

1 BOARD OF WATER SUPPLY

2 COUNTY OF MAUI

3

4

5

6

7

8

9

10 REGULAR MEETING

11 THURSDAY, JULY 24, 2008

12

13

14

15

16 Held at the Department of Planning Conference Room,  
17 Kalana Pakui Building, 250 South High Street, First  
18 Floor, Wailuku, Maui, Hawaii, commencing at 9:06  
19 a.m.

20

21

22

23

24

25

26

27

28 Transcribed from the audio recording by Gaye  
29 Hayashida, Commission Support Clerk, Department of  
30 Water Supply, County of Maui.

1                                   A P P E A R A N C E S

2

3   **BOARD MEMBERS:**

4           Lee Aldridge, Chair

5           Carl Holmberg, Vice Chair

6           Michael Howden

7           Scott Luck

8           Phyllis Robinson

9           Ted Yamamura

10

11   **STAFF PRESENT:**

12           Jeffrey K. Eng, Director of Water Supply

13           Edward S. Kushi, Deputy Corporation Counsel

14           Ellen Kraftsow, Water Resources & Planning

15                           Program Manager

16           Gaye Hayashida, Commission Support Clerk

17

18   **OTHERS:**

19           David Dantes

20           Thomas Croly, Maui Vacation Rental Association

21           Lyn Scott, H2O 4 Honopou

22           Steven Hookano, Na Moku Aupuni O Koolau Hui

23           Lt. Scott English, Maui Fire Department

24           Garret Hew, HCS Water Resources Manager

25           Mark Vaught, EMI Operations Manager

26           Rick Volner, Jr., HCS Senior VP of Agriculture

27           Thomas Behnke

Board of Water Supply  
Regular Meeting  
July 24, 2008

3

1 CHAIR ALDRIDGE: I'll call the meeting to order.  
2 This is a regular meeting of the Board of Water  
3 Supply. It's Thursday, July 24<sup>th</sup>, 2008.  
4 Attendance, board members in attendance include  
5 Scott...I'm sorry.

6 MEMBER LUCK: Luck.

7 (laughter)

8 CHAIR ALDRIDGE: I'm sorry, Scott.

9 MEMBER LUCK: No problem.

10 CHAIR ALDRIDGE: Call it a senior moment.

11 (laughter)

12 CHAIR ALDRIDGE: Carl Holmberg, myself, Michael  
13 Howden, Phyllis Robinson, and, I'm sorry, Ted  
14 Yamamura. Staff members in attendance include  
15 Director Eng, Corporation Counsel Ed Kushi,  
16 Commission Clerk Gaye Hayashida, and, oh, Holly  
17 Perdido was here but she's gone. Ok. Absent and  
18 excused are Kui Lester and Marion Haller. I must  
19 say they both called in and indicated that they had  
20 both injured their backs, so I suspect that based  
21 on my conversation at, at the last meeting, they  
22 were both doing a rain dance.

23 (laughter)

24 CHAIR ALDRIDGE: That's the joke that Gaye gave. I  
25 won't get caught in that. Announcements, I don't  
26 believe there are any. Approval of Minutes.

1 Comments or corrections to the minutes? Any board  
2 member?

3 (silence)

4 CHAIR ALDRIDGE: I like the form, Gaye, that you're  
5 using here with the lines...

6 MS. HAYASHIDA: Ok.

7 CHAIR ALDRIDGE: And pages. It makes it much  
8 easier but...

9 MS. HAYASHIDA: Ok.

10 CHAIR ALDRIDGE: Can I make a request?

11 MS. HAYASHIDA: Sure.

12 CHAIR ALDRIDGE: Um, I just did it. Could you not  
13 include all the ah's and um's.

14 MS. HAYASHIDA: Ok.

15 MEMBER ROBINSON: Yes, please.

16 MS. HAYASHIDA: Ok.

17 CHAIR ALDRIDGE: It, it just makes it much more  
18 difficult to review...

19 MS. HAYASHIDA: Ok.

20 CHAIR ALDRIDGE: I don't know if you're required to  
21 do that?

22 MS. HAYASHIDA: Well, my, my reasoning is it's  
23 verbatim so, but if you want to I can do that.  
24 That's up to, that's, y'know, your choice so.  
25 Because I've seen minutes, verbatim minutes where  
26 they don't put the ah's and um's but...

27 CHAIR ALDRIDGE: I would appreciate it.

1 MS. HAYASHIDA: Ok.

2 CHAIR ALDRIDGE: It, it makes it more difficult to  
3 review.

4 MS. HAYASHIDA: Yeah.

5 MEMBER LUCK: It makes it sound smarter with the..

6 CHAIR ALDRIDGE: It makes us sound more intelligent  
7 without all the ah's and um's.

8 MS. HAYASHIDA: Ok.

9 CHAIR ALDRIDGE: Thank you very much.

10 MS. HAYASHIDA: So, if you like I will continue to  
11 do the minutes this way?

12 CHAIR ALDRIDGE: Yes...

13 MS. HAYASHIDA: Ok.

14 CHAIR ALDRIDGE: In this fashion without the ah's  
15 and um's.

16 MS. HAYASHIDA: Yes. Ok. Fine, no problem.

17 CHAIR ALDRIDGE: Thank you. So, no comments? Need  
18 to, approval of the minutes. Any motion to  
19 approve?

20 VICE CHAIR HOLMBERG: I so move.

21 CHAIR ALDRIDGE: Any second?

22 MEMBER HOWDEN: Second.

23 CHAIR ALDRIDGE: Seconded, those in favor?

24 (a chorus of ayes)

25 CHAIR ALDRIDGE: It's unanimous. Alright, we'll  
26 move to item 5, Testimony from the Public. Just  
27 for those that are present, at this point in time,

1 it's customary for the Board to receive testimony  
2 from the public. We will initially provide 3  
3 minutes, provided that they, that anyone who wishes  
4 to make public testimony has submitted a form to  
5 the commission clerk indicating that they wish to  
6 provide oral testimony and that they identify the  
7 organization and the purpose of their testimony.  
8 If we have time we will grant an additional 3  
9 minutes in the event that you can't complete your  
10 oral testimony in 3 minutes. And since these items  
11 are not on the agenda the Board can take no any of  
12 the public testimony. So, let's see, first, I have  
13 2 here, one is David Dantes and other is Thomas  
14 Croly. I'll leave it up to you who wishes to go  
15 first. Could you just state your name before you  
16 start.

17 MR. DANTE: Good morning, members and staff, my  
18 name is David Dantes. I'm formerly the president  
19 of the Maui Vacation Rental Association and today  
20 testifying as an individual who owns a small  
21 permitted visitor accommodation in Haiku. One of  
22 the difficult regulatory burdens facing applicants  
23 for bed-and-breakfast and vacation rental homes is  
24 compliance with fire flow. The fire flow  
25 requirements that the Water Department has been  
26 implementing, sometimes require an applicant to  
27 comply with a standard that is above and beyond the

1 capacity of the existing county infrastructure. In  
2 other word, if the county has a 6-inch water main  
3 and a standpipe, the amount of fire flow which the  
4 Water Department may currently require the  
5 applicant may necessitate upgrading that 6-inch to  
6 8-inch and replacing the standpipe with a hydrant.  
7 In many cases this is prohibitively expensive. So,  
8 on June 30<sup>th</sup>, the Water Resources Committee came up  
9 with a proposal for relieving excess burden on  
10 permit applicants for fire flow while at the same  
11 time attempting to preserve an adequate level of  
12 water supply for fire safety. What they proposed  
13 on June 30<sup>th</sup> is that applicants for these permits  
14 meet minimum fire flow requirements for their land  
15 use zoning category. So in the case of  
16 agricultural zoning, for example that would be a 6-  
17 inch line and 500 gallons per minute. In the case  
18 of a residential zoning which they also call  
19 single-family, it would be a thousand gallons a  
20 minute and an 8-inch delivery line. That would be  
21 a big relief and really I think, diminish the, the  
22 problem for applicants because in order to move  
23 into their home, to begin with, never mind the  
24 permit, they already would've had to been passed as  
25 far as the adequacy of the, I'm sorry, I'm being  
26 distracted by the...so sorry, I can't think.  
27 CHAIR ALDRIDGE: I'm sorry, go ahead.

1 MR. DANTES: Ok, my apologies. In order to move  
2 into their homes to begin with, the home would have  
3 had to meet the minimum requirements of fire flow  
4 for their zoning before they would get an occupancy  
5 permit or be able to pass the building inspections,  
6 so, no longer would they have imposed on them any  
7 requirement to upgrade the water delivery  
8 infrastructure. And I was relieved at that  
9 proposal but unfortunately at the last meeting on  
10 Monday, the language mutated in the proposed rule,  
11 such that instead of having to conform to minimum  
12 fire flow for their particular zoning category,  
13 they now would have to comply with the minimum fire  
14 flow for a single-family or duplex category. That  
15 poses a problem specifically for people in rural  
16 and agricultural zoning. They have a standpipe,  
17 it's limited to 750 gallons a minute, even if they  
18 happen to have an 8-inch water main they cannot  
19 meet that thousand gallon a minute requirement.  
20 So, I'm here to request that the Board consider  
21 amending the language of that part of the proposed  
22 rule to restore the originally stated intention on  
23 June 30<sup>th</sup> which is comply with the minimum fire flow  
24 for their applicable zoning. I would be interested  
25 if one of the members could ask the, and I hope  
26 they will ask the Water Director's input about the  
27 rationale for suggesting the change in the



1 language, I'm not really aware of what it was but I  
2 think it, it kinda threw a monkey wrench into the  
3 intention to unburden permit applicants. And one  
4 final comment, there is a provision in the proposed  
5 rule that allows a 50% credit in fire flow if there  
6 have been approved automatic fire sprinklers  
7 installed. I think that's a very favorable thing  
8 to include. But the language is ambiguous. It  
9 says the requirement will be based on a table or  
10 based on a section of the county code that allows  
11 credit for spire, fire sprinklers. My concern is  
12 that, that doesn't really specify with, with  
13 definitive clarity which method of computation  
14 should be employed. I prefer that it, that it  
15 specify that that there shall be a 50% credit  
16 applied if fire sprinklers, approved fire  
17 sprinklers have been installed. That way it  
18 wouldn't be up to a case by case basis or a chance  
19 as to which method calculation was employed. Thank  
20 you.

21 CHAIR ALDRIDGE: Thank you, Mr. Dante. Next is  
22 Thomas Croly.

23 MR. CROLY: Thank you, Board. My name is Thomas  
24 Croly and I am speaking on behalf of the Maui  
25 Vacation Rental Association. I'd like to make  
26 comment on the proposed changes to Chapter 14 of  
27 the Maui County Code as they relate to fire

1 protection standards for B&B's and TVR's. In the  
2 aforementioned Water Resource Committee meeting on  
3 June 30<sup>th</sup>, Water Resource Chair Anderson stated that  
4 she sought to remove one of the key roadblocks that  
5 stands in the path of many B&B's and TVR's trying  
6 to comply with county regulations in this area.  
7 Unfortunately, the proposed changes might actually  
8 leave the situation worse. This is a complicated  
9 issue and it's first necessary to understand that  
10 all first and second dwellings in all zoning  
11 districts are exempt from fire flow standards. In  
12 other words, when someone builds a house that fire  
13 flow standards in, in terms of constructing that  
14 house aren't checked at that point. They're  
15 checked when subdivisions happen, but, but not for  
16 an individual dwelling. However, when Water  
17 Department reviews TVR and B&B applications for  
18 those same properties, checks to see if these  
19 residential properties are in compliance with the  
20 fire flow standards that would be calculated based  
21 on the size and composition of the structures. In  
22 many cases the fire flow calculations are not being  
23 met by the infrastructure in place. Primarily in  
24 ag and rural districts, because the fire flow  
25 requirements in ag and rural districts have lower  
26 than in residential districts. Up to this point  
27 the present fire flow requirements in rural

1 districts are 400 gallons per minute. The newly  
2 proposed rules would increase that to 1,000 gallons  
3 per minute. And the ag district, the current  
4 standard is 250 gallons per minute and proposed  
5 standard that you're considering today, would be  
6 500 gallons per minute. This is to apply to new  
7 subdividers and developers. This change means that  
8 many properties that are in the ag and rural  
9 districts may not be in compliance with these new  
10 standards and will be non-conforming. This won't  
11 matter unless someone tries to file an application  
12 for a, for a bed-and-breakfast or a conditional  
13 permit. The proposed reference in 14.04.010 states  
14 that "applicants seeking conditional permits for  
15 transient vacation rental operations or bed-and-  
16 breakfast permits of 6 bedrooms or less, shall meet  
17 the minimum fire flow standards for single-family  
18 as required by section 14.05.020." So what this  
19 means is that they're going to have to meet this  
20 thousand gallon per minute fire flow, which again  
21 doesn't necessarily exists in many rural and  
22 agricultural areas. Unfortunately, I think that  
23 whenever someone would apply for a B&B or  
24 conditional permit these new higher standards  
25 and/or higher single-family requirements will  
26 apply. As a result, the applicant may be asked to  
27 upgrade the flow, the flow of the system presently

1 in place. Such that the system will likely, the  
2 system will likely to have been designed to meet  
3 the old lower standards and meeting these new  
4 higher standards as Dr. Dantes pointed out, may be  
5 cost prohibitive. I would like to suggest the  
6 following language to better clarify the intent of  
7 the code here. And the language that I'll, that  
8 I'll read here of, of you already, "applicants  
9 seeking conditional permits for transient vacation  
10 rentals operations and bed-and-breakfast permits  
11 and change here for short term rental use of 6  
12 bedrooms or less shall meet the minimum fire flow  
13 standards of 250 gallons per minute per properties  
14 located in the agricultural district, 400 gallons  
15 per minute for properties located in the rural  
16 district and 1,000 gallons per minute for  
17 properties located in residential districts." The  
18 additional language that, that relates to bed-and-  
19 breakfast and, and TVR's of more than 6 bedrooms  
20 should be maintained as, as proposed except it  
21 should include a reference to the short term rental  
22 use of 7 bedrooms or more. This language preserves  
23 the old standards that would have been applied  
24 during the subdivision or construction of most of  
25 these existing dwellings on Maui. It does not  
26 exempt B&B's and TVR's from fire flow standards as  
27 is the case with first and second dwellings. But

1 it also doesn't impose an unfair burden on  
2 application as, on applicants as now would be the  
3 case. It also tries to make clear these standards  
4 are based on a B&B conditional permit for up to 6  
5 B&B rooms used for short term rental and not the  
6 combination of rooms that are in-house and any  
7 accessory dwelling. For example, under the  
8 department's proposed language and the additional  
9 comments made by Director Eng at, at the Water  
10 Resource Committee meeting; if a property would,  
11 would have a 2 bedroom cottage and a 5 bedroom  
12 house and they wanted to rent out just one bedroom  
13 within that 5 bedroom house for B&B then the duplex  
14 standards, even higher standards would then apply;  
15 and I don't think that was the intent of, of the,  
16 the chair when this was brought up. Chair Anderson  
17 stated in her resource committee meeting last  
18 Monday, that these new standards are not intended  
19 to be retro-active, but that is exactly what would  
20 happen under this proposed language for those  
21 seeking B&B and conditional permits. It would make  
22 higher standards to these permit applications and  
23 the infrastructure in place would like, most likely  
24 not support this in ag and rural zoning. If  
25 adopted as proposed it would essentially forbid all  
26 B&B's and TVR's in ag and rural unless the owners  
27 are willing to do massive infrastructure upgrades.

1 I hope that I, I know went over my 3 minutes and I  
2 hope that I made that clear, it is kind of a  
3 complicated issue but I would be happy to answer  
4 any questions you may have.

5 CHAIR ALDRIDGE: Thank you, Mr. Crowley. And you  
6 said you, or Croly, did, you said had a handout?

7 MR. CROLY: Yeah...

8 CHAIR ALDRIDGE: Pass that on to Gaye. Thank you.

9 (silence)

10 CHAIR ALDRIDGE: Oh, thank you.

11 (silence)

12 CHAIR ALDRIDGE: Alright, we have 2 other requests  
13 for public testimony. One is Lyn Scott, and the  
14 matter is East Maui stream water and apparently Lyn  
15 represents or is a member of the, an organization  
16 called H2O 4 Honopau. Lyn?

