

County of Maui Water  
Supply

BOARD OF WATER SUPPLY

County of Maui

Regular Meeting

Thursday, November 16, 2006

9:00 a.m.

Planning Department Conference Room

First Floor, Kalana Pakui Building

250 South High Street

Wailuku, HI 96793

I. Call to Order

Chair Kenneth Okamura called the November 16, 2006 Board of  
Water Supply meeting to order

at 9:00 a.m.

II. Attendance

Board Members Present:

Also Present:

Carl Holmberg

George Tengan, Director

Kuilauokalani Lester

James Giroux, Deputy

Corporation Counsel

Scott Luck

Edward Kushi, Jr.,

Deputy Corporation Counsel

Ginny Parsons

Alva Nakamura, Engineering

Program Manager

Vice Chair Lee Aldridge

Holly Perdido, Fiscal Officer

Chair Kenneth Okamura

Gaye Hayashida, Commission

Support Clerk

Excused:

Marion Haller

Michael Howden

Michael Victorino

### III. Announcements

A. None.

### IV. Approval of Minutes

A. October 16, 2006 Budget Workshop

Motion: By Member Carl Holmberg to approve the minutes of October 16, 2006.

Second: By Vice Chair Lee Aldridge

Discussion: None.

Vote: Ayes - Unanimous. Motion carried.

B. October 19, 2006 Regular Meeting

Chair Okamura stated that page 6, paragraph 3 should read,  
"Vice Chair Okamura

informed Ms. Hajnosz that the Board does not approve the  
budget." The Chair noted

that in the approval process, the Board just reviews the budget.

Motion: By Member Carl Holmberg to approve the minutes of  
October 19, 2006 as corrected.

Second: By Vice Chair Lee Aldridge

Discussion: None.

Vote: Ayes - Unanimous. Motion carried.

V. Testimony from the Public

A. None.

VI. Unfinished Business

A. None.

VII. Communications

A. None.

VIII. Director's Report

A. None.

IX. Other Business

A. Presentation by the Water Oversight Advisory Committee members Ginny Parsons, Brooke

Richert and Lisa Lindo.

Brooke Richert who coordinates the testing, stated that since March of 2006 testing has

been done once a month and the homeowners pay for this testing.

She further stated that almost every filter system without a micron/uv process has come

back really high in colony forming units. It would be better to take out those filter

systems. Even an RO system's carbon filter gets polluted.

Member Holmberg asked how easy or how expensive would it be to fit a micron/uv system to

the household water system? Ms. Parsons stated that it is sold at cost to the homeowner

around \$500 to \$600 plus installation. It would depend on the household but maybe shocking

the house lines might be the answer then they wouldn't need the uv and micron filters.

Ms. Lindo stated that they have specific solutions but they need people to know that some

of these can be handled in their homes.

Ms. Richert stated that it is not about blame but it is

about education and identifying

the situation and how we can fix it.

Member Aldridge stated that he believes why there are a lot of water filter systems in the

Upcountry area. It is because at one point in time residents were all sold on the idea

that the water was bad. They have been provided a disservice by people who sell filters.

We need to counter that.

Member Lester asked how much does it cost to do your own testing. Ms. Richert stated that

it cost \$31.00 per sample. When they give out the sterile bottles they also provide

information on safe water.

Chair Okamura asked if the Department of Health is helping in any way. Ms. Parsons stated

yes, in fact Dr. Pang wants to get together to do a campaign to get rid of the Upcountry

filtration systems. The public needs to be educated.

At this time the Chair thanked Ms. Parsons, Ms. Richert and Ms. Lindo for the presentation.

B. Discussion/possible action regarding Request for an Extension of Time on Water Conservation

Plan Proposal to the County Council.

Chair Okamura asked Deputy Corporation Counsel Ed Kushi what can the Board do to request

for an extension of time?

