

1 BOARD OF WATER SUPPLY

2 COUNTY OF MAUI

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10 REGULAR MEETING

11 THURSDAY, SEPTEMBER 25, 2008

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16 Held at the Department of Liquor Control Conference

17 Room, David Trask Building, Room 105, Wailuku,

18 Maui, Hawaii, commencing at 9:07 a.m.

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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

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3 BOARD MEMBERS:

4 Lee Aldridge, Chair

5 Marion Haller

6 Michael Howden

7 Kui Lester

8 Scott Luck

9 Phyllis Robinson

10 Ted Yamamura

11

12 STAFF PRESENT:

13 Jeffrey K. Eng, Director of Water Supply

14 Edward S. Kushi, Deputy Corporation Counsel

15 Holly Perdido, Fiscal Officer

16 Tui Anderson, Conservation Specialist

17 Ellen Kraftsow, Water Resource & Planning

18 Program Manager

19 Herb Chang, Engineering Program Manager

20 Gaye Hayashida, Commission Support Clerk

21

22 OTHERS:

23 Ron Feibusch, Wailea Ekolu

24 Dan Honma, Maui Prince Hotel

25 Wilfred Robello

26 Michelle Anderson, Councilmember

27 David Gleason, Maui Lani Golf Course

28 Bud Pikrone, Wailea Community Association

1 OTHERS continued:

2 Carol Reimann, Maui Hotel & Lodging Association

3 Thomas Steinhauer, Four Seasons

4 Rob Hoonan, Grand Wailea

5 James "Jim" Heid, Grand Wailea

6 Terry Collins

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1 CHAIR ALDRIDGE: We'll call the meeting to order.
2 This is a regular meeting of the Board of Water
3 Supply, Thursday, September 25th, 2008. Members
4 present include Scott Luck, Ted Yamamura, Kui...I'm
5 sorry, that's what happens when you go on vacation
6 for 2 weeks; myself, chair of the board, Lee
7 Aldridge; Mr. Kushi, Corporation Counsel; Mike
8 Howden and uh, we're expecting Marion Haller and
9 Phyllis Robinson, I believe also Kelli Meyers.
10 They're probably looking for parking spaces. And
11 we've excused the vice chair, Carl Holmberg, who is
12 unable to attend today. Staff members present
13 include the, the director of the department, Mr.
14 Eng, and I think I saw Holly Perdido and Tui
15 Anderson in the audience. Also here in the
16 audience is a um, Michelle Anderson, Council
17 member. Welcome Ms. uh, thank you for coming.
18 Alright, let's go quickly through the first
19 business items. Are there any announcements? Ok.
20 Approval of the minutes? Are there any comments
21 from the board members on the minutes, any
22 corrections?

23 (silence)

24 CHAIR ALDRIDGE: Hearing none, can I have a motion
25 to approve?

26 MEMBER HOWDEN: I so move.

27 CHAIR ALDRIDGE: Second? Anyone?

28 MEMBE LUCK: Second.

1 CHAIR ALDRIDGE: Alright. Moved and approved. I'm
2 sorry I missed the meeting. It looked like it was
3 an interesting one. We'll proceed now to item 5 on
4 the agenda, Testimony from the Public. I need to
5 read first so that everybody's clear on what is
6 permitted. "The board shall receive testimony
7 first from persons whose testimony forms are
8 submitted prior to the convening of the meeting." I
9 think all of you have submitted a form and have
10 signed up. "Initially, 3 minutes will be granted
11 on each item and at the discretion of the Board
12 Chair, an additional minute may be granted to
13 conclude testimony. An additional 3 minutes on
14 each item will be granted to those who are unable
15 to conclude their testimony after all others
16 desiring to speak have been heard. Thereafter,
17 persons whose testimony forms are submitted after
18 the meeting convenes, but before the testimony
19 portion ends, will be allowed to present oral
20 testimony for 3 minutes on each item. The Chair
21 may grant additional minute to conclude testimony."
22 And ah, the, oh, I'm sorry Gaye. I forgot to a, to
23 introduce you.