17 MS. SCOTT: Thank you. Aloha everybody.

18 (unintelligible) offer me for this time and that's  
19 Honopou Valley. I am Lyn Scott, my mother and my  
20 aunt are before the water commission, trying to get  
21 water returned to the streams so that was a big  
22 deal. I'm here just to make sure that you stay  
23 aware of that, that being taro farmers here on Maui  
24 still haven't received what should be allocated to  
25 them, because, as a matter of fact our rights  
26 should come first and we also as a community, last  
27 night we also had a, a meeting with your advisory

1 council on the future of water. And that you guys  
2 want to come out there and now build wells on our  
3 side of the island. Not only are you taking water  
4 from our streams but now you want to take waters,  
5 right directly from underneath our feet and  
6 transport that away and I don't think that's a  
7 right thing to do. I mean East Maui is going dry  
8 already. I don't know whether I should water my  
9 taro or not because the water that comes down is  
10 just too hot, we're just not getting enough water.  
11 You guys can guaranty to the Kula farmers that they  
12 get it every day to water theirs, but we get 3-inch  
13 pipes, 3 pipes there, 4-inch pipes and sometimes  
14 that water doesn't even flow so where's our  
15 guaranty that we should get the water. Every time  
16 I go to these board meetings or anything that comes  
17 up always Hawaiian rights and taro farmers' rights  
18 are always put last. We were here first, why can't  
19 we get the water first? I'm here to just make sure  
20 we keep that in mind, y'know. I'm sure your talk  
21 is about the Upper Kula in-takes but that does  
22 affect Honopou Stream, I did take a, a look at the  
23 map on that. Y'know, we, but like run dry. We've  
24 hardly had any water in our stream and that's a  
25 really sad shame, really sad and I'm really looking  
26 at you guys because you guys aren't helping us to  
27 get ahead. We've tried every other commission, the

1 waters not been, I left word so that I could pursue  
2 this, try to grow my taro and I'm not getting  
3 anywhere and I think that somebody should step up  
4 here and look out for our rights. Any questions  
5 (inaudible)?

6 CHAIR ALDRIDGE: Thank you.

7 MS. SCOTT: Thank you, think about that.

8 CHAIR ALDRIDGE: And, the, last applicant for a,  
9 public testimony, I'm not sure I'm reading the name  
10 correctly. Steven Hookano? Is that correct?

11 MR. HOOKANO: Yes it is. Aloha, my name is Steven  
12 Hookano. I reside in the valley of Aupua  
13 Wailuanui. I'm a taro farmer, substance gatherer.  
14 I know this Upper and Kula in-takes of your agenda,  
15 8B, do not directly affect stream flows in  
16 Wailuanui but it may affect stream flows in  
17 Honopou. However the EMI this system as a whole  
18 does take water away from East Maui taro farmers  
19 and gatherers who have constitutional rights to  
20 have water necessary to support their traditional,  
21 traditions and customs. The Board of Water Supply  
22 should be aware of these rights and help East Maui  
23 taro farmers and gatherers protect their rights to  
24 water by not playing any role to interfere with  
25 those rights. Please consider our rights in any  
26 decision you make that affects diversions of East  
27 Maui streams that would support taro growing or



1 restoration of stream life like the o'opu, opai,  
2 hiiwai, which used to thrive in all the more than  
3 100 streams of East Maui before divergence took  
4 away the water from them. Our traditions are very  
5 important to us. It is a matter of life or death  
6 to us culturally. We are now affecting to enforce  
7 the interim water that BLNR issued on March, 2007,  
8 that is supposed to protect our rights from the  
9 affects of the East Maui Irrigation diversions. We  
10 have been mainly unsuccessful in getting the water  
11 we need under that order because the field monitor  
12 who is supposed to oversee the implementation has  
13 largely been absent. Because all of these delays  
14 in implementing the order, taro farmers are facing  
15 the loss of their crops because of that diversions.  
16 Accordingly, they have begun to exercise their  
17 rights by simply releasing the water, by illegally  
18 diverted, being illegally diverted in Wailuanui  
19 Valley. While Na Moku Aupuni O Koolau Hui did not  
20 plan to encourage this release, it supports the  
21 taro farmers' right to continue their traditional  
22 and customary growing of taro even if it means  
23 releasing the water before the field monitor  
24 arranges it. Too much delay has occurred. Na  
25 Moku, or Wailuanui Keanae and Beatrice Kekahuna and  
26 Marjorie Wallet of Honopou have been, been in a  
27 contested case hearing with the Board of Land and

1 Natural Resources for the past 7 years. The Board  
2 of Land and Natural Resources has not resolved  
3 their claims. Similarly these same parties have  
4 asked the Commission on Water Resources and  
5 Management to amend the interim in-stream flow  
6 standards to restore flow to 27 affected East Maui  
7 streams 7 years ago with no results. Please  
8 support our effects (*sic*) to protect our culture  
9 and our ohana in Wailuanui, Honopou. We hope the  
10 county government plays a supportive role to help  
11 us protect our cultural traditions and provide us a  
12 means to support ourselves during this difficult  
13 economic times. Our attorney has informed us that  
14 he cannot appear directly before you to discuss  
15 these issues without the corporation counsel being  
16 present at the same time, therefore he's not here  
17 to address you. Ahhh. There is enough water in  
18 the system for both the farmers and the county to  
19 get what is needed. At the same time it is EMI who  
20 has not justified the use of their water it is  
21 taking. EMI's own irrigation use numbers show it  
22 is using far excess in what any capable non-taro  
23 farmer uses to irrigate, 2,000 million (*sic*)  
24 gallons per day per acre. In the contested case  
25 hearing, HCS irrigation manager Lee Jakeway  
26 admitted, it is, it is using an average of 17,000  
27 gallons per day per acre during the wet season and

1 34,000 gallons per day per acre during the dry  
2 season to irrigate this sugar fields. We have a  
3 pending waste complaint before the water commission  
4 asking it stop its wasteful use. Aloha, thank you.

5 CHAIR ALDRIDGE: Thank you Mr. Hookano.

6 MEMBER HOWDEN: Lee, Lee, can I comment? To Steven  
7 on (unintelligible)...

8 CHAIR ALDRIDGE: I would advise that since this is  
9 still under litigation that we not...

10 MEMBER HOWDEN: Well, can I ask him a question  
11 then?

12 CHAIR ALDRIDGE: You may ask a question.

13 MEMBER HOWDEN: Ok. It was my understanding that  
14 the hearings officer ordered a return of at least 6  
15 million gallons a day into the streams. Has EMI  
16 complied with that?

17 MR. HOOKANO: As far as we know, the monitor hasn't  
18 been around to actually do his job to go up and  
19 investigate the streams, ah Morris Atta. So right  
20 now we don't even have a monitor to help us have  
21 immediate relief for the taro farmers. It's been  
22 15 months, no sign from him, he just appeared last  
23 week and as you see nothing got done so we as  
24 kanakas we going up there and exercising our rights  
25 to the water. Because, y'know, everyday that pass  
26 we suffer and we cannot go on like this, y'know,  
27 so. It's just a real tragedy to see, y'know, the

1 diversions is, we say we in drought right now but  
2 actually we not. East water irrigation is creating  
3 the drought with the diversions up above. So, it's  
4 about enforcement and right now we just waiting to  
5 see that enforcement take action as far as  
6 releasing that water to the taro farmers so that we  
7 can have immediate relief.

8 MEMBER HOWDEN: Ok, thank you.

9 CHAIR ALDRIDGE: Thank you. Alright let's move on  
10 with the agenda. Agenda item 6, Appeals, Appeal  
11 07-03, an appeal by Thomas Behnke on behalf of John  
12 C. Behnke, Jr., M. D., retired, of the Director  
13 decision/order dated September 7, 2007 to deny  
14 their proposal to connect a new waterline to the  
15 Department's water system to provide fire  
16 protection to their subdivision located at 150-170  
17 Haiku Road. It's my understanding, I was informed  
18 before the meeting that this matter is still under  
19 discussion...

20 MR. BEHNKE: Yeah.

21 CHAIR ALDRIDGE: With the appellant.

22 MR. BEHNKE: Yes, we met with the deputy director  
23 on Tuesday...

24 CHAIR ALDRIDGE: Um, could you please state your  
25 name.

26 MR. BEHNKE: Oh, my name is Thomas Behnke...

27 CHAIR ALDRIDGE: Thank you.

1 MR. BEHNKE: Sorry, oh yeah, that's right. Ah, we  
2 met with the deputy director on Tuesday, ah, he  
3 said that the agreement, draft of the agreement  
4 needs to drawn up by corporation counsel and that  
5 is still in the works.

6 CHAIR ALDRIDGE: Alright.

7 MR. BEHNKE: Oh, sorry.

8 CHAIR ALDRIDGE: Right, so you're agreeable to  
9 deferring this item..

10 MR. BEHNKE: Yes.

11 CHAIR ALDRIDGE: Until the matter gets resolved.

12 MR. BEHNKE: Yes.

13 CHAIR ALDRIDGE: Right, alright. Thank you, Mr.  
14 Behnke.

15 MR. BEHNKE: Ok, thanks very much.

16 CHAIR ALDRIDGE: You're welcome.

17 MR. KUSHI: Thank you, Mr. Behnke.

18 CHAIR ALDRIDGE: I have a question for corporation  
19 counsel. Do we need to continue this item on the  
20 agenda or, in order to preserve the rights of the  
21 applicant?

22 MR. KUSHI: I would so advise, Mr. Chair.

23 CHAIR ALDRIDGE: So, so, so until the matter is  
24 resolved we'll see this item on the agenda on each  
25 wee...

26 MR. KUSHI: Yes.

1 CHAIR ALDRIDGE: Or each month. Alright, thank you  
2 very much.

3 MR. BEHNKE: Thank you.

4 CHAIR ALDRIDGE: Thank you. Unfinished business,  
5 item 8, ah 7, sorry; none. Item 8, Other Business,  
6 I think in view of the request from the, from the  
7 chair of the Water Resources Committee on the  
8 Council, Michelle Anderson, we will take on item,  
9 where is it in the..Oh, it's under Communications.  
10 Item 9, Board of Water Supply Rules regarding  
11 Standards for Fire Protection. It is my  
12 understanding that Lt. Scott English is here and  
13 ah, Scott, if you wish to comment on this.

14 LT. ENGLISH: Good morning Board. Right now I'm  
15 working with the Water Department on the Water  
16 Resource Committee to kinda similize(*sic*) our code  
17 and the new water code that's being proposed to  
18 you, to the Board. As of 2006 we already upgraded  
19 our standards for land use and the, the only change  
20 was in ag and rural, which ag is at 500 gallons a  
21 minute and rural is at 1000 gallons a minute. This  
22 is already taken place in 2006. So, when the Water  
23 Board is writing their codes now, we, I'm  
24 recommending that we try to be consistent so when  
25 people apply for subdivision or for special use  
26 that I'm enforcing the same thing that Water  
27 Department is enforcing. So this research

1 committee has been very helpful and once we get it  
2 clear and done, it's gonna take away a lot of  
3 unnecessary paperwork for future developers and  
4 builders.

5 CHAIR ALDRIDGE: Thank you.

6 DIRECTOR ENG: Mr. Chair, if I may...

7 CHAIR ALDRIDGE: Yes.

8 DIRECTOR ENG: Kinda share with what we've been  
9 doing. I guess we've been meeting over the past  
10 few weeks pretty seriously, communicating quite a  
11 bit. Again, the whole intent is to really become  
12 consistent with the Fire Department, and that  
13 certainly is the direction we are going and looks  
14 to me like we're succeeding. I know committee  
15 Chair Anderson has been pushing these rule  
16 revisions and publication through her committee.  
17 And everyday something's come up that we're  
18 discovering we want to resolve. But basically, the  
19 Fire Department will, I guess, be reviewing all  
20 building permits and taken the lead on determining  
21 fire flow requirements and our role in the future  
22 primarily will be when system improvements are  
23 required to the public system and then we will be  
24 dealing with applicant. But as much as possible,  
25 we like Lt. English and his staff to, and as they  
26 currently do, take the lead on determining fire  
27 protection, 'cause they really know best. Y'know

1 we, y'know, even as Mr. Dantes has indicated  
2 earlier that their, that we've had like the, the  
3 exemptions for various, y'know, first 2 dwellings  
4 on the property and as you can tell from some of  
5 the discussions as that's even created some  
6 confusion and inconsistencies. And our concern  
7 from the Water Department is that particularly in  
8 these outlying areas where we know the water system  
9 is substandard and does the Fire Department have  
10 proper fire flow out there. And there are a lot  
11 areas which they don't so, we're getting, we're  
12 getting pretty close to getting this moved. As far  
13 as today's actions by the Board, I know there are a  
14 few more things my department would like clarified  
15 and some language changes. I don't know if we want  
16 to take it up here. But we certainly would like  
17 hear your comments on this draft, this draft  
18 chapters and then we can also incorporate them  
19 (inaudible).

20 CHAIR ALDRIDGE: Right, at the..thank you Director  
21 Eng. Perhaps we can just go around and ask Board  
22 members to see if they had an opportunity to review  
23 it and thought of any comments they have on this  
24 draft bill. I'm opening it up to Board members,  
25 you should have any comments? Michael, you usually  
26 do.



1 MEMBER HOWDEN: No, but, y'know, I actually have a  
2 question for you, because you're the most  
3 experienced. What do you think of these standards?

4 CHAIR ALDRIDGE: You're, you're asking me?

5 MEMBER HOWDEN: Yes.

6 CHAIR ALDRIDGE: As pres, um, chair of the Board?

7 MEMBER HOWDEN: Well, as a professional water  
8 engineer.

9 CHAIR ALDRIDGE: Well, I think the standards are  
10 fairly universal throughout the mainland and  
11 throughout the country. And, I think the only  
12 question I have is the retroactive application in  
13 some instances. And that's a question I wanted to  
14 direct to the Director that was actually raised by  
15 the gentleman that came today to testify before us  
16 regarding B&B's and TVR's.

17 MEMBER HOWDEN: Yeah, 'cause when you're looking at  
18 fire protection, I would suggest it, it's a more  
19 comprehensive question, y'know, where you live, how  
20 wet the place is, how dry. Y'know, I've lived  
21 Kaupo and Ulupalakua and we always have water  
22 storage. We try to keep our, y'know, our  
23 boundaries protected and the grass cut and stuff  
24 like that. I don't think it's simply a matter of  
25 how much water you can move across. We had a 3/4-  
26 inch agricultural meter and in Ulupalakua, that by  
27 an inch and half line that ran for about a mile, so

1 we had tremendous storage in the line itself. As  
2 well as about 500,000 gallons of storage and  
3 reservoirs and stuff like that. We're always very  
4 aware of water stuff but truthfully our flow would  
5 have been no more than about 40 gallons a minute as  
6 far as I can see. Haa haa. So I, mean, I don't  
7 know how realistic especially in rural areas it is  
8 to think that someone can actually get 250,000 or  
9 excuse me, 250 gallons a minute or even a hundred  
10 gallons a minute.

11 LT. ENGLISH: May I comment on that?

12 MEMBER HOWDEN: Please.

13 LT. ENGLISH: Ok, right now, in our current code  
14 that has been adopted, I know the Water Department  
15 has exemption for fire protection for the first and  
16 second dwelling. Our code does not allow the  
17 exemption. Our code is written that all new  
18 buildings for residential use, needs to be within  
19 500 feet of a hydrant or a standpipe. Basically  
20 within this change to meet our strategic planning  
21 which one of the main option was to get the  
22 Hawaiian Insurance Bureau rating a better rating in  
23 certain areas. And basically the rating, how they  
24 do their rating is, you need to get 1000 gallons a  
25 minute fire flow, you need to be within 500 feet of  
26 a hydrant and then this is from the fire station  
27 will also take, taking place as far as getting a

1 better ratings, so we implement that into our code  
2 by requiring all buildings to be within, within 500  
3 feet of a hydrant or standpipe. We upgraded the  
4 fire flow codes pretty much to match the standards,  
5 the 2002 standards from the Water Department, we  
6 push everything to 1000 gallons a minute or more  
7 except for agricultural. And there is areas that  
8 if you do not have water available then we adopted  
9 an ordinance in eleven forty-two, which is our  
10 water supply for fire protection in rural areas,  
11 and they have an area to, in there to calculate a  
12 tank size that, that you need to be on site, to  
13 have onsite for fire protection in rural areas.  
14 For example a 2,000 square foot house, all wood  
15 construction probably need about a 8,000 gallon  
16 water tank and that's for fire protection and it's,  
17 that's our code. It's already adopted, it's an  
18 ordinance that they've been enforcing for the last  
19 2 years already.

