

BOARD OF WATER SUPPLY
COUNTY OF MAUI

REGULAR BOARD MEETING
MINUTES OF SEPTEMBER 16, 2021

The regular meeting of the Maui County Board of Water Supply was held online via BlueJeans, on Thursday, September 16, 2021.

I. CALL TO ORDER

The meeting was called to order by Chair Dean Frampton at 1:30 p.m.

II. ROLL CALL

Members present: Dean Frampton, Chair
Nalani Kaninau, Vice Chair
Norman Franco
Buddy James Nobriga
Antonette Eaton

Members excused: Joseph Aquino
Juanita Reyher-Colon

Staff present: Jeffrey Pearson, P.E., Director
Keola Whittaker, Deputy Corporation Counsel
Sherilyn Otsubo, Commission Support Clerk

Cablecast: Video conferenced live via BlueJeans and recording viewable at <https://www.akaku.org/boards-commissions/>.

III. APPROVAL OF MINUTES

Member Franco moved to approve the minutes of August 19, 2021.

Member Nobriga seconded the motion.

The motion passed unanimously with 5 ayes.

IV. TESTIMONY FROM THE PUBLIC

There was no public testimony.

V. UNFINISHED BUSINESS

- A. Presentation from the Department of Environmental Management, Waste Water Division, on existing and future use of R-1 water in Central and West Maui.

Scott Rollins, Division Chief for Wastewater Reclamation, did a presentation on the Central Maui Recycled Water System. He said that their systems are mainly in the Kihei and Lahaina areas. The treatment plant in the central area is located near the coast and the service area goes from Waiehu Kou up to Mama's Fish House, then expands to Waikapu. There are 15 pump stations pumping towards that treatment plant. The mandate states that they should get rid of injection wells, but there's not a lot of ways to do that. There is a proposed Central Maui treatment plant, west of Waikapu, where they'll also have soil aquifer treatment basins to dispose of the reuse water. They also want to divert flows from upper Wailuku that'll require them to build an infrastructure with force main and some gravity lines and a pump station to send water in this direction rather than gravity flow and pump stations towards the Kahului treatment plant. Getting rid of injection wells at the Wailuku/Kahului WWRF has been a big issue and they're trying to figure out where on the island to put them. They plan to use SAT basins and are doing groundwater modeling to see where that water will go so it doesn't affect any wells by the Waiko baseyard and ocean water by Maalaea. R-2 water is used in the basins, but R-1 water is needed for users, so they have an \$18 million upgrade project to convert the water to R-1.

Member Franco asked about the funding for these projects.

Mr. Rollins replied that it comes out of the waste water and sewer fund. They also get loans from the state revolving fund and they do bond issues from the county. The state has put up \$23 million to help with the construction of the new treatment plant and another \$7 million for design and environmental processing and permitting.

Member Nobriga asked if there will be rate hikes to recoup the costs?

Mr. Rollins responded that there will be rate increases over the next five years to cover all of the infrastructure costs.

Chair Frampton asked how much of the infrastructure improvements are attributed to the Supreme Court ruling on the west side plant, and do you envision a complete phase out of the Kahului treatment plant?

Mr. Rollins said that whatever happens on the west side will probably happen to their other plants, so they're trying to be proactive. They're currently doing a facility plan and it's looking at decentralizing the area which will determine what happens with the Kahului treatment plant.

Albert Hahn, Recycled Water Coordinator, did a presentation on the West Maui Recycled Water Expansion. The mayor and the council are pushing to minimize or eliminate injections wells with a goal of 100% reuse which will reduce demands on domestic water supply. Their department started the reuse program about thirty years ago and have historically been the state's leader in recycled water. The Maui County Code has a mandate for any commercial development within proximity of their reclaimed water system to connect to the County R-1 irrigation system.