Mr. Kushi stated that the ordinance itself does not have provisions for extensions. But

what happens when an agency does not comply with the Maui County ordinance? Do we fine

ourselves? He suggests that the Board through the chair contact the council chairman as

well as the Water Resources Committee chair to request an extension of time to submit this

plan. He pointed out that what the Board submits is not a plan but the proposed elements

of a water conservation plan.

Mr. Kushi suggested that in asking for an extension, the board should propose a certain

date when they are able to submit it and also the reasons why they cannot meet the January

5, 2007 deadline. If the extension is reasonable, 2 or 3 months, then he believes a formal

resolution by the council is not needed. If the extension is more than 3 months, then he

would suggest processing a formal resolution extending the deadline for the council to

consider. In the event that both of these fail, then the Board will have to call a special

meeting in December to work out a plan.

The Chair thanked Mr. Kushi for his suggestions.

Chair Okamura directed the board members to look at the hand-outs regarding the water

conservation plan. The first item is page 16, Preliminary Draft - For Discussion Purposes

Only, shows the Demand Side Management programs that are being planned for the Water Use

and Development Plan.

The second hand-out is Ten Steps to Develop a Water Conservation Plan by the American Water

Works Association. This shows what is required of a

water conservation plan. The Chair

further stated that some of this is being done by the consultant doing the Water Use and

Development Plan

Member Parsons asked if someone should be hired to get this done. The Chair stated that

according to Ellen Kraftsow, parts of the Water Use Development plan will be done by January.

If they waited for this then the Board may have something to submit, though it may not

address all the elements.

Vice Chair Aldridge agreed that the Department may need additional resources to complete

the Water Conservation Plan. He asked why put out a Water Conservation Plan in January

when the Water Use Development Plan and the Demand Side Management which deals with

conservation are still being played out. It would seem reasonable for the council to

provide an extension of time so that these two factors could be together in a single document.

The Vice Chair stated that he would like to hear from the department's staff as to the

realistic time frame and what the needs are in terms of manpower to accomplish both the

Water Use Development Plan and the Water Conservation Plan.

The Chair stated that possibly this could be discussed at one more meeting and asked Mr.

Kushi to explain what he meant by starting a resolution process. Would the Board write

the resolution? Mr. Kushi stated that if a resolution is the method to get a formal

extension then Corporation Counsel would draft a resolution extending the time. The

process would be the Board, through the Department, will submit it to the council. The

council chair would then refer it to the Water Resources Committee. Then it would come

back to the full council. That process alone takes a minimum of a month and a half. He

strongly suggests that the Board discuss this with the council chair as well as the Water

Resources Committee chair.

Member Holmberg asked if there are copies of the draft of the Water Use Plan. Chair Okamura

stated that most of it is on the web ([www.mauewater.org/planning](http://www.mauewater.org/planning)).

Vice Chair Aldridge asked Director Tengan if they should give the council something called

Water Conservation Elements or should they request an extension? The Director suggested

that the Board look at what is meant by the "proposed elements of the water conservation

plan." If it is something that can be discussed and documented within the next month or

so then present it to the Board at the December 21st meeting. If the Board feels at that

time it is not what the council is looking for then ask for the extension.

The Director further stated that the elements he is thinking about are the various kinds

of programs as stated in the ordinance, "...water use regulations relating to outdoor watering,

leak detection and prevention, and water reuse." This portion would be included in the

elements of proposed regulations of the department. If necessary an ordinance may be

proposed. Another element would be the existing programs that the department is doing such

as advertising in the papers and movie theaters, participating

in community affairs and

events, and distributing low-flow fixtures. The Board should look at all of these and

determine if this is what the council is looking for, and as corporation counsel suggested,

meet with the Water Resources chair and the council chair to see if this would be acceptable

to the council at this point in time. If it is not acceptable then go ahead with the

request for extension.

Mr. Kushi stated that he totally agrees with the Director's suggestion. If the Board is

just required to submit elements then what is before the Board and what the Department is

doing may be codified and submitted to council before the end of the year. If council

wants a formal plan to be drafted and enacted into an ordinance then that would take a while.