20 MEMBER HOWDEN: Yeah, that, that seems totally  
21 reasonable but how about sprinklers, how do  
22 sprinklers work into this?

23 LT. ENGLISH: Yes, and eleven, eleven forty-two  
24 allows exemption of the water tank if the house is  
25 protected with sprinklers.

26 MEMBER HOWDEN: Great.

1 LT. ENGLISH: So, the, the permit (unintelligible)  
2 land use is pretty much for a new subdivision or  
3 new development, we gonna enforce that  
4 requirements. Subdivisions that already exist and  
5 if they don't do any changes or re-subdividing  
6 they'll maintain grandfathered requirements as they  
7 are. But if they do a change in use on the land or  
8 decide to re-subdivide then we have to apply our  
9 new standards.

10 MEMBER HOWDEN: Thank you.

11 CHAIR ALDRIDGE: Thank you, Michael. Anyone else?

12 VICE CHAIR HOLMBERG: Ah, Mr. Chair? A question  
13 for directed to the lieutenant. Do you know the  
14 rationale, I, I don't know that you would have see  
15 this yet, but I'd been reviewing the fire flow  
16 requirements between various counties and, and I  
17 didn't know if you were aware the rationale for the  
18 differences between the county, if there was  
19 anything, if it was basically historical or if  
20 there was any particular scientific rationale?

21 LT. ENGLISH: I mean, I know with the, the Big  
22 Island because they have a lot of rural areas their  
23 demand is much less than statewide. I think Maui  
24 has pretty much, pretty much the average, Oahu a  
25 little higher in certain areas because their  
26 density of their certain areas, but overall it's to  
27 me on the, just about the, the right figure that we

1 should be enforcing. One of the, say, one of the  
2 main reasons of our ag, it's all about the density.  
3 So residential, it's a 1000 gallons a minute  
4 because if there's a, if a house is burning we're  
5 not only worrying about one house, we're worrying  
6 about the houses on the sides. So, we're using  
7 water to fight one fire and protecting the houses  
8 on the side. And rural now, rural like I said we  
9 can build a house, ohana, we have the density is  
10 greater. Ag hopefully the houses are spread out  
11 further and the lots will, all we have to worry  
12 about is one fire and not exposures so the, the  
13 gallon per minute is less.

14 VICE CHAIR HOLMBERG: And then the other is, is I  
15 don't know who to address this to, but I tried to  
16 do a little research to see why is it the, well I  
17 guess one of the things, Director Eng, that we're  
18 looking is, since we're looking to standardize the  
19 water, I mean with the Fire Department that this  
20 will become a mute point, but I was noticing that  
21 we set our flow standards as recommended by  
22 Insurance Services Office's guide to determination  
23 of fire flows versus what the Fire Department does  
24 and so I take it what we'll be in essence doing is  
25 moving toward just strictly with the Fire  
26 Department.

1 DIRECTOR ENG: We going to move the uniform fire  
2 code.

3 VICE CHAIR HOLMBERG: Ok.

4 DIRECTOR ENG: That the Fire Department utilizes.

5 VICE CHAIR HOLMBERG: Ok. I have no more  
6 questions.

7 CHAIR ALDRIDGE: Thank you, Carl. Anyone else?

8 MEMBER YAMAMURA: Ah, Mr. Chair.

9 CHAIR ALDRIDGE: Yes, Ted.

10 MEMBER YAMAMURA: I'm all for fire protection,  
11 don't get me wrong in this, however, having a bill  
12 that's hypocritical in my opinion where it requires  
13 an action when the infrastructure cannot assure  
14 compliance with that amendment or what have you, it  
15 just seems so hypocritical. I think the bill  
16 should go further whenever we have a situation  
17 where it's amending an ordinance and the  
18 infrastructure cannot assure compliance, that the  
19 bill should also go further an allocate 'X' amount  
20 of monies to the Department so that the  
21 infrastructure can ultimately commit compliance  
22 with any kind of new ordinances or amendments. I  
23 find it disturbing that we've had so many of these  
24 changes coming forth and yet there's no means for  
25 the Department to, to implement these.

26 CHAIR ALDRIDGE: It's the unfunded mandate. Well  
27 taken. I have a specific question, Director Eng.

1 How um, how does this draft bill that has been  
2 presented to us actually deal with the situation  
3 that Mr. Dantes discussed this morning? It appears  
4 that, and I unfortunately was not present at those  
5 Water Resource Committee meetings and so I have to  
6 take Mr. Dantes' word for it that the intent was to  
7 allow existing appli, or applications for new B&B's  
8 and TVR's to be exempt from the application of the  
9 1000 gpm residential flow rate in, in rural areas.  
10 But it would appear that this language doesn't  
11 allow for that.

12 DIRECTOR ENG: Ah, Mr. Chair, yeah, worse, y'know,  
13 still kinda being sorted out. Now in the previous  
14 meeting Mr. Dantes, y'know, I, I think the one  
15 question as posed to me was whether your type of  
16 property should be classified as residential or  
17 commercial. That's one, one of the inconsistencies  
18 and I was open to really allowing the Water  
19 Resources Committee to make that call. I want to  
20 see consistency too. I thought at that time that  
21 the committee was leaning towards residential  
22 classification. Ok, but basically in this draft,  
23 y'know, we really going to follow with the Fire  
24 Department wants to utilize to determine fire flow  
25 when, if I, if I may refer to 14.05.010. It makes  
26 specific reference to the, to the sections of the  
27 county fire code that the Fire Department utilizes.

1 One is section 16.04B.400 or 16.04B.140. The last  
2 one is 16.04B.140, is basically this table using  
3 land use classifications to determine minimum  
4 requirement for fire flow, hours of duration for  
5 fire, minimum water main size and minimum fire  
6 hydrant spacing. But Lt. English also can use and  
7 calculate buildings utilizing what's referred to  
8 16.04B.400 which is what he calls Appendix 3A of  
9 the Uniform Fire Code and this is, he will use the  
10 calculation or table based on square footage and  
11 building construction materials. And one thing I  
12 want, the Department is, that we want to require  
13 the greater fire flow requirement resulting from  
14 the 2 methodologies that Lt. English would utilize.  
15 So, it could result in something higher. Yes, Mr.  
16 Dantes and I think what was, you thought maybe was  
17 being inferred in a previous committee meeting.  
18 Again, I wasn't looking at whether it was going to  
19 be higher or lower. My main concern was being  
20 consistent with the Fire Department, what their  
21 needs are. And I will certainly defer the fire  
22 flow requirements to the Fire Department. I think  
23 that's probably the direction that Fire Department  
24 should take, we shouldn't really be the experts in,  
25 in requiring what is needed to fight fires so. I,  
26 y'know, I'm glad we're becoming consistent, that  
27 wasn't focused on whether it's gonna be a harsher



1 requirement or lesser requirement for the  
2 subdivider or a building permit applicant.

3 CHAIR ALDRIDGE: I don't wanna beat a dead horse  
4 but I want to follow it through on a hypothetical  
5 application on this rule as it is presently  
6 proposed and on the issue of the, let's say an  
7 application for a bed-and-breakfast or TVR, where  
8 it is in rural district and it is a single-family  
9 dwelling presently but as Mr. Dantes had then  
10 suggested perhaps they wanted to rent out one of  
11 the, on a temporary basis, one or two of the  
12 bedrooms as a B&B. So this permit application as I  
13 understand it, would then go to the Fire Department  
14 as part of the process for review as to adequacy  
15 of, of the fire flow?

16 DIRECTOR ENG: Maybe Lt. English can address that  
17 what the procedure is for it. This is what would  
18 be for one of the conditional use permits.

19 CHAIR ALDRIDGE: Right.

20 LT. ENGLISH: Yes, the, the Planning Department  
21 will route those applications to Fire for our  
22 comments.

23 CHAIR ALDRIDGE: Correct. Let's, let's say that in  
24 this hypothetical situation the structure is  
25 presently served by standpipe only capable of  
26 delivering 250 gallons a minute, what would, you  
27 would review its adequacy and, and if you determine

1 that it requires more than 250 gallons a minute,  
2 those comments would come back to Fire or to the  
3 Water Department? Because the Water Department  
4 then would have to, to require the applicant to  
5 increase main size to, to deliver sufficient flow.

6 LT. ENGLISH: Right now we, we pretty much letting  
7 the B&B and transient rentals just follow the  
8 current code of being within 500 feet of a hydrant  
9 and standpipe. I think Water Department is  
10 treating them commercially right now and like I  
11 said that's their code that they're trying to  
12 enforce. With this Water Resource Committee we're,  
13 it's, this is just a draft, we're still working on  
14 maybe getting a proper language to how we're gonna  
15 treat these, these special use, special condition  
16 permits. I wasn't involved in that workshop back  
17 in 2002 to try and get all these special use  
18 permits permitted. And during that workshop  
19 because the vacation rentals are allowed by Maui  
20 County Code in residential areas and apartment  
21 zoned areas and those fire flow requirements are at  
22 1000 gallons a minute. We, we wanted to just  
23 enforce the 1000 gallons a minute for all the bed-  
24 and-breakfast because it's allowed in residential  
25 areas which we require 1000 gpm, so during that  
26 workshop which like I said we worked very hard but  
27 for some reason it never got into (unintelligible)

1 Planning Department. One of the main planners  
2 retired and that's workshop and all of the work  
3 that (unintelligible) just went down the tubes  
4 with, with her retirement. So it's kinda like I  
5 said what is right, what is fair, there's never  
6 gonna be right and fair for some people in some  
7 eyes. If, if a person comes in for a bed-and-  
8 breakfast in a residential area and they, older  
9 residential area that doesn't have the property  
10 fire flow we now make 'em put the 1000 gpm there.  
11 So is it fair for him to do it and someone in ag  
12 not to do it? Same business.

13 MR. KUSHI: Yeah, um, Mr. Chair. Maybe I can shed  
14 some light for the board members. My understanding  
15 is this and, and I'm referring to a discussion on,  
16 you, it's on page two of the proposed ordinance,  
17 subparagraph F, regarding TVR's and bed-and-  
18 breakfasts. Now, now this is a hybrid type of  
19 permit. And it's, it's still evolving. The  
20 Council is wrestling with their TVR bill right now.  
21 And, but you have to understand that these are not  
22 per se zoning classifications except for, my  
23 understanding, bed-and-breakfast it's allowed in  
24 hotels, hotel zoned, one of 'em, hotel zones. But  
25 that's stretching the, the reality. These, these  
26 applications come even ag, rural or residential  
27 properties, zoning properties. But, the Water

1 Department nor the Fire Department, they don't  
2 issue these permits, it's the Council, through the  
3 Planning Commission. It's like a conditional use  
4 permit. But these departments do, when these  
5 permits come up before the Council, they make  
6 recommendations. To date, my understanding is that  
7 Fire Department will make some sort of  
8 recommendation and allow them to even use  
9 sprinklers. Water Department considers them to  
10 now, businesses on a commercial standing. So they  
11 would say, y'know, oh, if you wanna pass this  
12 permit make 'em go to 2,000, 2,000 gpm, y'know. So  
13 that's, I can see why Dr. Dantes and his gang got  
14 upset, y'know. But again, to, to conform it we  
15 wanna get on the same page in the recommendations  
16 to the permitting body when they look at these  
17 permits. Now, maybe Council would, y'know, create  
18 another zoning district or TVR districts, we don't  
19 know. That hasn't happened yet. But these are  
20 hybrids. They go on a case by case basis and what  
21 the departments are trying to do, be on the same  
22 page as far as what the recommended requirements  
23 will be. Now, whatever they require, the Council  
24 can say no. They have the discretion to say no,  
25 no, no. That's too high or that's too low. They  
26 can commission these permits accordingly. But we  
27 wanted to get away from the sole, the variance that

1 has happened in the past. Now, the bill before  
2 you, Dantes is correct. Initial draft was a, the  
3 requirements were in terms of land use districts,  
4 zoning districts and the zoning districts are  
5 different from the land use requirements at the  
6 bottom of page 2. Ok. The bottom of page 2, you  
7 look at the minimum water service requirements, the  
8 furthest left hand column is based on land use.  
9 Initial draft was based on zoning districts. Ok  
10 so, we're on the same page as the Fire Department.  
11 And they are, they have been increased from what  
12 the Water Department has been using all along in  
13 their subdivision requirements. So that is my take  
14 or my understanding of what has happened to date,  
15 what in, in Michelle Anderson's sub-committee  
16 council meeting.

17 MEMBER YAMAMURA: So, what you're saying is that if  
18 I have an apartment zoned land, but I'm using it  
19 for ag, I'm gonna be under the ag rule? You're  
20 here to talking land use versus zoning. You have  
21 be very clear.

22 MR. KUSHI: You have an apartment in an ag zone?

23 MEMBER YAMAMURA: No, if I have an apartment zoned  
24 land, piece of land and I'm using it for ag  
25 purposes, so now do I fall under ag or do I fall  
26 under apartment? If, if you're talking about land  
27 use...

1 MR. KUSHI: Yeah.

2 MEMBER YAMAMURA: And you have urban, ag and  
3 conservation I believe, versus zoning.

4 MR. KUSHI: If you come in, ok, the bottom of page  
5 2 it lists the minimum service water, minimum water  
6 service requirements, this falls under the  
7 subdivision requirements, so if you have a ag, if  
8 you come in for a subdivision and you're not gonna  
9 use, you not gonna build an apartment, are you  
10 saying that? First they'll look at the, first the  
11 Department will look at the zoning district, but  
12 then they will look at the actual land use. Now,  
13 if you saying that you have a, apartment zoned  
14 district, you come in for subdivision and you going  
15 to make farm lots; that might be an issue. I can't  
16 see anybody doing that, but..

17 MEMBER YAMAMURA: Yeah, maybe was a little stretch  
18 but..

19 MR. KUSHI: Yeah.

20 MEMBER YAMAMURA: If you're using, if the use is  
21 other than what was underlined zoning is, what will  
22 you go?

23 MR. KUSHI: If the use is a lesser use?

24 LT. ENGLISH: I think, give you an example that,  
25 back in 1990, the County acquired some land from  
26 Haleakala Ranch when they needed some county  
27 housing project. The land today is still

1 agriculture but I think they made hundred and five  
2 or six residential lots, so we enforced the  
3 residential standard even though the land is still  
4 ag. The land use went to residential, I think to  
5 R-2 zoning, 7000 square foot lots. The land is  
6 still zoned ag but the land use went to residential  
7 so we enforce the residential standards.

8 MEMBER YAMAMURA: Oh, so the land use determines  
9 where you fall.

10 LT. ENGLISH: That's how that subject was designed,  
11 yes.

12 MR. KUSHI: But Scott, I think he's saying the  
13 reverse.

14 MEMBER YAMAMURA: Yeah, I was looking at if from  
15 the reverse point.

16 MR. KUSHI: Well, I would recommend the Department  
17 go to the higher standard, 'cause it's a permitted  
18 use to put it into, y'know, commercial, I mean  
19 apartment building in that zoning district.

20 CHAIR ALDRIDGE: Y'know, it's difficult to comment  
21 on this draft, when it seems like it's such a  
22 continuing work in progress. I guess I just, my  
23 basic question is it, is it the intent of the Fire  
24 Department to retro-fit as opposed to  
25 grandfathering any kind of conditional use permit  
26 applications for TVR's in say rural agricultural  
27 areas?

1 LT. ENGLISH: At the current time we don't have any  
2 code in, I mean, anything in our fire code that  
3 address the vacation rentals and bed-and-breakfast.  
4 When we adopt our next code in about a year and  
5 half, we gonna put language that address it and we  
6 working on what, how we gonna write that article  
7 out. That's why we have this committee. So  
8 whatever the Water Department is gonna do, we'll,  
9 y'know, amend it into our code. Right now, our  
10 code does not address the transmission(sic) rental  
11 and bed-and-breakfasts.

