it's, you seen it out there, what's they building.

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CHAIR BAISA: Yeah.

COUNCILMEMBER COUCH: Okay, and then the last thing was that I thought I heard Mr. Taylor say that the significant part of this problem is the fire flow requirements. Did I hear that wrong?

MR. TAYLOR: You're correct, and in fact, I've read, sometime in the last year, a national study, they look at all these different water systems and they came up with something that, something like 40 percent of the cost of a water system is for fire flow. You know, some enormous amount of the cost is just that extra flow you need for those short duration fires. So if nothing ever burned, the entire water system would be, you know, downsized by 40 percent. So, obviously, when somebody comes in, that's always going to be a big factor that, especially these areas Upcountry, as Mr. Victorino mentioned, have all these small lines. Fire flow tends to be the item that can't be met. It's easier to meet domestic flow but obviously fire flow is so much higher that that tends to be, more often than not, the critical factor where we're making people, in order to follow the ordinances, put in large expenditures.

COUNCILMEMBER COUCH: Okay, and thank you, Madam Chair. I then tend to agree with Mr. Victorino, let's go after the stuff that's all the different sizes and deal with the fire flow. I think if we dealt with the fire flow issue, we'd have a lot more meters going in but I'm not sure if the Department's ready for that but...

CHAIR BAISA: After we had the meeting with the folks and with Staff, we are kinda looking at proposing language to amend the Fire Code and say something like, these folks shall not be required to meet the fire protection requirements of Section 14. What we have to quantify and qualify very carefully is who would be eligible for that. And, of course, the other part that has come up is the legal concerns, and I'm going to ask Mr. Kushi if he could comment on that because if we reduce the requirements, what is County's liability? Mr. Kushi --

VICE-CHAIR VICTORINO: Thank you, Madam Chair?

CHAIR BAISA: --if you can help us?

VICE-CHAIR VICTORINO: That was exactly what I was going to ask. Thank you, Madam Chair. Thank you. You beat me to the punch on that one. Thank you.

CHAIR BAISA: No, no, no, great minds.

MR. KUSHI: Madam Chair, I don't really understand the question. If you reduce the requirements?

CHAIR BAISA: If we adjust these fire flow requirements that we're thinking about, I've had people say, well if you do that, are you putting the County at risk because now you've

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changed it and my house burnt down, it's your fault. And if you can comment in public, fine. If not, I understand.

MR. KUSHI: It would be hard to venture a response at this point, not knowing the magnitude and the scope of the reduction --

CHAIR BAISA: Right.

MR. KUSHI: --and whether it would be something that we would be retroactively liable for. So, you know, I hesitate to even respond to that.

CHAIR BAISA: Okay.

MR. KUSHI: But I like, just comment. Are you talking about 14.04.020, Fire Protection --

CHAIR BAISA: Correct.

MR. KUSHI: --requirements?

CHAIR BAISA: Correct.

MR. KUSHI: My understanding of your proposed amendment is that in addition to a free shot for the first and second dwelling, you want to add more free shots, correct?

CHAIR BAISA: Yes.

MR. KUSHI: Okay. Well if that's the case, then, you know, like any other exemptions, it'll take effect upon adoption, if any. So I don't really see a--well, again, I hesitate to say yea or nay in terms of liability.

CHAIR BAISA: Yes. And I understand that, you know, once we get a proposal in front of you in the form of a bill, that you'll be able to do your research and give us more advice. This is, at this point, of course, we're just brainstorming and trying to think about possibilities that we could be in a proposal to the Committee.

VICE-CHAIR VICTORINO: Madam Chair?

MR. KUSHI: Right.

CHAIR BAISA: Thank you very much. Mr. Victorino?

VICE-CHAIR VICTORINO: Yeah, thank you, and thank you, Mr. Kushi, for that clarification because in research, and we've discussed this in the past, you know, there's still an uncertainty on what liability would fall back on the County whenever you go below what the national standards.

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CHAIR BAISA: Correct.

VICE-CHAIR VICTORINO: But I'd like to ask the Fire Department, what is your take on reducing the national standards? I mean, you understand the dilemma. Yes, we can help a lot more people, but in your mind and the Fire Department's opinion, I guess is what I'm asking you for, is this a good move? I mean, we know the positives for the people but, you know, if there is a fire and you have to be there to fight it and the flow does not meet what you need at that point in time and that house just goes up in flames, again, that's my question to you, what is your opinion in that respect?