Motion: By Vice Chair Aldridge that the board chair set up a meeting with the Water

Resources Committee chair and with council chair and find out what is meant by elements of

the water conservation plan and determine whether or not we need an extension.

Second: By Member Lester.

Discussion: Member Holmberg asked if this would just be a phone call. The Chair replied

that he wasn't sure but thought that he and the vice chair could set up an appointment

with the council and the Water Resources chairs before the next meeting.

Director Tengan stated that because this meeting would only involve 2 council members they

could meet with both of them at the same time.

The Chair asked if Director Tengan could also join them in this meeting. The Director

replied that he or Deputy Director Yamashige would be available.

The Chair stated that he and the vice chair will meet with the chairs of the council and

the Water Resources Committee, and the Director or Deputy Director, to determine what

elements they want in a water conservation plan, then at the next meeting they will determine

what to do.

Vote: Unanimous. Motion carried.

C. Discussion and Update on the Status on the Upcountry Maui Water Quality Issues (Lead Control Project).

The Chair noted that Deputy Director Yamashige could not be here but he has prepared a

spreadsheet of the EPA Grant Assistance Agreement No. X-96919401, Upcountry Maui Water

Quality Issues. This shows the different segments of the grant and what has been expended

and how much of it is complete.

Chair Okamura suggested that if the Board wants an update on the complete project or have

any questions, then the Deputy Director could be placed in the agenda for the next meeting.

Member Parsons stated that she would like Dr. Pang to come in at the next meeting to address

the Board on this subject. She stated that when they were doing the lead testing they

didn't ask the families if they had been drinking the water. This may have invalidated

their testing.

Member Parsons stated that the Deputy Director basically has just been balancing books,

keeping track of the expenditures. She stated that the grant was not just for lead control.

It was for lead and other contaminants and believes Dr. Pang should be the one to give an

update on this.

The Chair suggested that both Dr. Pang and the Deputy Director be present to update the

Board on this project.

D. Discussion on Ordinance 3321, Regulation of Permits and Water Use, which requires private,

non-governmental parties to report withdrawals and diversions of water, and to regulate the

construction of private, non-governmental water systems.

Chair Okamura stated that he put this item on the agenda mainly for the Board's information

and possibly to ask Corporation Counsel to briefly explain this.

Mr. Kushi stated that this ordinance was passed either this year or late last year. The

council wanted to have information as to water use within the county on public and private

wells. Currently well users within the state must report their usage and their system

operations to the State Commission on Water Resources. The council by this ordinance wanted

to mirror those requirements so that well users must also report

to the department. The

department then relays that information to the council.  
This ordinance also has enforcement

provisions where the county is able to cite water users for  
not reporting.

Member Holmberg asked Director Tengan if that data has  
been collected by the county. The

Director replied yes, but he doesn't know what the council staff  
is doing with that data.

The Department has been compiling the data, keeping copies of  
the reports and is in the

process of working with Corporation Counsel in administering  
the ordinance.

Member Holmberg asked if raw data is available as in individual  
well owners and users

reporting the number of gallons they are withdrawing per month.  
The Director stated that

so far the Department has received reports primarily from the  
major users such as Wailuku

Water Company, EMI, and Kaanapali Water System and maybe  
from Kapalua also.

Vice Chair Aldridge asked, hasn't the state water commission  
already been collecting this

information? Director Tengan replied yes, this is the  
same information and the council

wanted the department to be more involved in monitoring the usage  
on this island.

Vice Chair Aldridge asked, couldn't the state just have  
directed these users to report to

the county also? Mr. Kushi replied that the intent goes deeper  
than that. It is a state

law that mandates the water commission to receive these reports  
but the commission is

understaffed and there is a backlog. A lot of these users  
believe they don't have to

report it. But the law is still there and this ordinance says that if the state requires

you to report then the county can get a copy. If you are not reporting then this ordinance

can cite you for a violation.