12 CHAIR ALDRIDGE: Ok, thank you. Are there any  
13 other comments? Y'know, I had a couple of comments  
14 when I just looked at this draft and one was that  
15 since this draft will replace the current sections  
16 2.3, 2.4 and 3.1, the question that came up in my  
17 mind was that there was never a definition of what  
18 districts meant. I mean, it's, it's referred to in  
19 the draft bill first under 14.04.010 sub-heading E,  
20 second sentence. It says, y'know, "developer in  
21 all districts" but there's no definition on what  
22 that is. Is that land use, zoning or what is it?  
23 And then again it's referred to in 14.05.020,  
24 "subdivision in all districts" and it isn't clear  
25 what that word refers to. I think there should be  
26 a definition. Also, it seems as if "minimum water  
27 service" is somewhat of a mis-statement or



1 misnomer. Isn't it "minimum fire protection  
2 requirement" and the "minimum flow" is listed in  
3 gpm and "minimum duration of storage" is listed in  
4 hours.

5 DIRECTOR ENG: You're right. I mean, just to be  
6 sharp here, it was actually originally "minimum  
7 fire flow"...

8 CHAIR ALDRIDGE: Right, I know, right.

9 DIRECTOR ENG: "Requirements" and then...

10 CHAIR ALDRIDGE: But as it's now written it's  
11 rather confusing...

12 DIRECTOR ENG: Yeah, and then we added the water  
13 main, the minimum water main sizes, y'know.

14 CHAIR ALDRIDGE: My recommendation should be change  
15 "water service" to "fire protection", 'cause this,  
16 y'know, you're not requiring 500 gallons a minute  
17 fire, water service. I also noted that basically,  
18 all mains below 6 inches have been eliminated in  
19 our existing...

20 DIRECTOR ENG: Yeah.

21 CHAIR ALDRIDGE: Yeah. Well, I'm, I think that  
22 we've been asked to respond with recommendations  
23 and it appears to me that it's a difficult, other  
24 than the few that I've pointed out to you to make  
25 any real specific recommendations when this is such  
26 a continuing work in progress and I think I'll, if,  
27 if, unless there's ah objections from board

1 members, I'll simply respond to the Water Resource  
2 Committee chair indicating that we'll defer to the  
3 on-going work between the Department staff and the  
4 Fire Department.

5 DIRECTOR ENG: I think whatever little comments you  
6 do have...

7 CHAIR ALDRIDGE: I will provide.

8 DIRECTOR ENG: Please, yes, we appreciate that  
9 because we, we're pretty close. I know I begin,  
10 what is this, what then, bed-and-breakfast and  
11 TVR's that's not gonna be finalized for a while.  
12 We still have some discussions earlier this week  
13 about the number of bedrooms and that's being  
14 looked at by another committee that, probably that  
15 other committee will determine, y'know, standards  
16 over that. Regards to the Department and the Fire  
17 Department, yeah, we're real, real close to coming  
18 to some kind of consensus in what we wanna see.  
19 So, I think it's gonna work out real well, y'know.

20 CHAIR ALDRIDGE: Thank you, Director Eng. There  
21 being no other comments, we'll move on to the next  
22 agenda item. We'll go back to Other Business and,  
23 let's see. In light of the fact that we have Mr.  
24 Garrett Hew, let, let us take item B, under 8,  
25 Other Business, Discussion regarding the  
26 maintenance of Upper and Lower Kula in-takes at

1 this point in time, if there's no objection by the  
2 Board.

3 (silence)

4 MR. HEW: Good morning, Director Eng and Board  
5 members. My name is Garrett Hew. I'm the Water  
6 Resources Manager for HC&S and with me this morning  
7 I have Mark Vaught, our EMI Operations Manager, and  
8 Rick Volner, Jr., Senior Vice President of the Ag  
9 Group at HC&S.

10 CHAIR ALDRIDGE: Thank you. I think at one of our  
11 previous board meetings Member Howden had raised  
12 some questions about the level of maintenance  
13 that's going on, both, primarily I believe, I don't  
14 wanna take words or put words in your mouth.  
15 Perhaps you should identify what it was that you  
16 had perceived and sharing with, Director Howden, I  
17 mean Member Howden.

18 MEMBER HOWDEN: Thank you. Mr. Hew, when we were  
19 given the tour of the Waikamoi in-take system, not  
20 only was it in horrid condition, pretty  
21 dysfunctional in terms of leaks, but the, when we  
22 were there, we happen to be there, I think it was  
23 Carl and I, on a day when your maintenance guy came  
24 by and evidently he comes by, I guess, once a week  
25 for a few hours. But when he cleaned the in-takes  
26 and, and this is reported a lot by Paul Seitz, who  
27 was our tour guide, but we could see like on the

1 decaying walkways leading to the actual in-takes,  
2 when he would clean them, he would just dump the  
3 organic matter on the walkways which were already  
4 rotting. And it didn't, it didn't seem that,  
5 y'know, really much effort was going in to making  
6 sure the in-takes were open. Some of them were I  
7 think at that point inaccessible because of erosion  
8 and I had fundamental questions given that EMI, HCS  
9 doesn't pull water from either the Upper Kula or  
10 the Lower Kula system in-takes, that all your water  
11 comes from the Wailoa Ditch or below. Why you were  
12 maintaining these systems and what your actual  
13 interest was in these systems and, and why you  
14 wouldn't have simply deferred to the County to  
15 maintain those 2 systems.

16 MR. HEW: Ah, that's a good question and I think if  
17 we go back in history, back in the 60's the Water  
18 Department used to maintain both the upper Waikamoi  
19 flume and the lower pipeline at that time, and I  
20 believe when you took the tour you're referring to  
21 the Waikamoi upper flume system.

22 MEMBER HOWDEN: Yes, yes.

23 MR. HEW: And back in 1973, the Board of Water  
24 Supply at that time and also HC&S and EMI went and  
25 got an agreement that EMI would take over the  
26 system. First of all the flume was a 1 by 1 by 1  
27 redwood flume system, at that time we, EMI re-built

1 that system to a little bigger flume system. I  
2 believe it was 18 inches wide versus a foot wide.  
3 So we improved the whole Waikamoi system at that  
4 time. And the agreement was for EMI to maintain  
5 that system, which we did and I believe that was,  
6 that was in 1973. Our interest in that system and  
7 you're absolutely correct, we do not access any  
8 water off of that system per se for our sugarcane  
9 cultivation. I think what was happening, what I  
10 was told was that the system was in very, very much  
11 disrepair at that time and what was happening was  
12 that all of that water that could have been  
13 captured at that high level at 4200 feet and 3200  
14 feet, was not being fully captured and what was  
15 happening was that the Water Department at that  
16 time was pumping more water from Kamole up to the  
17 Upper systems and that was a, I believe a very  
18 taxing thing to do at that time with power and  
19 lifting and every thing else, so it was, it was I  
20 believe to both the Board of Water Supply and HC&S,  
21 for us, for EMI to go up there, maintain that  
22 system so that you could capture the water at the  
23 higher level which was a more value to everybody  
24 instead of for the Water Department to, to pump  
25 that water uphill and access it from the Wailoa  
26 Ditch at, at the Kamole Treatment Plant. So that

1 was my understanding of how this whole this  
2 arrangement came to be.

3 MEMBER HOWDEN: Would, would EMI, why does EMI  
4 continue to maintain it? I mean, what is your  
5 present interest, is it simply a contract for in  
6 exchange for water credits or...

7 MR. HEW: As far as maintaining it, we've been  
8 operating as such for, from 1973. We don't have  
9 any water credits per se. I don't know what you're  
10 talking about.

11 MEMBER HOWDEN: Well, I'm talking about the MOU, as  
12 most recently revised I think under the  
13 chairmanship of Elmer Cravalho. Was my  
14 understanding that you were paid a certain amount  
15 or, or is EMI, EMI certainly is reimbursed or paid  
16 for...

17 MR. HEW: The, the work that we do up there, how it  
18 works is that we maintain that system, both the  
19 Upper Waikamoi system and the lower pipeline and  
20 in, in addition to our Wailoa Ditch and the other  
21 ditches, which the County accesses water, upper  
22 flume, lower pipeline and from the Wailoa Ditch.  
23 The County pays us a transportation fee of 6 cents  
24 per thousand for water that they access from those  
25 systems. And as far as water credits, I'm not sure  
26 exactly what you're...

1 MEMBER HOWDEN: Ok. I'm, I'm just, y'know, the  
2 semantics are, y'know, somewhat confusing in this.  
3 You think the Waikamoi flume system is adequate in  
4 terms of capturing water for the Upper Kula system?

5 MR. HEW: I think it needs work and I believe the  
6 Water Department has been working up there. They  
7 called upon EMI on many occasions to assist with  
8 the landslides, with the other transport of  
9 material and other things, whatever that we can do.  
10 Coming to mind, just several years ago we had  
11 improved the road going in, working together with  
12 the Water Department, just to get access into that  
13 area.

14 DIRECTOR ENG: Ah, excuse me, Member Howden, if I  
15 may note, look at Bobby Vida's June report. He  
16 indicates a construction that he replaced a 100  
17 feet of that flume in June. So there's been a lot  
18 of work and a lot those rotten sections, again as I  
19 mentioned to you, this body, before that we are  
20 planning to probably rebuild that flume in a few  
21 years. Y'know, we're doing a safety line project  
22 first for the workers. That's been designed. It's  
23 gonna be bid out constructed and probably next  
24 year's CIP budget we'll put in for a design of a  
25 new flume. So we're probably looking at a few  
26 years out before we, we will probably rebuild that  
27 flume and we're gonna be obviously looking at other

1 materials too, so it's, it's foremost on our minds,  
2 y'know, it has to be funded but it's a project that  
3 we're not putting off, we know we need to deal with  
4 it.

5 MEMBER HOWDEN: Yeah, it would seem, I mean, y'know  
6 Mr. Hew agrees and Carl Freedman of the Water Use  
7 and Development Plan, that they have water at head  
8 at 4200 feet. It's extraordinarily valuable to the  
9 County. And y'know, I personally think that every  
10 effort should be made to capture whatever we can  
11 capture from those upper systems. And given that,  
12 that water from the Upper and Lower Kula systems  
13 will be supplying the Hawaiian Homes Land in  
14 Waiohuli and Keokea, y'know, some of, some of the  
15 concerns of East Maui residents may be mitigated,  
16 maybe, y'know I can't speak for them, but y'know,  
17 there's a certain balance in, in the access to  
18 water and it seems like we somehow don't have that  
19 at present. And that's what I'm looking for, I'm  
20 looking for a water system that begins to work,  
21 especially for Upcountry. It seems that the  
22 emphasis has really been on refining and augmenting  
23 the Wailoa Ditch and that in-take system, whereas,  
24 Waikamoi certainly, I, I don't know about lower  
25 pipeline. We've never been able to visit that,  
26 y'know, can we visit that sometime as a board?  
27 Y'know, I mean.



1 MR. HEW: I'm sure that we could arrange for  
2 something..

3 MEMBER HOWDEN: Yeah, I mean that would be really  
4 helpful, 'cause y'know, we kinda shooting in the  
5 dark here. Can I ask a question about the water  
6 use, ah Steven mentioned that, the figures that he  
7 quoted were something like 17,000 gallons a day per  
8 acre in wet season and 34,000 a day in wet season  
9 (sic), will you comment on that?

10 MR. HEW: Y'know, I'm not directly involved with  
11 that and I think that those are issues before the  
12 Water Commission so at this time I'm gonna not  
13 comment on that.

14 MEMBER HOWDEN: Yeah, ok. When you were here last  
15 time, about a year ago, I asked you about the, I  
16 guess the hearings officer had ordered HC&S, EMI to  
17 return 6 million gallons a day into the streams.  
18 Has that happened yet or, or...

19 MR HEW: Y'know that's, that's digressing from the...

20 CHAIR ALDRIDGE: Yeah, I think...

21 MR. HEW: The board agenda.

22 CHAIR ALDRIDGE: Yeah, I would ask, Michael, that  
23 we just refrain from..

24 MEMBER HOWDEN: Sure.

25 CHAIR ALDRIDGE: Questions that are still part of  
26 the litigation. I have a question, Mr. Hew. In  
27 terms of maintenance, I had the opportunity, I

1 think, and all the board members did about a year  
2 ago to walk that upper flume, which was quite  
3 interesting, and I noticed at the time, in fact it  
4 was pointed out to us by our tour guide, Paul  
5 Seitz, that there were areas where that were being  
6 affected, the sphagnum or moss was being eaten by  
7 wild boars, and I'm just wondering if that is a  
8 continuing problem or, or is that being controlled  
9 or under control.

10 MR. HEW: That area is all conservation and as far  
11 as EMI is concerned, hunters do go in that area.  
12 We have people from our staff, I believe, routinely  
13 hunting in that area. Y'know, pigs are very, very  
14 evasive and y'know, they cause a lot damage, but I,  
15 I'm not a pig hunter myself, but I do know that  
16 people do hunt in that area.

17 CHAIR ALDRIDGE: Yeah, I was just wondering whether  
18 or not in, in any of your folks have been out there  
19 in the recent maintenance activities have noticed  
20 whether there was any improvement or is more or  
21 less the same.

22 MR. HEW: That I'm not sure of.

23 CHAIR ALDRIDGE: You do also, you folks also  
24 maintain the collection systems that are  
25 collaterals coming into the upper flume as well?

26 MR. HEW: We, we maintain all of the system from  
27 Waikamoi Stream all the way up Haikuena, so that

1 includes Waikamoi Stream, Puu Hokumua and Haikuena  
2 on the upper flume.

3 CHAIR ALDRIDGE: Thank you. Any other questions?

4 DIRECTOR ENG: Y'know, I, I'd like to offer some..

5 CHAIR ALDRIDGE: Yeah.

6 DIRECTOR ENG: Information to the Board, just, I  
7 just want everyone to realize that we do work in  
8 partnership with EMI closely, particularly during  
9 this drought period. Y'know, this past week we've  
10 had a lot of rain, it's been raining as you can see  
11 in the daily reports. I guess there's over a  
12 hundred million gallons per day and today it's  
13 pretty high also. But y'know, a couple weeks ago  
14 it's terrible. Y'know, it went back down to 11 and  
15 12 million gallons per day going through that ditch  
16 and y'know, a lot of things have been happening at  
17 that point y'know, Piiholo Reservoir was going  
18 down, so we had to kinda maintain that capacity by  
19 y'know, speeding, pumping up from Kamole, so  
20 eliminating the basically the Piiholo production,  
21 really focusing on, what we're really trying, we're  
22 trying ramp up Kamole, but there wasn't much more  
23 in the ditch, y'know, but we're trying produce  
24 about 5 to 6 million gallons per day. And that's  
25 challenging at that point because, y'know, the  
26 membranes require a lot of cleaning, y'know, the  
27 upper's been really hustling. So of that 11 or 12

1 million gallons y'know, we were taking 5 or 6 at  
2 Kamole right there. And then, and again, beyond  
3 the plants, water flows into this Hamakua Ditch  
4 that feeds Kula Ag Park. And we're required to  
5 keep those farmers going too, so those and they're  
6 not well designed and we're looking at re-designing  
7 them but y'know there's a lot of cavitation if you  
8 don't feed water fully and keeping them pretty much  
9 fully charged, those pumps so you need a million  
10 and a half to 2 million gallons just to keep them  
11 going and operating. So the plantation, you  
12 sacrifice. And then y'know, if they went to the,  
13 really the terms of their MOU and agreement, they  
14 can tell us to take less at Kamole. But they've  
15 been real good during those real difficult drought  
16 periods to allow us to produce what we need for  
17 the, for our domestic needs Upcountry so. I'm  
18 certainly appreciative of that. So, yeah we  
19 really, really, really struggled and I think from  
20 all what I've heard based on the Wailoa Ditch, that  
21 was the month of June, that was lowest, that was  
22 like one of the lowest they've ever seen. That's  
23 like a 20% of median flow for that month and then  
24 even the USGS has some data I think on Honopou  
25 Stream. I think that indicated it was 20% of  
26 historical median. So, anyway the drought has  
27 actually pretty much worse than really, it's not

1 really getting the media attention as it did last  
2 year, but something that y'know, I'm kinda  
3 concerned like when this rain kinda terminates and  
4 we struggling again in the summer how difficult it  
5 might be, so I just wanna let everyone know that  
6 we're working closely with EMI and we're getting to  
7 the point our efforts are certainly (inaudible).

8 CHAIR ALDRIDGE: Thank you. I noticed also from  
9 the Upcountry water reports that even, even last  
10 year the lowest flows in the Wailoa Ditch never  
11 went below about 25 million gallons a day, whereas  
12 this year we've had many days when it was down  
13 between 11 and 12.

