

BOARD OF WATER SUPPLY
COUNTY OF MAUI

REGULAR MEETING
MINUTES OF JULY 16, 2015

The regular meeting of the Maui County Board of Water Supply was held at the Department of Planning Conference Room, 250 South High Street, Wailuku, Maui, on Thursday, July 16, 2015.

CALL TO ORDER

The meeting was called to order by Chair Kamai at 9:10 a.m.

ATTENDANCE

Members present: William Kamai
Robert Joslin
R. Raymond Cabebe
Cyrus Kodani
Anders Lyons
Michael Suzuki
Loren Tilley
Thomas Watanabe

Staff present: Dave Taylor, Director
Paul Meyer, Deputy Director
Edward S. Kushi, Jr., First Deputy Corporation Counsel
Gaye Hayashida, Commission Support Clerk

Others: Gladys Baisa, Council Member, Maui County Council
Donald Gerbig
John Hoxie
Howard Hanzawa
Mercer "Chubby" Vicens
Bobbie Patnode
Bill Greenleaf
William Jacintho

APPROVAL OF MINUTES

Minutes of June 18, 2015

Chair Kamai asked for a motion to approve the minutes of June 18, 2015 as submitted.

Motion: Vice Chair Joslin moved to approve the minutes of June 18, 2015 as submitted

Second: Member Kodani

Discussion: None

Vote: Unanimous. Motion carried. The minutes of June 18, 2015 was approved as submitted.

TESTIMONY FROM THE PUBLIC

Don R. Gerbig, a former member of the Board of Water Supply, testified against the adoption of the Wellhead Protection Overlay District ordinance. A copy of his written testimony is attached to these minutes.

John W. Hoxie, Jr., a former member of the Board of Water Supply, spoke on his opposition to the draft Wellhead Protection ordinance dated 3/19/14. A copy of his written testimony is attached to these minutes.

Howard Hanzawa gave testimony on his views of the Wellhead Protection Ordinance. He stated that his interest has been in the building of affordable housing. He asked, if this regulation had been in place 15 years ago, would there be the Maui Lani Golf Course and would portions of Kehalani be even built? This ordinance will affect the future uses of properties. He urged the board members to really think about these questions.

Mercer "Chubby" Vicens gave testimony regarding the matter of the Wellhead Protection Ordinance. He said that this community, whether it's the Water Department, Planning Department, or any other agency, must find out what is important and then do it, and this bill is not important to the community because it adds so many "what if" questions to the property owner's land.

OTHER BUSINESS

The next two discussion items on the agriculture inspector were taken up together.

Discussion and possible action in assigning the matter of the Board's minimum standards for agriculture inspections to a committee or permitted interactive group.

Discussion with a representative from the Agriculture Working Group (AWG) regarding the qualifications for ag inspector

Bobbie Patnode, Bill Greenleaf and William Jacintho representing the Agriculture Working Group (AWG) attended this meeting. The AWG consists of 20 members representing the Cattlemen's Association, Farm Bureau, Farmers Union, Coffee Growers Association, and Kula Community Association. The group meets to try to respond to bills that come before the Council.

The Council has asked the AWG for recommendations on how to value ag land as well as qualifications for agricultural inspectors.

Most states are hiring inspectors to do food, safety and health inspections, not necessarily hiring inspectors to look at what is a farm and whether you really have a viable agriculture operation.

Ms. Patnode cited 2 examples of agriculture inspector qualifications we should be looking at:

1. The U.S. Department of Agriculture, Natural Resource Conservation Service's (NRCS) ag inspector's qualification include a bachelor's degree in soil conservation or related ag or natural resource discipline such as agronomy, soil science, forestry, ag education or agricultural engineering.
2. Inspectors who value property for loans from a farming operation perspective

It is important for the agriculture inspectors to look at the actual property that is being farmed and its water needs. Currently, the law requires only \$1,000 of gross income and once you get your ag water you can use it for anything you want. We need something in the law that says you can only use ag water for agriculture.

Motion: Vice Chair Joslin moved to have the Board write a letter to the Council's Environmental, Agriculture, Recreation and Energy Committee (EAR) regarding an ag inspector position.

Second: Member Cabebe

Discussion: Member Kodani asked if the Board had any thoughts of contracting out the ag inspector job or are we looking for a permanent position within the County.

Deputy Director Meyer stated that if they could find a qualified person they would have no trouble in contracting it out on a year to year basis.

Amended Motion: Vice Chair Joslin amended his main motion to have the Board write a letter to the Council's EEAR Committee to request a report on the progress of hiring an agriculture inspector.

Second: Member Kodani seconded the amended motion

Discussion: Member Suzuki asked if there is any one in the Real Property Tax Division who is qualified for this position so maybe there is no need to get someone from the outside.

Vote: Unanimous. Amended motion carried. The Board will request a report on the hiring of an agriculture inspector from the Council's EAR Committee.

Vote: Unanimous. Main motion carried. The Board will write a letter to the Council's EAR Committee on the hiring of an ag inspector.

Discussion and possible action in the formation of a committee or permitted interactive group to interact with the County Council and the Council's Water Resources Committee on water issues.

At the invitation of the Board, Council Member Gladys Baisa attended this meeting. Ms. Baisa stated that this Board is one of the most important county boards because the county controls the water resource which is the key to everything. Without water we cannot build, we cannot exist.

Ms. Baisa also spoke about a bill she is introducing called "A Bill For An Ordinance Amending Chapter 14.13, Maui County Code, Entitled 'Water Meter Issuance Provisions For the Upcountry Water System', Relating To Fire Protection." This is specifically for the Upcountry Water Meter List applicants with a 2-lot subdivision which would exempt them from having to do all the Water Department's requirements for fire protection. The Fire Department would do the review and the applicants would have to sign a release of liability.