Vice Chair Aldridge stated that in essence this shifted the enforcement responsibility to

the department. Mr. Kushi replied yes. This ordinance allows the county to go after those

who are not reporting.

Motion: By Member Holmberg as a one time request that the Department provide copies of

the well users' reports for the last 3 months of '06.

Second: By Member Parsons.

Discussion: No further discussion

Vote: Unanimous. Motion carried.

E. Discussion/possible action regarding the Board's Letter of Recommendation to the Mayor

on the Fiscal 2008 Budget.

At this time the Chair read his draft to the Board.

Member Parsons stated that she rather would have the Board ask for ordinances or rules

where the developer have to/must add to source development. She doesn't see them taking

their tax revenue dollars and putting it into the Department of Water Supply and further

stated that we are going to run into a stone wall there.  
The Department needs to be  
self-sufficient.

Holly Perdido stated that at the last budget workshop, the  
numbers show that we need to  
have an increase.

Member Luck asked if it is appropriate at this time for the Board  
to address a rate relief

or tax credit for single-family users below a certain income  
level. And should future

expansion be supported more by developers?

The Chair stated that they are appropriate issues to discuss  
now. The first question is

the life-line rates or the low income rates.

Member Parsons stated that if the county wanted to expand then  
put the burden on developer's

shoulders.

Changes to the letter as suggested by members of the Board are  
as follows:

Some of the reasons for this are:

1. Much of the CIP funding over the past 3 years has been  
to increase the current system's

capacity as more people, more homes, and more businesses are  
being served on the same system.

These upgrades do not simply benefit water users, but have  
allowed for improvements in real

property value which in turn have and will continue to increase  
tax revenues to the County.

2. The meter fees and Water System Development fees that the Department of Water Supply

assesses new developments are not enough to fund the actual costs of expanding the current

system.

3. Unless alternative means of funding capital improvements and debt service are made

available, the Department of Water Supply may not be able to adequately fund the rising

costs of its operations.

Therefore, the Board would like to propose the following recommendations:

1. To augment or partially offset the proposed water rate increase we recommend that the

Mayor and the County Council should consider

a. funding of some of the capital improvement projects from property tax revenues

and,

b. that new development should bear the full cost of added infrastructure.

2. No change.

3. Delete the word "offset" and replace with "identify".

4. That for the fiscal year 2008, rate increases follow a rate structure option that

minimizes the impact of the overall rate increases upon single-family and small agricultural

users.

5. Deleted entirely.

Motion: By Member Parsons to accept the Chair's letter with corrections.

Second: By Member Holmberg

Discussion: No further discussion

Vote: Unanimous. Motion carried.

F. Verbal Update on Pookela Well.

Alva Nakamura stated that they are 99.9% complete. There are just 2 more items to be

completed. One is the wiring of the data logger and the second is the completion of the

chlorination room's equipment installation. This means that the preliminary test of the

well pumping system is scheduled for Monday, November 27th. If there are no unforeseen

problems the 6-hour efficiency test is set for Wednesday, November 29th.

G. Receipt of Board Members request for agenda items to be placed on future agendas.

1. Member Parsons stated that she received an anonymous letter requesting that the Board

look into possible water contamination of the Maui Lani Well by junk cars at the Waikapu

Dump.

The Chair stated that before December 5th would be the deadline for members to submit agenda

items.

#### X. Division Reports

Chair Okamura stated that because this meeting is being held earlier in the month, not all

the divisions were able to complete their reports in time for mailing. But the missing

reports have been submitted at this meeting.

The Chair asked if the Board members had any comments or questions regarding the Division

Reports.

There being no further discussion, the Chair moved to the next agenda item.

#### XI. Adjournment

The November 16, 2006 Board of Water Supply meeting was adjourned at 11:29 a.m.

and submitted by:

Prepared

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Gaye Hayashida

Commission

Support Clerk

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

*"By Water All Things Find Life"*

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