14 DIRECTOR ENG: You're absolutely right. I think in  
15 last year, maybe there was only a couple of days at  
16 25.

17 CHAIR ALDRIDGE: That's correct. Most of the time  
18 it's up around 30 or 40...

19 DIRECTOR ENG: Yeah, you're right.

20 CHAIR ALDRIDGE: Any other questions for Mr. Hew?  
21 (silence)

22 CHAIR ALDRIDGE: Thank you very much for coming  
23 and...

24 MR. HEW: Thank you.

25 CHAIR ALDRIDGE: Spending time with us. Appreciate  
26 it. Let's take a 10 minute break at this time and

1 we'll come back and, and go through the agenda as  
2 it is listed. Thank you.

3 (The meeting recessed at 10:21 a.m.)

4 (The meeting resumed at 10:42 a.m.)

5 CHAIR ALDRIDGE: Alright. Meeting is back in  
6 order. Item 8, Other Business, item A, Discussion  
7 and Update regarding the Upcountry Water System and  
8 Drought Condition.

9 MS. KRAFTSOW: I thought I was supposed be doing  
10 the West Maui Availability.

11 CHAIR ALDRIDGE: Oh...

12 MS. HAYASHIDA: Yeah.

13 DIRECTOR ENG: Want me get "A" real quickly...

14 CHAIR ALDRIDGE: Yeah, let's...

15 MS. HAYASHIDA: Oh.

16 CHAIR ALDRIDGE: We'll come, let's just cover "A"  
17 real quickly.

18 MS. KRAFTSOW: Ok.

19 CHAIR ALDRIDGE: I've been taking so many things  
20 out of order that I, I went into order and messed  
21 it all up.

22 DIRECTOR ENG: Before I recessed I did touch a  
23 little bit on the Upcountry situation couple weeks  
24 ago. And as you can see it's really covered during  
25 these recent rains so. Actually, looking pretty  
26 darn good right now, y'know. What we're also have  
27 been is 2 weeks ago we started preparing H'poko

1 wells. Again, we cannot utilize them for  
2 ordinance, for human consumption but y'know, we can  
3 pump them into, to the ditch and that basic ditch  
4 is the one that does serve the Kula Ag Park. And  
5 it is being prepped by Joe Mendonca of our Plant  
6 Operations Division. And for your information it  
7 would go through the GAC treatment, even though,  
8 y'know, by the time it got blended and, and it's  
9 all a ball of chemicals anyway, the contaminants,  
10 but just if anyone had any concerns, it does go  
11 through the GAC. So, right now your Upcountry is,  
12 is looking pretty good but I guess it's gonna be  
13 drier as the year, as the week proceeds so we'll  
14 just hang on for the rest of the summer and we'll  
15 do the best we can. But again we're getting a lot  
16 of cooperation from EMI too, so. We're real  
17 thankful for that. So that's all that I have.

18 CHAIR ALDRIDGE: Alright. Thank you, Director Eng.

19 MEMBER LUCK: I have a quick question.

20 CHAIR ALDRIDGE: Yes, Scott, please.

21 MEMBER LUCK: A really basic question.

22 DIRECTOR ENG: Sure.

23 MEMBER LUCK: So, when the, when the flow in the  
24 ditch increases in this extent, is there just a  
25 time lapse until there's in-take into the other,  
26 into the reservoir so there, so we'll see more,  
27 more storage, over time so that the total, the

1 total storage is a hundred and two so went up 10  
2 despite the fact that we had huge increase in the  
3 Wailoa Ditch and I see that..

4 DIRECTOR ENG: Ok.

5 MEMBER LUCK: So we weren't, we weren't pumping as  
6 much and everything but is there just over time  
7 more of the water's gonna be stored or just takes  
8 time to go through?

9 DIRECTOR ENG: On, well, ok, these are 3 distinct  
10 systems.

11 MEMBER LUCK: Yeah.

12 DIRECTOR ENG: Ok, so Wailoa is Kamole..

13 MEMBER LUCK: Yeah.

14 DIRECTOR ENG: That's a primary source of water for  
15 Upcountry and for, for the plantation, HC&S. Ok.  
16 Waikamoi and Kahakapao is the upper system and as  
17 Mr. Hew indicated that's the highest elevation,  
18 around, the in-takes are around 4200 foot  
19 elevation, and, and so therefore, even sometimes  
20 when it's raining and we're getting some flow even  
21 into Piiholo Reservoir, which is our Lower Kula  
22 system, the rain clouds aren't that high. In fact,  
23 sometimes that system's a little bit too high, 4200  
24 feet elevation, y'know, but it is capturing real  
25 high rainfall at those in-takes. But the Piiholo  
26 Reservoir at the Lower Kula is, is kinda key, it's  
27 around 30, 3000 and 3200 foot elevation. And those



1 rain clouds tend to like accumulate between that  
2 3200 and that 4200 foot elevation, so, usually the  
3 in-take, in-flow is pretty good. It's been really  
4 good this past week there. That's why prior to  
5 this week, we were pumping water up from Kamole  
6 into Piiholo Reservoir. If you look at pumping,  
7 the column that says "Kamole to Piiholo", see as  
8 the week proceeded we stopped pumping. But y'know,  
9 really those are wrapped, y'know, directly to, to  
10 the rain conditions, those 2 upper systems, Upper  
11 Kula and Lower Kula, so rain stops there's no in-  
12 flow. Wailoa Ditch though, y'know because it's  
13 such a(sic) extensive collection system, starting  
14 at Nahiku, it does have more in-takes, more streams  
15 feed into it so, you should still see in-flow and,  
16 and levels at, at that system there.

17 MEMBER LUCK: So just from a basic standpoint, the,  
18 all the water that's going through is kinda just  
19 getting distributed all over because there's so  
20 many, so many streams and everything that's going  
21 through and then it's sinking into groundwater of  
22 some sort.

23 DIRECTOR ENG: Yeah.

24 MEMBER LUCK: Ok.

25 CHAIR ALDRIDGE: Any other questions?

1 MEMBER LUCK: Well, I guess what, what I'm leading  
2 here is, is there any way to capture more of it,  
3 efficiently.

4 DIRECTOR ENG: But that's why we have a plan to  
5 develop that large reservoir...

6 MEMBER LUCK: Right.

7 DIRECTOR ENG: That would be the Lower Kula system,  
8 Piiholo Reservoir, because, again that has quite a  
9 bit of rain at that elevation. Again, we could  
10 treat the water at elevation, y'know and maybe even  
11 have some hydro-electric opportunities in the  
12 future as we drop water down so, and then it would  
13 serve the Lower Kula farmers. Lower Kula system  
14 primarily serves even Hawaiian Homes too, at this  
15 time so. It's a pretty good location for a large  
16 storage reservoir at this time.

17 MEMBER LUCK: So with that storage reservoir there  
18 might be more of a direct correlation between  
19 increase in storage and flow in Wailoa Ditch,  
20 potentially.

21 DIRECTOR ENG: Nnnno.

22 MEMBER LUCK: No?

23 DIRECTOR ENG: No, those are not really related.

24 MEMBER LUCK: Ok. Just in general if there's more  
25 rain then there should be more...

26 DIRECTOR ENG: We need rain. Rain is...

1 MEMBER LUCK: Then there'd be more storage if we  
2 had more stores (inaudible).

3 DIRECTOR ENG: That's a yes.

4 MEMBER LUCK: Ok.

5 DIRECTOR ENG: Yeah, yeah.

6 MEMBER Luck: Alright, thanks for the basic lesson,  
7 appreciate it.

8 MEMBER ROBINSON: Has, has the site been chosen yet  
9 for the new reservoir?

10 DIRECTOR ENG: There's been 3 or 4 sites proposed.  
11 Our, our engineers have, have a favorite. And, so  
12 that's the one we're currently proposing. If the  
13 federal funding comes through though, I think we  
14 may even want to even explore some other sites that  
15 we may have, might be more expedient to develop.  
16 Right now a lot of these are way into the forest  
17 area. Again, the sites are good. We can utilize  
18 existing transmission lines, that's, because a lot  
19 of the other proposals require also new  
20 transmission lines and where they had hydraulic  
21 issues. But, but yeah, right now we do have it  
22 basically a site for it.

23 MEMBER LUCK: I have one more question and it's  
24 slightly off topic, is that ok?

25 DIRECTOR ENG: Sure.

26 MEMBER LUCK: Ok, I believe that in West Maui, I  
27 think it's the Westin, could be one of the

1 different time-share companies, are advertising  
2 that they're building a self-sustaining, self-  
3 sustaining environment which includes a  
4 desalinization plant, are you, are you familiar  
5 with that at all?

6 DIRECTOR ENG: I know just a little bit. That's  
7 one of the new Starwood Properties, and y'know, we  
8 don't have the capacity to serve them, I think the  
9 idea of (inaudible) developing years ago initially.  
10 I know that Kaanapali Water System currently  
11 doesn't have enough to serve them, they may.  
12 They're looking at one, is that they're located  
13 right across the street from the Lahaina Wastewater  
14 Treatment Plant, so they have opportunities for  
15 probably for irrigation. They are going to do a  
16 desal. I think they're going to drill wells on the  
17 property. It's gonna be not brackish but...

18 UNKNOW VOICE: Sea water?

19 DIRECTOR ENG. Just called sea water, so a lot  
20 power requirements. They're gonna use that for,  
21 for political reasons and cooling and, I don't  
22 know, have all the details but seems like a, be  
23 pretty high power consumption.

24 MEMBER LUCK: It sounds interesting. I was just  
25 curious if, if there's any way the Department can  
26 least in a periphery way, see what they're doing or  
27 do they have access...

1 DIRECTOR ENG: Yeah. I think I get some, I'd like  
2 to see when they have their plans designed.

3 MEMBER LUCK: Ok, at some point in the future and I  
4 don't know very many in our lifetime that does seem  
5 to be more of a probably be...

6 DIRECTOR ENG: Oh yeah. No, it'll be more fair  
7 soon in fact.

8 MEMBER LUCK: Ok, so thank you.

9 CHAIR ALDRIDGE: I, I had a real brief question  
10 related what Scott had asked about, and I think I'd  
11 asked this before, Jeff, but are there actually  
12 flow measuring devices on Waikamoi flume after it's  
13 collected all of the, y'know, collectors before it  
14 drops into that, I, I don't remember the name...

15 DIRECTOR ENG: Only thing I, I've seen is just the  
16 in-flow, was that into the plant? Y'know, I, I  
17 have one report, I, I don't know if it's, various  
18 location at all.

19 CHAIR ALDRIDGE: I'm just curious because if it, I  
20 know that when you see these flows in the Waikamoi  
21 you think that the same thing is occurring up at  
22 the, I mean when you see these flows in the Wailoa  
23 Ditch, y'know the natural thought is that it's also  
24 going into the Waikamoi and the lower Waikamoi, but  
25 that isn't always the case...

26 DIRECTOR ENG: Right, right.

27 CHAIR ALDRIDGE: Especially the upper flume.

1 DIRECTOR ENG: And y'know, couple weeks back when  
2 Wailoa was real low, y'know, the Waikamoi system as  
3 well as the Lower Kula had zero in-flow so that's  
4 how bad it was. And y'know we had a problem in our  
5 Mahinahina Plant, West Maui, which we take water  
6 from the Honolulu Ditch, it was, well, we really had  
7 to cut back production. We were producing about  
8 1.9 million gallons per day. We had to throttle  
9 back to about 1.3, so. In fact that really scared  
10 me because that's a significant source and I was  
11 kinda concerned about maybe having to declare some  
12 kind of restriction out there for the first time.

13 CHAIR ALDRIDGE: That was a problem with control?

14 DIRECTOR ENG: No, there's just no water.

15 CHAIR ALDRIDGE: Oh, there's just no water. Oh, oh  
16 that picture of that...

17 DIRECTOR ENG: Yeah, yeah, with the operator, Tony  
18 Linder, yeah.

19 CHAIR ALDRIDGE: Right.

20 DIRECTOR ENG: Yeah, it's a, but even then y'know,  
21 we could take whatever we could at our plant but,  
22 yeah, that was probably a photo after our plant, it  
23 was actually nothing concerned. It's um, and  
24 that's kinda like the first time they've seen it  
25 that low also, so it's kinda confirming what we see  
26 and what we hear in recent (inaudible).

1 CHAIR ALDRIDGE: We're just gonna have to have Kui  
2 and Marion do more of that rain dance.

3 (laughter)

4 DIRECTOR ENG: We won't be seeing them for awhile.

5 (laughter)

6 CHAIR ALDRIDGE: Alright, thank you, Jeff.  
7 Alright, let's move on to item C, Discussion  
8 regarding the Central and West Maui Water  
9 Availability.

10 MS. KRAFTSOW: Well that was actually a perfect  
11 segway into why these availability are, standards  
12 are interim. But we, we covered Central Maui last  
13 time so we're doing West Maui today. And, I, you  
14 should have a hand out that looks what I have on  
15 screen here, except a little bigger. So, as with  
16 Central Maui, they're set up pretty much the same  
17 way. The, the list of wells and treatment plants  
18 and other sources are on the left. And then, to  
19 the right, the first column is "GPM", is the,  
20 should be the capacity not the nominal capacity,  
21 but the capacity based on the most recent  
22 calibration data that we have. And then what that  
23 would mean in terms of 24 hours pumping or 16 hours  
24 pumping, or 2/3 of 2/3, to meet our strict  
25 standard. Again, these are our standards, we refer  
26 to maximum day, so you should meet maximum day  
27 demand in 16 hours pumping with the largest pump

1 out. And maximum day demand is defined as one and  
2 half times average day demand, which in fraction  
3 terms is 3 halves, right. And so when you wanna  
4 speak in terms of averages, if you were using our  
5 strict standard you would take 2/3 of 2/3 of  
6 capacity to be able to speak in average gallons per  
7 day term, which is how most people think so that's  
8 why we do it this way. So, I guess the only thing  
9 that really different here from the way that  
10 Central Maui is set up, is that there is, there are  
11 more treatment plants. And in this case, one of  
12 the reasons this is interim is we did not have any  
13 flow duration data for the ditch. And we know that  
14 what we're measuring and what we're metering is not  
15 actually relevant to the flows in the ditch but  
16 rather to the effluent and influent from the  
17 treatment plant itself. So, that's why we cannot  
18 consider this a permanent interim standard. The  
19 standards book, the state-wide standards book says  
20 that 80% in-flow, average day demand should not  
21 exceed 80% of in-flow but for a system such as  
22 Upcountry that would never have been adequate  
23 because the standard deviation is more than 20%,  
24 right? For West Maui, because we didn't have any  
25 data but in historical times, right up until and  
26 this the first time since I've been at the Water  
27 Department that I've ever actually heard of us



1 having to cut back flows based on flows in the  
2 ditch in West Maui. It could be that it's happened  
3 and I've never heard of it but in, in, I would  
4 think I would have most times heard of it. So,  
5 that's an unusual circumstance and so right now,  
6 the average day capacity is set at the average  
7 capacity of the plants. I don't expect over the  
8 long term and with the completion of the data  
9 gathering for the Water Use and Development Plan, I  
10 don't expect that would still be the standard, but  
11 right now, it was set at the average day capacity  
12 of the plants and that was based on a meeting with  
13 everybody present but the, it was under the former  
14 director. And so, even at that standard you can  
15 see that we start to be in the red, when you get  
16 over to the cumulative totals. And I probably  
17 don't need to remind you but I'm forgetful so  
18 assuming that you are too, going by system  
19 standards, right? You would take column E minus  
20 column H, which is  $\frac{2}{3}$  of  $\frac{2}{3}$  minus the average day  
21 use. The interim standards which was meant to be a  
22 standard between the strictest standard and what  
23 we've been using since I got here, was meant to  
24 move us more towards standards that is taking a  
25 single  $\frac{2}{3}$  and subtracting 15% above the average  
26 day use. So, it's not quite  $\frac{2}{3}$  of  $\frac{2}{3}$  but it's a

1 single 2/3 plus another 15% safety range. And then  
2 historically, they used only one 2/3.

