

BOARD OF WATER SUPPLY
COUNTY OF MAUI

REGULAR MEETING
MINUTES OF SEPTEMBER 17, 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, September 17, 2015.

CALL TO ORDER

The meeting was called to order by Chair Joslin at 9:05 a.m.

ATTENDANCE

Members present: Robert Joslin, Chair pro tempore
R. Raymond Cabebe
Sylvia Ho
Cyrus Kodani
Anders Lyons

Staff present: Dave Taylor, Director
Paul Meyer, Deputy Director
Eva Blumenstein, Water Resources and Planning Program
Manager
Edward S. Kushi, Jr., First Deputy Corporation Counsel
Gaye Hayashida, Commission Support Clerk

Others: Robert Whittier, Hawaii Department of Health

APPROVAL OF MINUTES

Minutes of July 16, 2015 and Minutes of August 20, 2015

Chair Joslin asked for a motion to approve the minutes as submitted.

Motion: Member Lyons moved to approve the July 16, 2015 and the August 20, 2015 minutes as submitted

Second: Member Kodani

Discussion: None

Vote: Unanimous. Motion carried. The minutes of July 16, 2015 and August 20, 2015 were approved as submitted.

TESTIMONY FROM THE PUBLIC

No one gave public testimony.

COMMUNICATIONS

COM 15-03 Correspondence from Don S. Guzman, Chair, Economic Development, Energy, Agriculture, and Recreation Committee regarding AGRICULTURAL INSPECTORS FOR COUNTY PROGRAMS (EAR-31)

Staff informed the Board that the EAR Committee is requesting a copy of the Board of Water Supply July 16, 2015 minutes and staff will transmit a copy of the just approved minutes to Chair Guzman and his EAR Committee.

The Board took no action on this matter.

UNFINISHED BUSINESS

Discussion regarding the Wellhead Protection Overlay District ordinance

Eva Blumenstein submitted a spreadsheet entitled “Wellhead Protection Overlay Zoning Regulatory Analysis Matrix”. She explained that this matrix has a little more information and it explains how the gaps in existing provisions are addressed. A copy is attached to these minutes.

Ms. Blumenstein gave as an example, subdivisions of 3 or more lots in “unsewered” areas and less than 1 unit per acre. The current regulation requires you to put in aerobic treatment if you are within 1,000 feet of a drinking water well. Basically this is just an arbitrary radius and not based on any scientific analysis. But after discussions with the DOH at their public meetings, they are extending that requirement to the 2-year time of travel (Zone B) rather than the 1,000 foot radius. The 2-year time of travel addresses the typical survival times of viruses and bacteria in soil and groundwater.

Pesticides stored in containers larger than 10 gallon outdoors in a capture zone should be in a secondary container. Irrigated crops using soil fumigants on more than 50 acres or using pesticides rated by EPA to have high leachability are higher risks and should use an Integrated Pest Management program though existing agriculture practices are grandfathered in.

Activities or uses with an X in the columns “Prohibited Zone B” and “Prohibited Zone C” are prohibited outright. These are uses that are nationally ranked as very high risk due to the nature of the industrial activity or have a history of contamination.

Some of these activities are unlikely to ever be located in a capture zone on Maui but since there are some small portions of light industrial and heavy industrial they just want to have the assurance that it doesn’t happen. We are in a good place to do that because most of our capture zones are in ag, conservation, rural or residential lands.

Ms. Blumenstein stated that she hopes the Board understands and supports the general concept of the Wellhead Protection Overlay District Ordinance. It is something that we cannot afford not to do. We've invested so much already and we know that Oahu is dealing with over a million dollars a year in treatment costs alone.

OTHER BUSINESS

Report from the Board's Permitted Interactive Group of the County Council's Water Resources Committee July 22, 2015 Meeting

This matter was deferred.

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

1. Discussion regarding the Wellhead Protection Overlay District ordinance.

DIRECTOR'S REPORT

Update on the Upcountry Water Meter List

Deputy Director Meyer reported that they are ready to send out another batch of letters for Upcountry meters. And now the council has proposed an ordinance relaxing the fire protection requirements for Upcountry meters and wants the department to go back to re-examine and offer again to those that were on the Upcountry Meter List but declined new meters. The council believes that if these applicants had been given the opportunity to avoid putting in fire lines and hydrants for their 2-lot subdivisions then perhaps they would have accepted the meters because it would have been cheaper.

Director Taylor added that this ordinance has passed out of committee and will be on the next full council meeting's agenda. He anticipates it will become law in 6 weeks or so after the mayor signs the bill. This ordinance will change who will get meters. In the past, if the applicant declined the meters because they cannot afford to do the fire flow requirements the department would then go to the next applicant on the list.

DIVISION REPORTS

July Division Operational Reports

August Division Operational Reports

Director Taylor stated that it has been normal operations.

The National Weather Service has predicted a very wet summer and a very, very dry winter. Although right now all the reservoirs are full and demand is down, it maybe that the drought gets pushed back to January - February and then when we get into the summer we still may not get any rain. Right now it has been good with all the rain but that may turn very quickly.