24 MS. HAYASHIDA: That's ok.

25 CHAIR ALDRIDGE: Our, our ever important board
26 secretary, who will keep the minutes since I'm
27 unable to do that and talk at the same time.
28 Alright, let's go to Testimony from the Public. I

1 have a list, I'm just gonna go in the order that
2 was a, that people signed up and the first person
3 is Ron...

4 MR. FEIBUSCH: Feibusch.

5 CHAIR ALDRIDGE: Feibusch. Thank you for helping
6 out there...

7 MR. FEIBUSCH: That's alright.

8 CHAIR ALDRIDGE: Mr. Feibusch.

9 MR. FEIBUSCH: Good morning everybody.

10 CHAIR ALDRIDGE: Good morning.

11 MR. FEIBUSCH: Thanks for this opportunity. Got a
12 hand-out here, what we did. I represent the Wailea
13 Ekolu AOA and we use water of course. And we've
14 over the last 2 years have started tracking our
15 water uses, both domestically and for irrigation.
16 And we originally started just with the basic
17 approach of trying to reduce number of days, times,
18 things like that and it really didn't work. And so
19 what we do is we applied like 21st century
20 management approach. And so we first did the
21 reactionary, where we fix things like normal. Then
22 we did some data gathering. We started tracking
23 our usage by water meter and then we identified
24 problem areas, and then we addressed these problem
25 areas. And we found out that there were leaks,
26 there were apartments where toilets were running
27 and over the last years, you can see from the
28 information I'm providing, the first 5 billing

1 periods, in apartment usage, we've reduced our
2 consumption by 24%, from 9, from 9.3 million
3 gallons down to 7.1 million gallons. And then in
4 irrigation we also take, took the same approach,
5 and we also implemented a preventative maintenance
6 program as well as a improved system for
7 efficiencies, changing water heads, where we, where
8 we call the wall of water, so it's more evenly
9 distributed, distribution of water on lawns and
10 planting areas. And we went from a, using 19.3
11 million gallons down to 14.4 gallons, which is,
12 million gallons, which is a 25% decrease in usage.
13 So, with the systems that we put in place, we need
14 the flexibility to water on the days that we deem
15 needed, versus just an arbitrary 3 days a week. If
16 we're assigned to, we're an even number, so if
17 we're assigned to just 3 days a week. And if it
18 rains the day before, our rain, our, our scheduled
19 date, probably during this schedule date it doesn't
20 make sense to rain, but if we don't water during
21 that day we'll have 2 more days of waiting to be,
22 be a, for watering. So, I think they'd, they'd,
23 the public and the people who are using, you know,
24 the, the organization using water, they should be,
25 should be monitored if possible to see how they're
26 doing, like what we did individually, versus just
27 an arbitrary 3 days a week. And we have gone down
28 from, we used to, 3, 4 years ago, 7 days a week now

1 we're down 4 to 3 days a week, depending on which
2 area. So, I think that the, hopefully the, the
3 user community can be responsible enough like we
4 have to reduce water consumption. And our results
5 proved that out by applying this. And I'm sure
6 other organizations are doing the same thing. I
7 guess the big question I have for the Board might
8 not be appropriate, rather than reducing the
9 consumption that we need in average to the drought
10 is, how do we get more water to us?

11 (timer beeping)

12 MR. FEIBUSCH: And I'm sure you're working on that
13 so that would be great. That would, that would
14 kinda solve the problem. Thank you.

15 CHAIR ALDRIDGE: Thank you, Mr. Feibusch. If I may
16 just ask you, you mentioned a 25% reduction, over
17 what period of time is that?

18 MR. FEIBUSCH: For the first 5 billing periods of
19 2007 to 2008.

20 CHAIR ALDRIDGE: Ok, so over the last..

21 MR. FEIBUSCH: Last year, yeah.

22 CHAIR ALDRIDGE: Last year.

23 MR. FEIBUSCH: Last year.

24 CHAIR ALDRIDGE: Ok, thank you.

25 MR. FEIBUSCH: Thank you.

26 MEMBER HALLER: Can I make a comment?

27 CHAIR ALDRIDGE: Yes.

28 MEMBER HALLER: Mr. Feibusch?

1 MR. FEIBUSCH: Yes.

2 MEMBER HALLER: I, I'm curious to know what spurred
3 your AOA to do this?

4 MR. FEIBUSCH: Two reasons, number 1, costs; number
5 2, conservation; trying to help the island to, to
6 reduce the consumption. But costs, I mean, the
7 costs are going up. I mean ah, the ah, I mean
8 there's been 2 rate raises in the last, I guess
9 what, 15 months, 12 months, and we're trying to you
10 know, keep our costs in line.