3 DIRECTOR ENG: Excuse me, Ellen, could you repeat  
4 that interim method again?

5 MS. KRAFTSOW: Ok. That's taking a single 2/3 and  
6 then comparing that, instead of comparing that just  
7 to the average day use, it's comparing that to the  
8 average day plus 15% on demand for an extra safety  
9 factor. And, when Carl had done a preliminary look  
10 at Central, he's since then gone into much more  
11 detail, but early on during the same time frame  
12 when I was putting this together, it did come  
13 close. He looked at the data, historical data and  
14 in the worse period of record that he could find at  
15 that time it would've been 21%. So it came pretty  
16 close and so we made this, the interim standard for  
17 Central Maui 21%. Every place else stayed at 15%  
18 because we didn't have any data, so it was kinda  
19 like a minimum safety factor, I mean interim  
20 standards. So, I'm not saying that this is a  
21 perfect standard. Obviously, what we want is mass  
22 flow calculations and flowgration curves on the  
23 actual ditch flows. But it, based on the data we  
24 have and Maui Land & Pine right now, Jeff Pearson  
25 as we speak is hopefully working on getting his  
26 data into, from Maui Land & Pine in to a format  
27 that we'll be able to look at. But that's never

1 been data that we had access to in the past. And  
2 although the state requires reporting of stream  
3 flow there's an exemption since 1992 and they do  
4 still report, Maui Land & Pine has still reported  
5 stream flows, stream, ditch uses to the state. But  
6 unfortunately, not only us but USGS when they did  
7 the water budget found the different ditch flow  
8 reporting to all the different companies over there  
9 so hard to reconcile that they ended up using  
10 agricultural water use instead of ditch flows for  
11 their water budget. So, it is work, they're  
12 actively working to help us with that right now and  
13 to fix that situation, but that's where are with  
14 that right now. So, in any case what that boils  
15 down to is a lot of red at the bottom. By  
16 strictest standards we are already more that  
17 900,000 gallons a day short in West Maui and in the  
18 very near term, we'd be more than a million gallons  
19 a day short. By even our interim standard which  
20 when we first put this together we just barely  
21 scratched in meeting. We're now 600,000 gallons  
22 short and even by the relatively lax historical  
23 standards we'd be about 2,000 gallons short. And  
24 this is as of the end of March, because they're  
25 working right now still on the June 30<sup>th</sup> data. It  
26 takes them, for them to do this one little page,

1 just look up here for one second, this is what they  
2 produce.

3 (Ms. Kraftsow holds up a thick file of papers)

4 MS. KRAFTSOW: They have to do all this, this is a  
5 printout of all the work they had to do just to get  
6 at this summary.

7 DIRECTOR ENG: I have a question, Ellen.

8 MS. KRAFTSOW: Yeah.

9 DIRECTOR ENG: And this is for the largest pump  
10 out. I was looking at this the other week and I, I  
11 just couldn't figure out where you got those  
12 numbers and negative 825,600?

13 MS. KRAFTSOW: Largest pump out, where are you? I  
14 should have set this up so that the heading show,  
15 hang on one second, set this up so the heading  
16 shows.

17 (silence)

18 MS. KRAFTSOW: So, now I should be able to see.  
19 That's the largest pump out.

20 DIRECTOR ENG: Yeah, which one is that?

21 MS. KRAFTSOW: D9 and D23, so we, we took the 2  
22 largest pumps I think. One in each sect, section.

23 DIRECTOR ENG: Ohhhh, ok.

24 MS. KRAFTSOW: Because we, we figure that although  
25 the systems can back each other up they don't  
26 completely, easily, 100% cover each other.

1 DIRECTOR ENG: Did you know which pumps those  
2 represent like the..

3 MS. KRAFTSOW: Nine and twenty-three? Napili C and  
4 Waipuka 2.

5 DIRECTOR ENG: Ok, thank you.

6 (silence)

7 MS. KRAFTSOW: I'm sorry, is that, are you also  
8 silent because it's perfectly clear and you have no  
9 questions or I'm, have I totally confused you?

10 MEMBER HOWDEN: It's actually more understandable  
11 this time.

12 (laughter)

13 MEMBER LUCK: Going through it once before it may  
14 come..

15 MEMBER HOWDEN: No, really, y'know.

16 DIRECTOR ENG: No, this is good. I, I, I'm the  
17 only one who reviews this so I'm really..

18 MEMBER LUCK: It's good but it's bad.

19 MEMBER ROBINSON: I think it would be much more  
20 helpful for folks like me is if we actually have an  
21 opportunity to tour that part of the water facility  
22 to get, I, I mean I'm just beginning to understand  
23 our upper, our upper system and, and, and so I'd  
24 like to be able to, to witness and be a part of  
25 this system so that I can understand it better.  
26 That always make all these figures and facts and

1 statistics much more grounded for me. So, we, we  
2 put a request in, I think, to, to have that happen.

3 CHAIR ALDRIDGE: I second that request.

4 MEMBER LUCK: (inaudible)

5 MEMBER HOWDEN: Lee, Lee, may I ask questions?

6 CHAIR ALDRIDGE: Yes, please.

7 MEMBER HOWDEN: So, what does this mean, Ellen, in  
8 terms of function of, of the West Maui system?

9 MS. KRAFTSOW: It means we no more watta, I...

10 (laughter)

11 MEMBER HOWDEN: Wow, the bringer of glad tidings.

12 MS. KRAFTSOW: Yeah, don't shoot the messenger,  
13 please.

14 MEMBER ROBINSON: No, it's a...

15 MS. KRAFTSOW: So, y'know it, of course there are  
16 substantial saving factors built in to standards  
17 for cases like drought and so on. But what this  
18 means is we're sliding much too close to those  
19 standards for anyone's comfort on staff.

20 MEMBER HOWDEN: Well, what would your  
21 recommendation be?

22 (silence then laughter)

23 MEMBER HOWDEN: Sorry, yeah. Should I ask Jeff, I  
24 mean.

25 MS. KRAFTSOW: I think Jeff would prefer to speak  
26 to that but y'know, I think it's probably the same  
27 answer. Would you prefer me to speak for...

1 DIRECTOR ENG: Well, you may speak and I'll, I'll  
2 speak after you I guess.

3 (laughter)

4 MS. KRAFTSOW: I think it's really seriously time  
5 and actually past time for this county to have a  
6 resource use policy. And I don't think that that  
7 applies only to water but I think that that applies  
8 in the realm of our kuleana as water staff advice  
9 to water. And, I think we should be looking at the  
10 possible pace of resource use, not to slow or stop  
11 development but to say this is how fast we can get  
12 the water online and if you can help us get it  
13 faster here's how and here's where it's limited.  
14 And we have a draft, preliminary, preliminary draft  
15 cooking around, that's not quite ready for public  
16 review but we presented it briefly at the Central  
17 and Upcountry meetings. But yeah I think we need,  
18 we need to slow and or stop for awhile but even  
19 slowing and or stopping is not going to stop the  
20 increase in the use of water, at least not for  
21 quite some time because there're many things that  
22 are already entitled but not yet built, many things  
23 that have all the entitlements they would need to  
24 densify and so even that's not necessarily gonna be  
25 an answer and of course there's room for a much  
26 more aggressive conservation program that we've had

1 funded previously and that, that would be talking  
2 some serious investment too, that we...

3 MEMBER HOWDEN: Ellen, you speak of entitlements,  
4 is that what we're already committed to, the  
5 Department's already committed to?

6 MS. KRAFTSOW: Entitlements, it's not really about  
7 the Department, it's about they already have their  
8 community plan designation or their zoning, whether  
9 project district approvals, so, they may be fully  
10 entitled or partially entitled, but there certainly  
11 are lots out there which could build and, while we  
12 would see a building permit, if they could fit it  
13 on an existing meter, we wouldn't necessarily have  
14 any reasons to tell them to, to not use the water.  
15 In other words if the proposed development is,  
16 y'know there are discretionary permits and then  
17 there are administrative permits and discretionary  
18 permits mean the approving body has the discretion  
19 to determine whether or not based on given criteria  
20 it's a good thing for the island and that, that  
21 would be things like state land use district  
22 boundary amendments, community plan amendments,  
23 changes in zoning. By the time in this county  
24 some, in some areas, subdivisions are still  
25 discretionary but in this county they are  
26 administrative. And administrative permits are  
27 just subdivisions and building permits. By the



1 time you get to subdivisions and building permits  
2 no agency has the authority to say no unless the  
3 conditions of the permit, the original zoning or  
4 something have not been met. As long as all the  
5 conditions are met those permits have been granted,  
6 that the entitlements have been granted and those  
7 projects can go through.

8 MEMBER HOWDEN: But what if there's no water and or  
9 the aquifer...

10 MS. KRAFTSOW: Well, obviously that's, that's the  
11 exception, then we can call a moratorium or a  
12 finding a shortage, issue a finding of shortage.

13 MEMBER HOWDEN: That's our escape clause.

14 MS. KRAFTSOW: That's our escape clause. My  
15 personal opinion is that it's like you're going 60  
16 miles an hour and there's brick wall and you don't  
17 slow down, you just see the wall and go ok, "pok"  
18 (Ellen makes a sound for effect). I think that  
19 there are measures that we could reasonably take to  
20 slow down before we hit the wall, so that y'know,  
21 we hit it at 30 miles an hour instead of 60 and do  
22 less damage to people's, y'know, economic needs.  
23 But those are proposals that have been made since  
24 y'know, decades already and I don't think that  
25 historically there's been the political will to do  
26 that, so now I'm sure that Jeff is ready to jump  
27 in, undo the damage.

1 (laughter)

2 DIRECTOR ENG: Well, this is things that are on my  
3 mind all the time. In fact I'm kinda, this  
4 afternoon I'm kinda fortunate to have a meeting the  
5 Mayor and Managing Director because y'know, we're  
6 subject to the policies of the county. Y'know,  
7 that's how we manage and administer our department,  
8 y'know, and again we're pretty much serve as a  
9 public utility, y'know, if, if, if water service is  
10 requested and we're able to serve, y'know we do all  
11 the best to serve, y'know, but y'know that doesn't  
12 help me at all, y'know, 'cause I'm always  
13 challenged all the time, people calling me or  
14 writing to me saying y'know, you plead for  
15 conservation y'know when all this construction is  
16 going on y'know, now. And that's probably gonna be  
17 my subject matter with the Mayor this afternoon.  
18 It's what, what kind of policy y'know, statement  
19 could I get from her and her administration. And I  
20 really y'know, I'm, I'm juggling things all the  
21 time. I personally believe that y'know  
22 conservation and construction aren't mutually  
23 exclusive. They can go hand in hand. Conservation  
24 is something that we should be doing anyway. And I  
25 think the community is certainly doing it, just  
26 looking at the, the demand numbers from year to  
27 year. As Ellen points out we can do a whole lot

1 more and I think that we can achieve a whole lot  
2 more conservation. But yes, do we need the slow  
3 down. Y'know, the "show me the water" ordinance  
4 certainly is slowing things down. The economy  
5 itself is a major contributor right now so, I don't  
6 know where we're gonna be going but I, I, I think  
7 we need to have some controls in this community  
8 this time, until either we get, y'know, greater  
9 conservation policies in place or until we get new  
10 sources going. So, that's probably been the  
11 biggest frustration I have had is that we just  
12 haven't had any of these tools to deal with. We're  
13 getting by and, and the community has been very  
14 responsive. So I've been really fortunate with  
15 that. But, yeah, I need a little bit more and  
16 hopefully I'll get some more direction from the  
17 administration.

18 MR. KUSHI: Mr. Chair, if I may?

19 CHAIR ALDRIDGE: Yes, please.

20 MR. KUSHI: Ask some questions. Ellen, y'know,  
21 your, your chart...

22 MS. KRAFTSOW: Uh huh.

23 MR. KUSHI: The one out, you have any, does the  
24 new "show me the water" bill affect your figures at  
25 all?

26 MS. KRAFTSOW: The "show me the water" bill right  
27 now is being implemented purely in the director's

1 office. And so the director, I assume maybe, looks  
2 either at these numbers or the same kind of numbers  
3 to decide what he's gonna do about "show me the  
4 water". But the "show me the water" doesn't change  
5 these numbers.

6 MR. KUSHI: Your red figures?

7 MS. KRAFTSOW: The numbers are the numbers.

8 MR. KUSHI: So, the assumption is that the, the  
9 subdivisions have passed the, have gone under the  
10 line for the "show me the water" bill?

11 MS. KRAFTSOW: Many of these decisions were made  
12 before the "show me the water" bill really took  
13 effect. These, we're looking at y'know, things  
14 that are stacked up on the books, some of these  
15 things have been stacked up on books for years, but  
16 if they're not expired or y'know, we don't  
17 necessarily know exactly when they're gonna build.

18 MR. KUSHI: Ok, my other question is, in your, on  
19 the staff report on page 19, every month we have  
20 the, the aquifers and then whatever we using on  
21 each aquifer, so for the Lahaina district you have  
22 the Honolua aquifer and the Honokowai and  
23 Launiupoko aquifers, and based on what is existing  
24 now is, it looks like it's only like Launiupoko, we  
25 only using 8, 9% of the total draw. Honolua is  
26 only like 27%, so does that leave you, does that

1 kinda point that y'know the aquifers still have  
2 water there...

3 MS. KRAFTSOW: Well...

4 MR. KUSHI: Or we should be drilling some more?

5 MS. KRAFTSOW: Some, there, yes and no. I think  
6 that we, we do need to, to drill more and  
7 distribute our withdrawals in West Maui and where  
8 to do that has been an interesting question. And  
9 also, probably upgrade the treatment plant. But,  
10 the, remember we're not the only company that draws  
11 water from that aquifer, we're not the only people  
12 pumping from the aquifer and all that I'm reporting  
13 on is our use. I'm not reporting monthly on  
14 everybody else's use.

15 DIRECTOR ENG: Mr. Kushi and Ellen, if I may  
16 interject something so, Honolua for instance,  
17 Kaanapali Water System has at least 3 or 4, 2, 3, 4  
18 wells in Honolua aquifer and Kapalua has 2 wells in  
19 that aquifer and there may some others, smaller  
20 ones. Honokowai aquifer we show we have none but  
21 Kaanapali has 1, 2, 3 or something like that. So,  
22 yeah, Ellen is absolutely right, this only the  
23 department's systems.

24 MS. KRAFTSOW: But that said, yes, there is some  
25 more water in some of those aquifers.

26 MR. KUSHI: It's not like the 'Iao Aquifer?

1 MS. KRAFTSOW: Well, y'know, some of them have  
2 historically even exceeded their sustainable yield  
3 but back then there was irrigation re-charge so,  
4 that's another question that, we have the USGS  
5 right now, doing like they did the "head and  
6 shoulder" model for Central Maui, we have them  
7 doing it for West Maui. And that will tell us a  
8 little bit more about, without the irrigation that  
9 used to happen, how are the aquifers gonna perform  
10 and, and y'know, are the sustainable yield  
11 estimates we have reasonable. As you know, when  
12 they looked at the "head and shoulder" model for  
13 Central Maui I guess you don't know for certain  
14 'cause it's not public yet. Anyway, preliminary  
15 information seem to be that y'know, on the  
16 northwest side of Maui, there's not as much  
17 necessarily as the sustainable yield estimated  
18 because the lens is so thin and the people have  
19 been at the water advisory committee meetings  
20 already know that. And then, y'know, we'll see  
21 what they say about West Maui. So, yes, by versus  
22 the sustainable yield numbers there should be more  
23 water in those aquifers. How much more we don't  
24 know. But yeah, we could be drilling more. And  
25 this is talking about our systems and our systems'  
26 ability to serve.

27 (Director Eng and Member Howden speaking at once)

1 MEMBER HOWDEN: Excuse me, Jeff. I mean you should  
2 go 'cause you're the director.

3 (laughter)

4 DIRECTOR ENG: No, no, I just have one really quick  
5 question related to the availability worksheets, so  
6 on the very bottom the subdivisions approved, those  
7 are those that received final subdivision approval,  
8 I imagine.

9 MS. KRAFTSOW: Yeah, I'm trying to get down there.

10 DIRECTOR ENG: They're, they're not any in the  
11 process with preliminary approvals are they?

12 MS. KRAFTSOW: Ok, so there's subdivisions that are  
13 approved and we've already approved the meters but  
14 not installed them yet. And then there's  
15 subdivisions that are approved and the meters have  
16 been issued but at the time that we summarized the  
17 billings, our consumption's not showing yet  
18 because, remember we're, what we get on the billing  
19 databases is behind. And then, if the subdivision  
20 has been approved but we've not yet approved the  
21 meter or if the subdivision has been applied for  
22 but the meter approval is still pending. Those are  
23 those bottom 2 and that's why the bolded number is  
24 above those lines, because we really haven't  
25 committed to those meters yet. But if the  
26 subdivision's approved then we haven't approved the  
27 meter yet, unless there were a finding of shortage

1 or "show me the water" denial that much more would,  
2 can be added to our shortage.