The Council's Water Resources Committee has unanimously approved the purchase of parcels to expand the 'Iao Treatment Plant and the Wailuku Well No. 1.

The department is preparing the budget for next year.

ADJOURNMENT

Staff announced that the next meeting is scheduled for Wednesday, October 21st.

The meeting was adjourned at 10:27 a.m.

Prepared by:

Gaye Hayashida
Commission Support Clerk

Approved for distribution:

Dave Taylor
Director

HANDOUT

BOARD OF WATER SUPPLY		WELLHEAD PROTECTION OVERLAY ZONING REGULATORY ANALYSIS MATRIX				9/17/15					
ACTIVITY	OVERLAY ZONE RESTRICTIONS			FEDERAL, STATE OR COUNTY REGULATORY PROVISIONS IN PLACE THAT ADDRESS GROUNDWATER PROTECTION			WELLHEAD PROTECTION OVERLAY ZONING JUSTIFICATION OF PROPOSED PROVISION		ZONING DISTRICT WHERE PCA PERMITTED		AUTHORITY
	Prohibited Zone B	Prohibited Zone C	WHP Permit Zone B	WHP Permit Zone C	Prohibited Zone B	Prohibited Zone C	WHP Permit Zone B	WHP Permit Zone C			
Subdivisions of three lots or more in unsewered areas and >1 unit/acre			BMP: septic systems shall install aerobic treatment units or alternative treatment units achieving equal or higher level of wastewater treatment	BMP: septic systems shall install aerobic treatment units or alternative treatment units achieving equal or higher level of wastewater treatment	Septic systems within 1,000 feet from a drinking water well must install aerobic treatment			Extends requirement of arbitrary 1,000 ft radius to delineated 2 year time of travel zone B from a well (based on survival times for bacteria and viruses in soil and groundwater)	All		HAR 11-62
New cesspools	X	X			Currently permitted in certain areas. Proposed DOH rule to prohibit in 2 year TOT zone			Very high risk PCA where >1 unit/acre.	All		HAR 11-62
Electrical/electronic manufacturing facility	X	X			May be regulated if hazardous materials: reporting, cleanup, contingency plans. No provisions to keep facility away from well			PCA associated w high amounts of chemicals.	M-2		SARA, TSRA, RCRA, CERCLA HRS 128D, 128 E, HAR 11-451
Mortuaries/graveyards	X				No current groundwater protection provisions			Medium risk PCA, avoid in zone B	B-2, B-3, M-1, Rural, PDs (cemeteries only)		
Golf courses	X			X	Applicators of registered pesticides must be licensed with DOA/PEPA. DOH guidelines recommend management activities to reduce environmental impact			High risk PCA. In a survey of 37 golf courses in Hawaii, researchers identified 30 different pesticides in use. Avoid in zone B, permit with BMP for use of nutrients and pesticides in zone C	PDs		HRS149A, HAR 4-66, 11-273 FIFRA
Metal plating/finishing/fabricating facility	X	X			Regulations of hazardous material spills limited to reporting, cleanup, contingency plans			Very high risk PCA	M-1, M-2		SARA, TSRA, RCRA, CERCLA HRS 128D, 128 E, HAR 11-451
Chemical processing/storage facility	X	X			Depending on type of chemical, concentration, and amount stored, could be regulated under hazardous material or pesticide laws. No provisions to keep facility away from drinking water well			Very high risk PCA	B-1, B-2, B-3, M-1, AG (storage) M-2 (processing)		
Plastics/synthetic production facility	X	X			May be regulated if hazardous materials: regulations of hazardous material spills limited to reporting, cleanup, contingency plans. No provisions to keep facility away from well			Very high risk PCA	M-2		
Junix/scrap/salvage yard	X	X			Depending on concentration, composition and amount, facilities could be regulated as hazardous waste			High risk PCA	M-2		HRS 342J, HAR 11-260-266, 280
Mines	X	X			NPDES permit. No specific provisions for groundwater protection			PCA associated w historic contamination	AG		HAR 11-55

HANDOUT (continue)