Currently there are four clients on the west side. During the summer, demands can approach two million gallons a day for these clients, which is approximately 46% of all the plant flow into Lahaina. Some of their expansion projects in dealing with cost estimates are: Honokowai Reservoir Effluent Pump Station and Force Main in FY 2021-22, \$13.5 million; Kaanapali Golf Course expansion of their reuse in FY 2022; Kaanapali Resort expansion in FY 2023, \$7 million; Honoapiilani lateral installation in FY 2023, \$1 million; R-1 process expansion to upgrade the system to an ultra-violet method to disinfect and sterilize R-1 water in FY 2022, \$10.5 million. In the distant future, in FY 2027, there is a county owned reservoir at an elevation of 730 feet and they plan to install a pump station below that to pump the water up to 730 feet. It will be about \$20 million and would include resurrecting the reservoir and utilizing the existing pipeline. There is also an existing irrigation ditch that is in disrepair, so \$9.5 million is expected to revitalize this system.

Vice Chair Kaninau asked about using solar.

Mr. Hahn responded that all of their plants have extensive solar panels installed.

Member Nobriga asked if the current R-1 water going to Kaanapali is pumped or gravity flow.

Mr. Hahn said that it is pumped.

Member Nobriga asked if they have an estimate of what it's going to cost to pump up to that 730-foot reservoir.

Mr. Hahn said that he calculated a rough estimate of over a million dollars in electricity a year to get 4 million gallons per day up there.

B. Report on the July 28, 2021 Iao Water Treatment Plant tour.

Member Eaton reported that Joseph Aquino, Norm Franco, Johanna Amarin, Director Pearson and herself went to the Iao Water Treatment Plant. They went to the Wailuku Water Company Ditch and Kepaniwai Park to see the diversion at Wailuku River. The Director then drove them to see Wailuku Well 1, 2 and Waikapu Well. There was no quorum and no board business was discussed.

VI. OTHER BUSINESS

A. Presentation on Sunshine Law from Deputy Corporation Counsel.

Deputy Corporation Counsel Whittaker presented a Sunshine Law refresher to the board. The purpose of the Sunshine Law is to protect the public's right to know and allow the citizens to have input into the decision-making process. This law applies to all state and county boards and all meetings must be open to the public. Agendas are posted 6 calendar days prior to the meeting. The public must be given the opportunity to submit oral and written testimony and minutes are kept. Gatherings to discuss board business is prohibited. Contested case hearings are not subject to Sunshine Law, no public testimony is accepted and the board can go into executive session. Exceptions to the Sunshine Law are that two members can discuss things related to board business as long as no commitment to vote is sought. Less than a quorum can be assigned to a Temporary Investigative Group (TIG). If the board doesn't have a quorum during a meeting, they can receive testimony and presentations, but they cannot deliberate or take action. In order for the board to take action in a matter investigated by a TIG, three meetings have to occur. In the first meeting, the scope of the TIG and the scope of each member's authority is defined. Their findings and recommendations are presented during the second meeting, and at the third meeting, the board can discuss, deliberate and make decisions regarding the TIG report. If the board want to take a position and present to an outside group, board approval is needed to define the scope and authority of that group.

B. Presentation from Deputy Corporation Counsel on the current status of charter amendments and the work of the Charter Commission and discussion on proposed amendments to the Charter that relate to the Board of Water Supply.

Deputy Corporation Counsel Whittaker said that there was a proposal to add a new Department of Administrative Law Judges which would take away all board's powers to conduct contested case hearings. These judges would hear the case and pass down a ruling which the board would then approve or disapprove. This proposal has passed the Charter Commission, but they formed a TIG to reconsidering the wording. The board still has an opportunity to submit testimony on this proposal.

The Charter Commission is also considering a few amendments that would generally affect how boards and commissions are appointed.

Member Nobriga said that the board should discuss the amendment regarding taking away its powers to do contested cases and they should submit testimony as a board. He also commented that contested case hearings take up a lot of time and can be very complex, but it is one of the board's duties. Giving the public a reliable body to pass judgement on the department's decision is important.