MR. ENGLISH: Thank you, Chair, I mean Member Victorino.

VICE-CHAIR VICTORINO: I'm not Chair anymore, thank you.

CHAIR BAISA: It's okay.

MR. ENGLISH: Right now the current Code allows if the homes are sprinkler'd, that you can reduce the fire flow by a certain percent. So there is some benefit if the homes are sprinkler'd. Thinking like outside the box, the rule that is there now for the first two dwellings to be exempt from fire protection, we don't care for it because when we do have fires up in areas that there's no hydrants, we drain all our resources from other areas to fight that fire and then we leave other areas open because you're exempt from providing fire protection and then we're gonna still put the fire, I mean, try and put the fire out the best way we can but we use all our resources from other areas because you have no fire protection in the area. During the discussion with Chair Baisa, we were thinking of, okay let's get some tankers for the Upcountry area so we can do a quick attack on smaller fires or homes fires, at least we have a water supply waiting in that area. Other things to think about is a sprinkler system will only protect a fire that starts on the inside of the house. If you're bordering like pasture lands or agricultural lands, we have, we had couple big fires, Olinda and I think up Crater Road, that, I guess, had moved into residential areas that like I said, again, all our resources up there, we can have larger setbacks, like say a 40-foot setback from pasture land. So, basically, the pasture burn, won't affect the house because I've been in a fire, you're gonna pick which house you wanna protect when a Kihei fire is coming to like 40 homes. We don't have enough to protect all 40 homes. We gotta pick which house we're gonna protect, not a good feeling. So if we do increase the setbacks then we can eliminate that exposure protection and all we worrying about is life, safety, and everybody getting out of the house with the fire sprinklers. That's kind of thinking outside the box.

VICE-CHAIR VICTORINO: Madam Chair, if I may ask another question?

CHAIR BAISA: Yes, Mr. Victorino?

VICE-CHAIR VICTORINO: And thank you, Mr. English, again, for that clarification. And when you refer to resources, let's say the fire starts Makawao, I'll use Makawao 'cause



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that's in the middle of everything, what, and there was like upper Makawao, upper Olinda, where there's very little fire protection, fire hydrants, so you said you expend all your resources. How much resources have to be called in? Again, I guess, depending on the fire, but where would you call 'em in from and what areas then would be what we call, left naked for that moment in time?

MR. ENGLISH: So standard, if it's like a structure fire, standard operations is two engine company. So if it's Makawao, it's probably Kula and Makawao station --

VICE-CHAIR VICTORINO: Pulled in.

MR. ENGLISH: --Rescue 10 as far as the support service, possibly Tanker 10, I'm sorry, Kahului Tanker --

VICE-CHAIR VICTORINO: Okay.

MR. ENGLISH: --coming up there. I know there was one fire up Olinda and then the following week we had a fire someplace off Crater Road, it was pretty much in the trees, moving to homes. We had seven trucks up there trying to protect that home. Thinking we only have 14 stations on Maui, 3 on Molokai, 1 on Lanai and Hana, we have 9 stations pretty much accessible, we had almost over half --

VICE-CHAIR VICTORINO: Half there in the area.

MR. ENGLISH: --there trying, because there was no hydrants.

VICE-CHAIR VICTORINO: And so the rest all covering each other, trying to ...

MR. ENGLISH: Relieve other openings so we got one station covering two districts --

VICE-CHAIR VICTORINO: Yeah.

MR. ENGLISH: --because we have lack of resources up there.

VICE-CHAIR VICTORINO: Well I glad, you know, you clarified that. I mean, I think this is important for people to understand. The sprinklers is one aspect. There's still other aspects in all of this. And, again, I'm supportive to try to find answers, you know, and we've worked on this for years, and I, like you, Mr. English, time to think out of the box. However, there is the safety and well-being and that can never be left on the back burner, pardon the pun, you know. And so, really important that we keep this whole picture broad but in focus that the people and the property of Maui County are so very important and I can tell you right now, if there's a fire, brush fire next to your home, you're not going to be asking, oh, okay, I reduced fire flow, okay, I'm okay. No. You're going to be saying, where and what help am I gonna get? And I think that's very important. So I thank you very much for that clarification. I think this does bring a bigger dimension to the issue. Maybe we need more fire coverage, we need

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more fire stations. Who knows what we need? But there's a bigger picture and I don't want to go there, that's not the discussion today. Thank you, Madam Chair.