3 MEMBER HOWDEN: Ok, thank you. That was scary  
4 numbers, y'know, especially for Central. And also  
5 the figures on subdivisions with the entitlements,  
6 when you look at long range planning, division I  
7 guess of the Planning Department, there are between  
8 like forty and fifty thousand units that are green-  
9 lighted. So, I mean, I personally would take  
10 really seriously what you're saying and what Jeff  
11 has said.

12 MS. KRAFTSOW: I would say that this is our own  
13 analysis because we, we haven't been able to get  
14 out of Planning, Planning has concerns that if they  
15 issue their list of what they expect will come  
16 when, that the developers will take, if they,  
17 they're on the list, that they'll take it as some  
18 kind of a entitlement or a promise or something  
19 that they can use legally. And so they have been  
20 unable to or unwilling to share their full analysis  
21 even with us. Our planners actually go in and even  
22 though we don't review subdivisions they get the  
23 subdivision list and they go through every single  
24 item and check on its status and estimate the water  
25 impacts every month, every quarter, sorry, which is  
26 insane. And we also have which is not showing here



1 a list of discretionary projects pending which is  
2 even a much lower turnover, pending the math.

3 MEMBER HOWDEN: Hmmm, wow. Our...

4 MS. KRAFTSOW: But it's not committed.

5 MEMBER HOWDEN: Other than Jeff Pearson at Maui  
6 Land & Pine, will we have access to the data from  
7 other people who are pumping from the aquifers?

8 MS. KRAFTSOW: Y'know, anybody who pumps has to  
9 report. And so, our access to pumpage data now is  
10 pretty good. But our access to surface water data  
11 is more spotty, both because they report but in  
12 1992 the commission over and above their staff's  
13 recommendation decided, and they were probably  
14 trying to push their staff to come up with  
15 standards for reporting. They decided to exempt  
16 all surface water reporting from the requirements  
17 report until that such time that standards were  
18 developed. And so, reporting is going on but  
19 nobody can reconcile the numbers to make them  
20 actually work yet. Now I'm sure I, the minute that  
21 I say that somebody's gonna figure it all out but  
22 so far, yeah.

23 MEMBER ROBINSON: Short of appearing ignorant, the  
24 "show me the water" ordinance, does it, does that  
25 mean that a development has to have its own water  
26 source and provide water for however many units

1 that they're providing for? Is that, is that what  
2 is, ordinance means?

3 DIRECTOR ENG: Well the ordinance, ok, y'know,  
4 we'll go through the steps of this subdivision  
5 approval ways. Generally, an applicant goes in for  
6 preliminary approval and that's pretty simple task,  
7 y'know, they get that approved and then, a number  
8 of conditions they have to meet. And then go on  
9 their way and begin developing construction plans  
10 and that's basically where it stops. Y'know, prior  
11 to them submitting their construction plans for  
12 review to either DSA or to the Water Department,  
13 then our department has to verify the, the long  
14 term (inaudible) source. Two options they have is  
15 to get a reservation from the department which we  
16 do not offer, or develop their own source. So  
17 who's gonna develop their own source? Only the big  
18 boys. Ok, so any small developer essentially is  
19 stopped right now. So, that's basically what we're  
20 seeing in the department. Y'know, we're seeing  
21 most people trying to find a loophole or a way  
22 around the "show me the water", I (inaudible) and  
23 that's why I've handled it on my own. When it's,  
24 it's, see what kind of issues are out there and to  
25 not to just overtax my engineering department.  
26 They have so much stuff already so. Not that I  
27 really want to do it but it's something that I get

1 a better feel for it. But there's really nothing  
2 happening. Unless a big boy like, recently, so if  
3 it, if it's a developer doing their own source they  
4 have to do an engineering report for the Department  
5 of Health. So, like recently, I've got reports for  
6 like Kula 1800's well. And they actually gonna be  
7 doing 2, 2 wells. Another one is Pulehu Farms, a  
8 Dave Goode project. Y'know, I'll make comments to  
9 the Department of Health. And, but basically I'm  
10 looking at what kind of capacity the sources have,  
11 water quality, the build up demands for the  
12 project. Those are the primary things I'm looking  
13 at. I will make comments, difficult for them to be  
14 enforced because these private systems don't have  
15 meet our water system standards, with the amount of  
16 redundancy or 2/3 of 2/3 that we go by. But I will  
17 make a comment, y'know, if I see maybe a lack of  
18 backup sources and the Department of Health will  
19 incorporate my comments into the report back to the  
20 developer. But generally, really any other small  
21 subdivision is going nowhere unless they have a  
22 water source.

23 MEMBER ROBINSON: So if these, if these communities  
24 form with these big developers and something  
25 happens like what has happening with Molokai Ranch  
26 and they decide to pullout and no longer support  
27 that system, will that mean that the county every

1 time that a big developer decides that they're not  
2 gonna support a system that the county maybe forced  
3 to take over that system?

4 DIRECTOR ENG: And that's why the county is  
5 aggressively fighting this.

6 MEMBER ROBINSON: Yeah.

7 DIRECTOR ENG: 'Cause when we just, even these  
8 large developer owned or investor owned private  
9 water systems, it could be a small guy, y'know, a  
10 guy out there in East Maui could develop his own  
11 source and realize hey, y'know, let the county  
12 operate it, y'know. So, yeah we don't know what  
13 the magnitude of this could be, but we do know that  
14 we, we have to make sure that this doesn't  
15 establish precedent.

16 MEMBER ROBINSON: Right, because then the whole  
17 "show me the water" ordinance...

18 DIRECTOR ENG: Right.

19 MEMBER ROBINSON: Starts to take on a very  
20 different...

21 DIRECTOR ENG: This Molokai Ranch thing is really a  
22 big concern. My biggest concern is why the PUC  
23 wasn't properly monitoring them. Y'know, they get  
24 financial reports every year and if they're indeed  
25 experiencing losses, financial losses, y'know I'd  
26 think the PUC would have stepped in and done  
27 something or allowed them to file for a rate

1 increase which most regulated utilities would do,  
2 not making enough money on their investment you can  
3 go in and, the PUC normally accommodates utilities.  
4 They allow you a fair rate of return on your  
5 investments, y'know, it's...

6 MEMBER ROBINSON: It's a business.

7 DIRECTOR ENG: Yeah, but so, yeah, it's kinda  
8 unusual what we're experiencing right now.

9 MS. KRAFTSOW: I just wanna say that when I was  
10 scrolling through I, I came to this negative 2000  
11 and that was the, on the left side of each thing is  
12 the deduction, the right side is the cumulative  
13 answer, so by the historical only 2/3 issue we are  
14 still ok (inaudible). But that is...

15 DIRECTOR ENG: And that's the number of, you're,  
16 you're referencing that number of 175,000?

17 MS. KRAFTSOW: I was?

18 DIRECTOR ENG: But no, I'm just saying where are  
19 we, ok?

20 MS KRAFTSOW: See that 310, 5-5-9. Is that what  
21 you have on your sheets?

22 MS. HAYASHIDA: The last column.

23 CHAIR ALDRIDGE: Yeah, the last column.

24 DIRECTOR ENG: Oh, oh, ok.

25 CHAIR ALDRIDGE: I think the last, entry.

26 MS. KRAFTSOW: So that's if you counted only 2/3, a  
27 single 2/3.

1 DIRECTOR ENG: So, 2/3 minus M-A-V?

2 MS. KRAFTSOW: Yeah.

3 DIRECTOR Eng: Yeah. Yeah. Y'know what that is,  
4 that's yeah, that's, operationally that's not a  
5 redundancy. I mean, even if you looked at Central  
6 Maui and played around, yeah, we're looking fine if  
7 you only go by 2/3 but y'know that's something like  
8 what I think the Big Island's system standards are  
9 2/3. And I've looked at that and y'know there's  
10 just literally for an operator no, no redundancy  
11 whatsoever. Y'know I mean...

12 CHAIR ALDRIDGE: One sneeze and the whole thing  
13 goes down.

14 (laughter)

15 DIRECTOR ENG: One small well goes down y'know or,  
16 or, y'know and you're just, you're not serving the  
17 community, so.

18 MS. KRAFTSOW: Nobody's ever was comfortable with  
19 that standard..

20 DIRECTOR ENG: But, but that's basically where  
21 we're at. Ellen's at, we're at 2/3. So not at 2/3  
22 of 2/3 of the largest source out there, 2/3, yeah.  
23 Doesn't, doesn't really work.

24 MS. KRAFTSOW: Even that's getting kinda thin.

25 DIRECTOR ENG: Yeah, yeah. Thanks for pointing  
26 that out.

27 MEMBER HOWDEN: So what, what do we do?

1 DIRECTOR ENG: Well, we're trying to move the  
2 better towards the standards. You always will try  
3 to continue to plan and design our systems  
4 standards. I, I believe in the standards that we  
5 have adopted, this county has adopted. And then  
6 meanwhile, y'know we have to work with the  
7 administration and elected officials toward having  
8 policies that will help us. When as again as I  
9 point out y'know, conservation efforts, maybe some  
10 controls y'know, maybe the controls should be, I've  
11 always felt more on the planning side y'know, early  
12 in, in, in the approval process, not until when it  
13 gets to us, y'know, should we be the, be the entity  
14 that says no. So, we'll have to see.

15 CHAIR ALDRIDGE: Ellen mentioned a, something  
16 called the finding of shortage, what, what exactly  
17 is that?

18 MS. KRAFTSOW: It was Upcountry for many years. I  
19 think it's still going, yeah, Upcountry. The, or  
20 did they lapse it and then call it something else.  
21 In any case the director has the authority to find  
22 in any given system, there's a shortage of water  
23 supply to, to reliably meet domestic fire  
24 protection needs. And when he issues that finding  
25 then he can take any action that he needs to take.  
26 And, that, that means that we stop giving out  
27 meters in that system.

1 CHAIR ALDRIDGE: Well would, could you do that in  
2 this particular case or would you have to wait  
3 until your remaining capacity by historically you  
4 modify standards are exceeded.

5 MS. KRAFTSOW: I think that that's a judgment call  
6 but it also involves, probably the director has to  
7 answer to the mayor and board..

8 DIRECTOR ENG: And the council.

9 MS. KRAFTSOW: And the council.

10 DIRECTOR ENG: Like right now, I know Councilmember  
11 Anderson, y'know she wants us to develop drought  
12 guidelines for both Central and, and West Maui.  
13 And I've, I've played around a little bit with  
14 Central 'cause we have permit limitations for  
15 primarily ground waters so, that one, we can look  
16 at certain triggers and establish maybe something  
17 for 5% voluntary, 10% voluntary, 10% mandatory  
18 restrictions. West Maui's really difficult because  
19 of the mix of ground water and surface. I think  
20 right now we're about 53% surface and y'know, just  
21 the other week I was trying to figure how do we do  
22 guidelines on this mix type of system. And I'm  
23 thinking more just to have something in place it  
24 would be more focused on the surface water  
25 availability and that's gonna be kinda hard.

26 MS. KRAFTSOW: We need to get..



1 DIRECTOR ENG: It'll probably come up real soon on  
2 the next meeting on the agenda and I'll be dancing  
3 around but it's, it's just not that easy. Y'know,  
4 where do we, y'know, so.

5 MS. KRAFTSOW: We need to get them flow data.  
6 Y'know you, it's not even fair to ask you to do  
7 that.

8 DIRECTOR ENG: Yeah.

9 MEMBER HOLMBERG: Mr. Chair, a question for the  
10 director, so looking back over your sustainability  
11 yields and pointing out that that doesn't count  
12 anybody else who's tapping the various ground water  
13 sources, does the state provide for any kind of  
14 control over, I mean obviously they can designate  
15 it over, but before you get to that point, is there  
16 any kind of control over y'know how many,  
17 particularly you mentioned is, if the big boys can  
18 tap their own wells, is there any control short of  
19 the state designating an aquifer over how many  
20 holes can go in the ground?

21 DIRECTOR ENG: Well that's the role of the Water  
22 Commission. And y'know, I really don't know how  
23 closely they're monitoring things. For example, if  
24 you look these sustainable yield of the Kahului  
25 Aquifer it's 01, but how many wells are in there?  
26 The Maui Lani wells are going in and those are the  
27 3 wells with a total of maximum pump capacity of 2,

1 y'know, I think we'll probably operate those more  
2 around 1 in total anyway because we'll be  
3 alternating. But we know there's a number of wells  
4 in the, in, in, in the Kahului Aquifer, some even  
5 small potable wells as well as a number of non-  
6 potable wells, so. And so I've never even figured  
7 out how to even factor in non-potable wells into  
8 the equation 'cause certainly there's impact to the  
9 aquifer. So, I really don't know how, I mean, but  
10 there is a control agency, the Water Commission, I  
11 just don't know how well they're controlling it.

12 MS. KRAFTSOW: Can I add to that, Jeff?

13 DIRECTOR ENG: Sure.

14 MS. KRAFTSOW: This is, this is something we had  
15 talked a lot about when, internally within my  
16 division when we were talking about, ok, which  
17 policies, because with the Water Use and  
18 Development Plan and the deadlines that we have  
19 even with Carl working on it as he is, there was,  
20 we knew there would be not time deal with every  
21 policy we wanna deal with, the county. And when we  
22 were talking about which policies we should try to  
23 even approach, one of them, one of the thoughts had  
24 been, should we try to get a county level well  
25 below process, because in most parts of the country  
26 the locality can be as restrictive or more  
27 restrictive but not less restrictive, but in this

1 state we didn't think it would work so much because  
2 while they were considering designation of 'Iao and  
3 Waihe'e aquifers they also approved 4 or 5 new  
4 wells right on the border of 'Iao and Waihe'e  
5 aquifer, over and above the department's written  
6 stated objections to that. So, I would say  
7 there's, they're over, they have a good staff but  
8 they're overworked and understaffed and the kind of  
9 deal making that needs to happen at upper levels  
10 hasn't happened to enable the county to manage its  
11 own resources competently to have enough authority  
12 and power, nor to enable the commission to, it  
13 isn't happening really anywhere, it's my opinion.

14 CHAIR ALDRIDGE: So, really besides questionable  
15 sustainable yields which obviously are not written  
16 in stone, we've seen how they can change over time  
17 from change in land use or climate. We don't even  
18 know if we're certain how much of the sustainable  
19 yield in any of these aquifer we're really close to  
20 when you add all of the uses.

21 MS. KRAFTSOW: And there's even more like if you  
22 look at the Haiku Aquifer the listed sustainable  
23 yield is 31 but if you read the text of 1990 state  
24 Water Resources Protection Plan, he says that,  
25 that's a pre-irrigation estimate and a safer  
26 estimate to use is 16. And there are any number of  
27 things and the, the new state Water Resources

1 Protection Plan does diminish sustainable yields in  
2 many of the aquifers not as many as the original  
3 draft did, I just learned, but their update, their  
4 updated draft is not gonna limit it as much that,  
5 so we don't, we haven't seen that yet, we don't  
6 know for sure. There are lots of questions on  
7 sustainable yield, y'know it was designed to make  
8 it easier for people to manage aquifers and for  
9 decision-makers and everybody to understand, so  
10 it's not like there's a brick wall between each  
11 aquifer which any water person will know and, but  
12 it was sort of designed to make it an easy and  
13 accessible system that the public could understand  
14 that would sort of be a guideline for how you  
15 should distribute your pumpage. But it's not  
16 perfect by any means.

17 CHAIR ALDRIDGE: Well, I think we've been hearing  
18 the same story now for quite some time. I think  
19 it's incumbent on this board to perhaps voice the  
20 clarion call about concerns, shortages and I, I, I  
21 think we should think about some kind of statement  
22 that comes out of this board that would support  
23 some control on uses, at least until we have a  
24 better handle on what we have actually available.  
25 I'm not prepared to make such a statement today,  
26 but I would encourage all the board members to  
27 think about this and this item keeps coming up

1 every board meeting anyway. And, rather than, we  
2 to need to avail, to, to if nothing get our  
3 message, our concern, convey our concern to the,  
4 the mayor and to the administration.