Director Taylor explained even though this is a change in the water ordinance it really is changing the risk of fire protection. Whether or not it is adequate is really up to the Fire Department.

Member Lyons asked what type or level of interaction should there be between the council and this board.

Ms. Baisa replied that she will try to come more often to these Board of Water Supply meetings or Vice Chair Michael Victorino could attend also. Any input on any of these bills from this board would be greatly appreciated and board members could come and testify before the Water Resources Committee also.

The Board discussed the formation of a Permitted Interactive Group (PIG) committee. This committee will be able to give public testimony or as act as a resource to the Council's Water Resources Committee with the caveat that if this PIG committee doesn't have the answers at the Council's committee meeting then they must report back to the Board.

Motion: Vice Chair Joslin moved that the Permitted Interactive Group be created to act as an intermediary between the County Board of Water Supply and the Maui County Water Resources Committee.

Second: Member Lyons

Discussion: Member Lyons said he thinks it's a great thing.

Vote: Unanimous. Motion carried. The Permitted Interactive Group is created to act as an intermediary between the Board of Water Supply and the County Council's Water Resources Committee.

Members Lyons, Tilley, Cabebe and Kamai volunteered to be on this committee.

Discussion regarding the Wellhead Protection Overlay District ordinance. The Board will compile their questions for the Department

This matter was deferred to the August meeting.

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

1. The PIG will report back to the Board regarding the Council's Water Resources Committee meetings
2. Update on the Upcountry Water Meter List status.

DIVISION REPORTS

Operational Division Reports

Deputy Director Meyer stated that there are a lot of activity going on such as continuing upgrades on pumps and list stations, building capacity and building system reliability and the replacement of some valve pumps, continued testing of the GAC filtration units. The water treatment plants are in the best shape they have ever been in terms of reliability. The Wailuku 2 well, which will be replacing Shaft 33 which is owned by Wailuku Water Company, is currently under development. The Mahinahina 1 well is being decommissioned because it didn't have the production capacity so the Mahinahina 2 well will be under development. Another well is being developed by the

State of Hawaii, Department of Land and Natural Resources, which is not too far from the Pookela Well. This new well will eventually be turned over to the County.

The Department has a number budget amendment proposals which will be submitted to the Council in connection with projects and funding that was removed from their original budget submittal.

The Department reported the results of their audit from last year to the Council. It was essentially a clean audit for the Water Department.

ADJOURNMENT

There being no further business the regular meeting was adjourned at 11:12 a.m.

Prepared by:

Gaye Hayashida
Commission Support Clerk

Approved for distribution:

David Taylor
Director

WRITTEN TESTIMONY

Written Testimony #1

Don R. Gerbig
6 Tulip Place, Lahaina, HI 96761
Wellhead Protection Testimony
BWS Meeting
Thursday, July 16, 2015

My name is Don Gerbig and I am a former BWS member testifying against the adoption of this ordinance as written. The following is a list of contaminants from the DWS Wellhead Protection video on the County website

1-2-3-Trichloropropane
1-2-Dibromo-3-Chloropropane
Arsenic
Atrazine
Barium
Benzo-A-Pyrene
Chromium
Coliform –TCR combined
Radium
Dalapon
Di-N-Butyl Phthalate
Ethylene Dibromide
Fluoride Gross Alpha
Radon - U
Nickel
Nitrate
Nitrate-Nitrite
Radium-226
Sulfate

According to the ordinance, if such contaminants are found, an area around a well it must be delineated with a designated time the contaminant is judged to have to travel to the wellhead. This travel time is based on a SWAP model Study done by the UH/DOH.

My concern is the accuracy of this SWAP study that we are basing these Wellhead regulations on. A consulting engineering firm, in reviewing this study stated that more peer review is needed. In the first paragraph of **SWAP Volume I LIMITATIONS OF THE SOURCE WATER ASSESSMENT PROGRAM** it states that accuracy of results is limited by uncertainties inherent in groundwater models and the accuracy and completeness of data.

Also in **Volume I** it states that it does not take into consideration the time required for a contaminant to travel from the ground surface to the underlying aquifer. And, the study states ignores chemical degradation that likely will reduce the chemical concentrations of certain chemicals.

To me, all the above indicates that a thorough peer review by groundwater experts must be done of the SWAP study before we can accept such a study as guidance for a wellhead protection regulation.

I recommend that the Board does not recommend proceeding with these regulations based on the SWAP study, until a thorough peer-reviewed evaluation of it can be done.

Mahalo,



Don R. Gerbig
Lahaina, HI

Written Testimony #2

7/16/15

Board of Water Supply
Wailuku, Maui, Hawaii

Subject: Opposition to draft Well Head Protection Ordinance dated 3/19/14

Chair Kamai and Board Members,

I am opposed to the proposed ordinance based on the following:

- We currently have enough Federal (8) and State (9) regulations to protect our drinking water sources.
- No information or recommendations from previous stake holder meetings have been made available for review.
- The WPOD zones and MODFLOW models have not been peer reviewed to determine if the science behind the assumptions are correct.
- As a homeowner whose property is in one of the zones in Haiku, I am opposed to another level of zoning requirements that may affect my property and I am sure there are many others that feel the same way.

As a member of an advisory group to the Director of the DWS, I would suggest that you recommend the Department focus its efforts on projects that are not covered by State and Federal regulations and projects that are more important to our community. For example we have over 1700 applications for water service in the upcountry area and no plan to satisfy this need. I am sure there are other important projects the DWS has but in my view, this ordinance is not one of them.

Thank you,



John W. Hoxie, Jr.
Member, Mayors Well Head Protection Group
Former Member, Maui County BWS