CHAIR BAISA: Thank you, Mr. Victorino. You know, it was very interesting during our meeting we thought, well, why don't we buy a couple of tankers? What do those cost?

UNIDENTIFIED SPEAKER: 250 grand.

CHAIR BAISA: About how much does a tanker cost? Does anybody know?

MR. TAYLOR: I do. Madam Chair, and it's good we got to this point about this meeting, our out-of-the-box thinking internally. This is, we followed the same line of discussion that the Members here are and we ended up sort of with this out-of-the-box solution that is multi-variable, multi-disciplinary, that gets into all the things being talked about. And what we were throwing around is, perhaps, as you've heard some of my colleagues mention, maybe allowing low density, 1s and 2s and 3s houses, those kind of things, in low density areas, give them a waiver from the fire flow upgrades, switch this \$10 million, the stuff that came from General Fund, that didn't come from the Water Department, to buy some tanker trucks and use it to fund some E/Ps. So from talking to the Budget Director, he said these tanker trucks are about \$800,000 or \$900,000. So they are expensive. And then talking to the Fire Chief, he said, each one needs to come with three E/Ps because for 24/7, 365 coverage, you need three positions and I'm not sure whether those are fire fighters or equipment operators, I'm not sure how your --

MR. ENGLISH: Fire Fighter IIIs.

MR. TAYLOR: --Fire Fighter IIIs. So basically, the idea we came up with to give coverage, to kind of wrap all this together, I know it's already 11:30, was three tanker trucks, nine EPs, so nine positions for those three tanker trucks Upcountry so they would be kept full and scattered wherever the Fire Department sees fit, shift the money to that, down level the fire flow requirements for --

CHAIR BAISA: Low density.

MR. TAYLOR: --limited developments that have maybe one or two or possibly, you know, three-unit subdivisions, that's it, and then a number of people would be helped without putting the community at risk. So that was the out-of-the-box, sort of multi-disciplinary solution we came up with to retarget this funds and try to solve the problem in a way that, you know, a number of you have alluded to today.

CHAIR BAISA: Thank you very much, Mr. Taylor. As you can imagine, it was a very interesting discussion.

VICE-CHAIR VICTORINO: Yes.

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CHAIR BAISA: But I think it's time, you know, we are at this point where we have to try or look at new things because otherwise we're never going to move forward, and all of us are very aware that we have a crisis in housing and we need to deal with it. And so let's look at everything but we're looking carefully because we don't want to leave any big pieces out. Mr. Victorino?

VICE-CHAIR VICTORINO: And thank you. You hit the nail on the head because remember this was Countywide.

COUNCILMEMBER COUCH: Uh-huh.

CHAIR BAISA: Right.

VICE-CHAIR VICTORINO: And many of us have areas in our districts that fall in the same category. I mean, if you go out Waihee and Kahakuloa and all that area, same, same issues. And so it becomes a real difficult because we focus a lot on Upcountry and I understand the needs and I want to take care of them as much as we can but this is Countywide, so Molokai, Kihei --

COUNCILMEMBER COUCH: Uh-huh.

VICE-CHAIR VICTORINO: --you know --

CHAIR BAISA: Yep.

VICE-CHAIR VICTORINO: --Wailuku or Waihee areas and, you know, areas, outlying districts have the same problem. You know, we may have to look at 10 trucks and I don't know, you know, 30 E/Ps. And again --

CHAIR BAISA: Eventually.

VICE-CHAIR VICTORINO: --eventually this is, all has to happen. But this has become a real challenge in us because we've neglected it for so many years and now we trying to play catch-up. So I'm all for giving waivers if that can be done with the added protection, you know, put sprinklers in, the different issues, whatever makes it work and people can build homes, then I'm all for it. Thank you, Madam Chair.

CHAIR BAISA: Thank you. Mr. Couch?