C. Update from the Department of Water Supply on the Upcountry Water System Consent Decree.

Director Pearson updated the board on the East Maui Consent Decree which is restricting DWS from taking source water and bringing it to the central area where it's needed for growth. In FY 2021, the department hired a consultant to address issues in the consent decree by looking at the central Maui, Waihee, Iao areas to determine if there is surface water available before drilling wells in Haiku. The proposal with Brown and Caldwell will address cost benefit and reliable capacity versus demand projections to see if water is available. This will update what's already in the WUDP.

Member Franco asked what wells on the east side are being affected and what are the concerns of the community.

Director Pearson answered that prior to the consent decree, the two Hamakuapoko wells were drilled and some piping was put in to begin transporting water to central Maui. That's when the East Maui residents raised concerns and the consent decree was brought together.

Member Nobriga asked who determines what and where central Maui is.

Director Pearson said that the intent of the consent decree and the department is that the central Maui system is where there's growth and there is also growth in South Maui, which is served by the central Maui system. Water from the Haiku area would offset the need for source in the central Maui system.

Vice Chair Kaninau said that the consent decree is over 20 years old and Maui has changed since then. Is it possible for this to be relitigated to our current needs?

Director Pearson replied that he assumes it will stand until someone opposes it.

Chair Frampton said that the consent decree sets out an impossible list of tasks that the county needs to complete. What has the county done to try to comply with the terms of exploratory wells?

Director Pearson responded that the consent decree says they cannot develop Hogback Well in Haiku. Since then the department initiated with USGS to continue to use Hogback Well as an exploratory well and collect data.

Chair Frampton said that one of the basic concerns was that if we're pulling water from an aquifer that's at or below sea level, that somehow that's impacting stream water. Another concern was the connection of Haiku wells to provide central Maui with water and we can't even drill wells for the Upcountry system. Whenever the county has tried to meet the concerns of the consent decree, they've been blocked.

Can the department go outside the box to drill wells for the upcountry system?

Director Pearson replied that the previous director tried to do that but it didn't get very far because it was blocked by the plaintiffs.

Member Franco stated that we should follow the recommendations of the TIG which puts water as a public trust and the system will become a public entity and not in any private ownership.

Chair Frampton said that we're talking about surface water, which is not always reliable, and there's a need to create a balance with stream users. As a board, we are trying to get a fair, balanced and responsible use of our resources.

Member Eaton asked why wouldn't they want to test if the surface water will be affected by the wells, which gives us ground water?

Director Pearson replied that if you drill a well and you pump water out, does it affect that stream and will the stream flow be reduced? They were unable to answer that question at the time because they were blocked.

VII. DIVISION REPORTS

Director Pearson said that we're still on Stage 1 water restrictions for Upcountry. There is 80% reservoir capacity at Piiholo and inflow into Piiholo doesn't always meet the three to four million gallons a day that they're treating, so they're pumping about half a million to a million gallons a day from Kamole Treatment Plant in order to maintain the levels in the reservoir. Kahakapao is at 50-55% capacity. The upper Kula system is still on chlorine as opposed to chloramine. Maintenance will be done at the Olinda Treatment Plant with sludge removal process that'll last about 2-3 weeks. Mahinahina Treatment Plant upgrades are near completion and will undergo final inspection.

VIII. NEXT MEETING DATE AND TIME

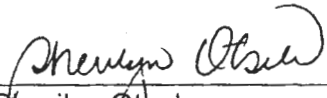
October 21, 2021 at 1:30 p.m.

Vice Chair Kaninau asked if someone can explain the final EIS which supports A&B's lease in Nahiku and Keanae. Also if they can get an update on Molokai's WUDP and finally if the board should be taking up the water rates issue again.

IX. ADJOURNMENT

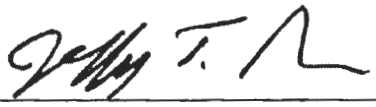
There being no further business, the regular meeting was adjourned at 3:32 p.m.

Prepared by:



Sherilyn Otsubo
Commission Support Clerk

Approved for distribution:



Jeffrey T. Pearson, P.E.
Director