5 MEMBER HOWDEN: Well, we, we tried that before as  
6 you know and it seemed to fall on deaf ears because  
7 at least in my opinion I don't think there's really  
8 political will to address this but y'know maybe if  
9 this, at this juncture y'know with Jeff reporting  
10 to the mayor and to the managing director today,  
11 they'll begin to listen. But y'know, some hard  
12 choices need to be made. And, if we want this  
13 island for our children and for their children's  
14 children, we have to make those choices today.

15 CHAIR ALDRIDGE: Phyllis?

16 MEMBER ROBINSON: We were present at the GPAC  
17 deliberations in terms of planning and I know that  
18 we have a speaker last year who helped us to  
19 understand how the, the plan, the county plan gets  
20 translated down and, and how that affects decisions  
21 that are going to be made and etcetera, etcetera,  
22 but there was consistent concern about water y'know  
23 just in the discussions over in Kihei at least, and  
24 I'm sure there's been consistent discussions at  
25 other GPAC meetings so. Yeah, there's real  
26 questions being raised about development and y'know  
27 and the whole direction of GPAC being based upon

1 projected figures of population growth rather than  
2 trying somehow control population growth, we're  
3 just saying that it's a given and so therefore we  
4 have to build X number of housing units in order to  
5 accommodate that and therefore we need an X amount  
6 of infrastructure to accommodate that and people  
7 were just raising the question if that's best  
8 efforts. We got that on the table, y'know is that  
9 really the way we need to be thinking and so, I, I  
10 imagine that ties into what you're raising, Lee,  
11 that happen to, that statement about is the tail  
12 wagging the dog or this person?

13 MS. KRAFTSOW: Jeff, could I just take a minute to  
14 tell them a couple of the initial thoughts that,  
15 the ones that we presented already doing that? We  
16 were, we're passing around a well siting and pacing  
17 policy on that, y'know maybe the board can help us  
18 think about and this is, we, we've tried to see if  
19 anybody else is doing it this way. And they're  
20 doing the siting part but not necessarily the other  
21 part. The problem is that when we have  
22 developments that wants a run, often the most  
23 economical developments are not in an ideal  
24 situation anyway from a water quality perspective  
25 such as Maui Lani, such as some developments that  
26 went in on Baldwin Avenue. It is, there are many  
27 studies or few studies anyway that's more effective

1 prevent contamination than to treat it. Although  
2 contaminant sources are known we have a pretty good  
3 inventory of potential contaminant sources. There  
4 are not necessarily regulations in Hawaii relative  
5 to siting in relation to them except for certain  
6 limited ones. So, we can identify, we're able to  
7 in our GIS system now to identify better or less  
8 good sites for wells based on water quality  
9 parameters. And if we can identify them in advance  
10 of sorry, in advance of, of drilling them we would  
11 actually be able to protect them in advance. But  
12 there are other issues besides just the water  
13 quality issues, which is that because we're subject  
14 to higher levels of scrutiny which of course that's  
15 how it should be but everything has approved from  
16 council and then it has to be agended and hearing  
17 and everything, it makes us slow to budget and  
18 build anything. We're much slower than any private  
19 developer could be. So right away if we have to do  
20 it it's slower. Which means that we can lose our  
21 prerogative, we can lose our place in line because  
22 somebody else can get it online much faster than we  
23 can going through the process. The commission has  
24 not always followed requested conditions on well  
25 sites y'know as with that example on the 5 new  
26 wells on the border of "Iao and Waihe'e. So often  
27 the most, and we've also asked that, we've also

1 written and said we, we have plans to drill a well  
2 as stated in the 19, in some cases in the 1990 or  
3 1992 Water Use and Development Plan even say it and  
4 they said that they cannot honor that condition yet  
5 until we have enough data Water Use and Development  
6 Plan. So, that's been another problem that, even  
7 though we say that a well site is one that we want  
8 we, we can lose it. Both, because we're slow and  
9 because the commission doesn't protect it for us.  
10 And so often the most economical sites are taken  
11 before we can get to them or we're dealing with  
12 lower water quality sites. And then there are  
13 perceived, perceived inequities or maybe real  
14 inequities when the little guy is waiting for a  
15 chance to drill and have a water source. And the  
16 big guys can afford to go drill one and the little  
17 guys can't and they say that's not fair because  
18 ultimately they are y'know as first come first  
19 serve and y'know you get in line and you can do it,  
20 you can do it. But the little guys say there's no  
21 way that, that an average citizen could do that  
22 and, and there is maybe ultimately some inequity in  
23 letting somebody else go first. And finally  
24 there's this need to be transparent. We wanna say  
25 what we're gonna do and how we're gonna do it and  
26 let the public involve, be involved and help review  
27 it, scrutinize it without at the same time losing



1 our prerogative and our ability to get the sites  
2 that we want, right? So, we came up with this  
3 theoretical policy that has many, many portions and  
4 one is we've inventory the contaminate sources and  
5 identified the areas with less contaminate  
6 potential where we'd want the well sites.  
7 Basically this is all pretty standard, mother,  
8 apple pie kind of stuff about choosing better well  
9 sites. But the part that has not been done that we  
10 haven't been able yet to find another utility doing  
11 is to say we, we can say where the wells would be  
12 and that's ok but the part that's not been done is  
13 the pacing of the, of the use in this way where we  
14 say these are our sites, we can claim it, we can  
15 make a finding pursuant to the Water Use and  
16 Development Plan when it's updated. The Water Use  
17 and Development Plan itself will probably not  
18 identify specific sites, so this would be  
19 subsequent finding pursuant to the Water Use and  
20 Development Plan saying, these are the sites we  
21 wanna drill for the next 30 years, which may or may  
22 not be realistic because it depends a little bit on  
23 where projects go. And, then the developers can  
24 either buy in and drill and develop at the pace  
25 that we set when we say this is how fast we can  
26 develop, this is how fast we anticipate being able  
27 to develop and we've tried to tailor that to

1 actually meet demand forecast but we would also  
2 adjust it based on what we can use if we do. And  
3 then, they can either buy in at the location and  
4 pace we set or they can drill and dedicate at the  
5 site and, at the site we choose or if they wanted  
6 to have water faster they can advance the schedules  
7 but then they need to supply more than 2.25 times  
8 the demand. In other words, a developer usually  
9 gets 45% of whatever they drill because of we,  
10 although we haven't been able to meet standards yet  
11 we do require that the developers hooking onto the  
12 system meet standards. So on, 'cause we don't  
13 wanna fall even further behind because of new  
14 development, right? So, but instead of serving,  
15 providing two and quarter times what they need,  
16 which is what they have to do now, maybe they'd  
17 have to provide three and a half times or 3 times.  
18 We haven't actually come up with a justifiable  
19 number that would be saying that this, this meets,  
20 we would have to be saying this meets a rational  
21 nexus in that this is to make up for the  
22 prerogative that you take from the little guy. In  
23 other words it keeps everybody on a fair playing  
24 field. You wanna drill and develop your project  
25 faster you have to provide more water for yourself  
26 and everybody in that region, give everybody in  
27 that region a chance. And then there would some

1 prohibitions. And we think if we could make  
2 something workable that the advantages would be,  
3 we'd have wells that were better sited from a  
4 public health perspective. The process could be  
5 transparent without us losing initiative and the  
6 playing field would be more level. And we could  
7 reduce the proliferation of private water systems  
8 that we make, we're always at risk of having to  
9 take over it at great expense to ourselves. The  
10 challenges are, obviously there needs to be a  
11 pacing policy to make this work. It's, you need to  
12 be really cautious with rational nexus. As I said  
13 I haven't been able yet to find anybody else who's  
14 already doing it and in Maui usually when we issue  
15 regulations, we try to find things that lots of  
16 other people are doing. And we've talked to the  
17 commission staff about it and they've expressed  
18 interest but that doesn't necessarily mean that  
19 they'll go with it either. So, sorry, but I, since  
20 it was coming up and I happen to have it here,  
21 that's what we're thinking of in broad terms and  
22 any comments or input that the board would have,  
23 y'know this is far from being proposed, this is  
24 really just on the drawing board so would be  
25 interested to hear.

26 CHAIR ALDRIDGE: Thank you, Ellen. I, I'd  
27 encourage you to have the director provide a copy

1 of, to us if you wish to have our comments and  
2 input.

3 MS. KRAFTSOW: Ok.

4 CHAIR ALDRIDGE: And..

5 MS. KRAFTSOW: We don't, we don't actually have it  
6 in draft form yet except for the water quality  
7 portion.

8 CHAIR ALDRIDGE: Whenever you, whenever ok.

9 MEMBER ROBINSON: Even the, even the (inaudible)  
10 pages would give us..

11 MS. KRAFTSOW: Well ok.

12 CHAIR ALDRIDGE: I believe we only have this room  
13 until noon and we have one other additional agenda  
14 so, just to close this particular item, I, I liked  
15 to encourage the board members to think about a  
16 motion in regard to our concern about the shortage  
17 of water, all people I think myself, for your  
18 consideration. But I would encourage everybody to  
19 think about this so we, we would need to take some  
20 action. With that, let's go to the last item on  
21 the agenda, or second to the last, Discussion  
22 regarding Pre-hearing Procedures Contested Cases.  
23 I would simply like to propose that with the  
24 board's permission, I and the Corporation Counsel  
25 take on the responsibility to interview some of the  
26 upcoming contested case applicants and return with,  
27 to you with a recommendation as to whether or not

1 we should hear them as a board or whether or not we  
2 recommend that they be heard by a special hearing  
3 officer. And I would need a motion from all of you  
4 to, to approve that.

5 MEMBER HOWDEN: So moved.

6 MEMBER HOLMBERG: Seconded.

7 MEMBER ROBINSON: Second.

8 MS. HAYASHIDA: Who made the second?

9 CHAIR ALDRIDGE: Vote on it. Oh, call a question?

10 MEMBER ROBINSON: No, no, no I was just raising my  
11 hand to agree.

12 CHAIR ALDRIDGE: Ok, we'll take a vote on it. All  
13 those in favor?

14 (a chorus of ayes)

15 CHAIR ALDRIDGE: It's unanimous. Thank you. I  
16 would've been more than happy to ask somebody to  
17 volunteer but...

18 MEMBER HOWDEN: Ha ha ha. You know better.

19 CHAIR ALDRIDGE: I know better.

20 (laughter)

21 CHAIR ALDRIDGE: You're welcome. Receipt of Board  
22 Member Request for Agenda Item to be placed on  
23 future agendas. Before I take any let's just  
24 recall, Gaye, what do we have that is upcoming?

25 MS. HAYASHIDA: Well, still pending Piiholo Well  
26 Agreement, Water Use and Development Plan, I think  
27 Mike Howden, Member Howden wants to bring back the

1 Dual Line again, I'm not sure if that's still  
2 pending but those are things...

3 CHAIR ALDRIDGE: And there was recommendation that,  
4 that Phyllis had last time, a gentleman...

5 MS. HAYASHIDA: Oh, William Bennett, yeah. We  
6 haven't really contacted him yet.

7 MEMBER ROBINSON: William Bennett.

8 MS. HAYASHIDA: Yeah.

9 MEMBER LUCK: I think the appeal also say...

10 MEMBER ROBINSON: Oh he's the, he's the energy for  
11 U of H and I will mention to him about the issue of  
12 how much it costs to pump water and whether there  
13 were alternative energy approaches that were...

14 CHAIR ALDRIDGE: That would take providing he'd do  
15 a presentation. And then Behnke would come back on  
16 as an agenda item. Are there any other items?

17 MEMBER HOLMBERG: I wanted to request that if the  
18 director has just a ball park figure as to just a  
19 wild guess as to what the county's liability would  
20 be as far as recruitments and repairs and what not  
21 to the Molokai Ranch water system should we end up...

22 MEMBER ROBINSON: Having to...

23 MEMBER HOLMBERG: Getting them.

24 DIRECTOR ENG: You know, this time we really,  
25 really don't know what it entails. Y'know I made  
26 attempts and I have called Molokai Ranch. I have  
27 not made a physical assessment. We wanted to get

1 some blueprints, engineering reports, anything they  
2 had of their system facilities. They did not  
3 respond to that request. We made that request to  
4 the Governor's point person and he says he tried.  
5 I have not received anything from that either. You  
6 know we have some unaudited financials that clearly  
7 have shown losses for these past several years.  
8 Y'know, we don't know what it would entail, but if  
9 and again we're, we're gonna aggressively fight it.  
10 Y'know, unfortunately who would pay to operate  
11 those systems. Would it be us rate payers here?  
12 That certainly won't be fair. So we don't know the  
13 extent. Hopefully, there are some private  
14 contractor operators that gonna have interest. I  
15 think will all these proceedings it's probably  
16 scaring anyone off too. But, yeah, we think it's  
17 in the power of the governor to, to do the right  
18 thing. There is, she has a lot of these agencies  
19 under her, the PUC, the Water Commission, y'know  
20 the Department of Health. So we'll see what  
21 happens. We're going back next week. Keep  
22 fighting.

23 MEMBER HOLMBERG: Thank you.

24 CHAIR ALDRIDGE: Director's Report?

25 DIRECTOR ENG: Oh, I have nothing more to report.

26 (laughter)

1 CHAIR ALDRIDGE: Ok, Division Reports, any comments  
2 on Division Reports?

3 (silence)

4 CHAIR ALDRIDGE: Right. Hearing none I suppose I  
5 did make a, more on my mind, how did I do that?

6 DIRECTOR ENG: A mathematical error?

7 CHAIR ALDRIDGE: No, I didn't.

8 (laughter)

9 CHAIR ALDRIDGE: Oh, Upcountry Organic Carbon  
10 Reductions Study.

11 DIRECTOR ENG: That is still on going. So the,  
12 Brown and Caldwell has been contracted and so  
13 they're, I don't where this or how far it's  
14 proceeding. I haven't seen anything yet.

15 CHAIR ALDRIDGE: We've been noticed, this  
16 (inaudible).

17 DIRECTOR ENG: To look at various methodologies  
18 pertaining to remove that, that naturally occurring  
19 organic carbon in surface water.

20 CHAIR ALDRIDGE: Besides GAC.

21 DIRECTOR ENG: Well, GAC will be (inaudible), this  
22 mynex, this ion exchange. But I think they're even  
23 looking at a few other alternatives too.

24 CHAIR ALDRIDGE: Ok.

25 DIRECTOR ENG: And it's, it's gonna help minimize  
26 those disinfection by-products that form when you



1 chlorinate water containing naturally occurring  
2 organic matter so.

3 CHAIR ALDRIDGE: Now I recall that.

4 DIRECTOR ENG: It's been awhile too.

5 CHAIR ALDRIDGE: Right.

6 DIRECTOR ENG: You're right. Yes.

7 CHAIR ALDRIDGE: Thank you. Alright, no other  
8 comments? Meeting, oh yes. I'm sorry Scott.

9 MEMBER LUCK: For the next agenda the communication  
10 of our concerns about resources will be an official  
11 agenda item? You're gonna come up with it, I mean  
12 an initial draft or something is that your plan?

13 CHAIR ALDRIDGE: On, I'm sorry.

14 MEMBER LUCK: For our communication regarding our  
15 concern about resource usage in future..

16 CHAIR ALDRIDGE: Oh.

17 MEMBER LUCK: That'll be an official agenda item?

18 CHAIR ALDRIDGE: Yes.

19 MEMBER LUCK: Ok.

20 CHAIR ALDRIDGE: And for your information, I've  
21 asked Carl to sit in as the chair next, at the next  
22 meeting, 'cause I will just be returning from  
23 vacation and I may or may not be able to chair the  
24 meeting.

25 MEMBER LUCK: Hope you have a good vacation.

26 MEMBER ROBINSON: Have a nice vacation.

1 CHAIR ALDRIDGE: Thank you. Thank you. I'm going  
2 to California for 2 weeks. An awful time to go.  
3 The gas prices are driving...

4 MEMBER LUCK: And the fires.

5 CHAIR ALDRIDGE: And the fires as well. Both of  
6 those are uncontrolled. Thank you meeting is  
7 adjourned.

8 MEMBER ROBINSON: Thanks.

9 MEMBER LUCK: Thank you.

10 (The meeting concluded at 11:55 a.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

Board of Water Supply  
Regular Meeting  
July 24, 2008

107

Prepared and submitted by:

---

Gaye Hayashida  
Commission Support Clerk

Approved on: \_\_\_\_\_