COUNCILMEMBER COUCH: And we've been talking about this all along as it affecting the folks Upcountry. Have, in your group, have you had some of the folks from Upcountry or is that the next step is to go and say, hey, we're looking at doing this, it may cost you more in insurance but you don't have to come up with the upfront money?

CHAIR BAISA: The folks from Upcountry are aware of what we're talking about and, of course, we'll be, you know, like I said, I'm reluctant to put a proposal out until we

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have talked about this some more, because it gets complicated and I think our little discussion today makes everybody understand that it's, there's no simple answer. I mean, I can put it before you and say well, let's buy three tankers and, you know, put in these people and all of that stuff, but we really need to discuss it, we need to think about it, and I don't think we want to, you know, formalize it until we're there, but what I am excited about is that there's been hope and there's solutions. The question is, how well will they work, what do they have to be tailored to be, and what can the Council, as well as the electorate, deal with? But we do know that it's time that we need to take a good look and do something. So because we're on this unfortunate timing here, this is the last Water meeting that we will have the opportunity to talk about this before we go into Budget. Our meeting on the 18<sup>th</sup> of March will be a Budget presentation by the Department. They're coming to talk to us about what they'll be asking for in Budget and I think that's really important. So, again, today was to try to gather more information and we'll be talking and working during, concurrently with the Budget, the Staff and I will be working on this, and we'll probably be ready to put something before you after Budget. But I did want to get all of this out today so that the public kind of knows what we're talking about, can go back to their groups or their folks and kind of get more information. Is there anything else from the resource people that you want to share? Before...no. I'll go to the Members. Members, Mr. Victorino, did you want to comment?

VICE-CHAIR VICTORINO: Well, again, thank you, Madam Chair, for doing this. I mean, I think we've worked on it and worked on it and we're getting closer and I think that's important. And I thank you very much for continuing the path that we had set many years ago, you know, not just me but many years ago we set. For the resource people, I do have some specific questions and I'll forward 'em to you and then --

CHAIR BAISA: Love to.

VICE-CHAIR VICTORINO: --you can forward it to the --

CHAIR BAISA: Thank you.

VICE-CHAIR VICTORINO: --Department and that way, you know, we can expedite, and I would encourage the other Members if they have specific questions, you know, to go ahead and send 'em in, because that was one thing I used to always ask, and then I'd get nothing, and all of a sudden, it comes back to the meeting, they have these questions. You know, it's like, you know, whatever you can send and then we can forward, then we'd have responses by the time you walked in. So, Madam Chair, thank you and I look forward to the meetings right after Budget so that we can get our teeth into this, and I hope the public that's listening, those that are here, the members that have come and spent time with us in the gallery, that they'll come up with some other ideas and let's move ahead. Thank you, Madam Chair.

CHAIR BAISA: Thank you. And I certainly encourage the public also to send us ideas or information or, you know, proposals. We want to look at everything and I want to

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thank Mr. Deponte because he has submitted some language that he thinks might be helpful and that's being looked at also. I just want you to know that, that we appreciate your steadfastness. Anything more from the Members? Seeing none, Members, this was our discussions for today and being that there is nothing else, I would like to defer the matter until a bill is prepared, with no objections.

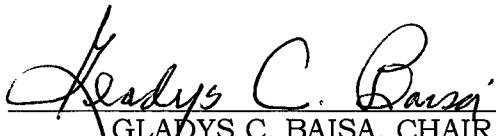
**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: RC, EC, and SC)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

CHAIR BAISA: Thank you very much. I'd like to thank everybody who came today. Thank my Staff, thank the resource people. I really appreciate your cooperation. It's a pleasure working with all of you and I'd like to thank my Members very much. So without any further business, this meeting is adjourned. . . .(gavel). . .

**ADJOURN:** 11:35 a.m.

APPROVED:

  
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GLADYS C. BAISA, CHAIR  
Water Resources Committee

wr:min:150304

Transcribed by: Annette L. Perkett

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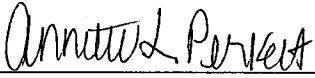
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CERTIFICATE

I, Annette L. Perkett, 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 25<sup>th</sup> day of March, 2015, in Haiku, Hawaii.

  
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Annette L. Perkett