BOARD OF WATER SUPPLY		WELLHEAD PROTECTION OVERLAY ZONING REGULATORY ANALYSIS MATRIX			9/17/15	
ACTIVITY	OVERLAY ZONE RESTRICTIONS		FEDERAL, STATE OR COUNTY REGULATORY PROVISIONS IN PLACE THAT ADDRESS GROUNDWATER PROTECTION	WELLHEAD PROTECTION OVERLAY ZONING JUSTIFICATION OF PROPOSED PROVISION	ZONING DISTRICT WHERE PCA PERMITTED	AUTHORITY
	Landfills/dumps	x	x	Permit system, design and operation standards to prevent drinking water pollution.	Very high risk PCA	AG
Injection wells/dry wells/sumps	x	x	Siting of an injection well within 1/4 mile of any drinking water well and above the UIC line is prohibited.	Very high risk PCA. Extend to capture zone instead of artificial 1/4 mile radius	PDs	
Reclaimed wastewater irrigation class R2 and R3	x		Wastewater effluent irrigation systems must submit relevant information to DOH. DOH guidelines offer non-binding application practices	High risk PCA	All	HAR 11-62
Sewage sludge land application	x		Require permit to control water pollution. Sludge disposal is only allowed in permitted sanitary landfills, in authorized wastewater systems, by incineration as specified by DOH and reused for agricultural purposes as specified by EPA.	Medium risk PCA, avoid in zone B	AG	HRS 340A, 342 HAR 11-58, 11-62
Slaughterhouses	x		No specific provisions for groundwater protection	Medium risk PCA, avoid in zone B	M-1	
Wastewater percolation ponds	x	x	NPDES permit. No specific provisions for groundwater protection	High risk PCA	AG, PD	HAR 11-55
Automobile body/repair shop		x	Floors shall be of nonabsorbent materials, drain to an approved oil separator or trap discharging to sewers in accordance with the plumbing code.	High risk PCA, BMP secondary containment of fuel, solvents and other substances	B-2, PD	County Code 16.26.311
Car washes		x	No provisions specific to groundwater protection	Medium risk PCA, BMP secondary containment if regulated substances	B-1, B-2, B-3	
Cement/concrete plants		x	No provisions specific to groundwater protection	Medium risk PCA, BMP secondary containment if regulated substances	M-2	
Gas station		x	Underground storage tanks regulated for groundwater protection. Above ground storage (AST) only if hazardous material requires a risk management plan containing > 1 million gallons petroleum require reporting. Oil >660 gal requires requires procedural and contingency plans and corrosion protection	Very high risk PCA, BMP secondary containment if regulated substances for above ground storage	B-1, M-1, PD	HRS 342L HAR 11-281 Oil Pollution Act Title 3, 40 CFR, Part 112
Fleet/trucking/bus terminal		x	No provisions specific to groundwater protection	Medium risk PCA, BMP secondary containment if regulated substances	B-2, B-3	
Dry cleaner		x	Regulations of hazardous material spills limited to reporting, cleanup, contingency plans	Very high risk PCA	M-1	
Irrigated crops using soil fumigants (>50 acres) or pesticides rated by the U.S. EPA as having high leachability potential		x	Applicators of registered pesticides must be licensed with DOWEPA	Very high risk PCA, integrated Pest Management (IPM) practices with emphasis on pesticide selection: Applications or pesticides w high leachability should be avoided in zone B, where no alternative pesticide is available, applied as part of an IPM program.	AG, RURAL	HRS 149A, HAR 4-66, 11-273 FIFRA
Machine shop		x	No provisions specific to groundwater protection	High risk PCA, BMP secondary containment of fuel, solvents and other substances	M-1	
Wood preserving/treating facility		x	No provisions specific to groundwater protection	Very high risk PCA, BMP secondary containment if regulated substances	M-2	

HANDOUT (continue)

BOARD OF WATER SUPPLY		WELLHEAD PROTECTION OVERLAY ZONING REGULATORY ANALYSIS MATRIX				8/17/15	
ACTIVITY	OVERLAY ZONE RESTRICTIONS		FEDERAL, STATE OR COUNTY REGULATORY PROVISIONS IN PLACE THAT ADDRESS GROUNDWATER PROTECTION		WELLHEAD PROTECTION OVERLAY ZONING JUSTIFICATION OF PROPOSED PROVISION	ZONING DISTRICT WHERE PCA PERMITTED	AUTHORITY
Confined animal feeding operations		x		x	Very high risk PCA. BMP to ensure runoff and manure storage management in accordance w DOH Guidelines for livestock management	AG, RURAL, PD	HRS 11-55
Equipment maintenance/fueling areas		x		x	No provisions specific to groundwater protection. If fueling areas see regulations for gas stations	B-2, B-3, M-1	
Hospitals				x	May be regulated if hazardous materials regulations of hazardous material spills limited to reporting, cleanup, contingency plans. No provisions to keep facility away from well	R-1, R-2, R-3, P/QP, PD,	
Parking lots/mail (>50 spaces)				x	No provisions specific to groundwater protection	B-2, P/QP, PD	
Waste transfer/recycling stations				x	No provisions specific to groundwater protection	PDs	
All non-residential facilities involving collection, handling, manufacture, use, storage, transfer or disposal of any regulated substance having potentially harmful impact on groundwater quality, in quantities other than retail quantity				x	No provisions specific to groundwater protection. May be regulated if hazardous materials regulations of hazardous material spills limited to reporting, cleanup, contingency plans. No provisions to keep facility away from well.	B-1, B-2, B-3, M-1, AG, P/QP, PDs	
containers (55 gal petroleum products or 10 gal of any regulated substance)							
CERCLA: Comprehensive Environmental Response, Compensation, and Liability Act							
NPDES: National Pollution Discharge Elimination System							
RCRA: Resource Conservation and Recovery Act							
SARA: Superfund Amendments and Reauthorization Act							
TSRA: Toxic Substances Control Act							