11 MEMBER HALLER: I commend you. This is admirable
12 work, the reduction of your water usage. I really
13 applaud your AOA, thank you so much for
14 (inaudible).

15 MR. FEIBUSCH: You're welcome. It was a team
16 effort, everybody in the, thank you.

17 (Recording is stopped to adjust stereo microphone
18 then resumes.)

19 CHAIR ALDRIDGE: Is it working?

20 MS. HAYASHIDA: Well, the stereo wasn't going so.

21 MEMBER HALLER: Stereo!

22 (laughter)

23 MR. FEIBUSCH: You want me to start over?

24 CHAIR ALDRIDGE: No.

25 (laughter)

26 CHAIR ALDRIDGE: That's quite alright. I think
27 mono or probably would..

28 MS. HAYASHIDA: We heard you.

1 CHAIR ALDRIDGE: Alright the next person on the
2 list is a Dan Honma. Did I say that correctly..

3 MR. HONMA: Yeah. Correct, well pretty close.

4 CHAIR ALDRIDGE: Close enough.

5 MR. HONMA: Close enough.

6 CHAIR ALDRIDGE: Thank you, Dan.

7 MR. HONMA: Good morning. I'm from Maui Prince
8 Hotel Makena Golf Courses, and I guess I'm here to
9 just kinda comment on some the, the way the
10 ordinance is presently written regarding the,
11 mainly the hours, I guess. I know in our operation
12 we have times when we have to supplement the
13 irrigation beyond this window that's proposed so,
14 primarily during you know, fertility, fertilizing,
15 maybe application of wetting agents, we like to
16 water that in following the, the application so. I
17 think there has to be some kind of, I guess, leeway
18 there that's in the application times. Let's see.
19 We also are on a brackish water system, so there's
20 a lot of times where we have to supplement to leach
21 out some of the salts that accumulate within the
22 soil profile and that in itself you know requires
23 additional water to be put down and, and may exceed
24 the water window that's you know, from this 6 to 9
25 pm, ah, 6 am to 9 am, 6pm, yeah. So, I think it's,
26 it's just a tool that we kinda use and we kinda
27 have relied on over the years, 'cause we, you know,
28 lot of the maintenance is based on field

1 observation. So if you see a dry spot, it might
2 be a localized dry spot coming out, we have to put
3 down supplemental water and may not fall within
4 this time period. Cultural practices like
5 aeration, verti-cutting, top dressing, we normally
6 follow that with irrigation also. We hate to leave
7 the exposed area, aeration holes, you know, open
8 for a day to let, to let it dry out. Key is, you
9 know, keeping the turf healthy and you know to have
10 it recover quicker and that you know affects the
11 amount of water that you'll use in the long term.
12 I know there is an item here under 2d where you
13 know if you have an extra, extraordinary irrigation
14 circumstance you can request the exception and I'm
15 not sure how that's gonna work. Whether it's gonna
16 be a quick process or you know, you have to submit
17 a week in advance to get approval but you know, lot
18 of times we have to react kind of like that day so
19 we need that ability to make a decision to you
20 know, rectify our problems out there. Doesn't take
21 into consideration breakdowns in the system where
22 you know, I mean, it'll break down today, it won't
23 get it operational for 2 days so we'll still be
24 stuck with you know, won't be able to put enough
25 water down to get the turf to recover. For the
26 landscaping side, I know there is a lot of micro-
27 climates involved with the landscape design so it
28 doesn't make sense to have irrigation on set days

1 for all plants. So that's where I know the
2 previous speaker spoke in that you know, being able
3 to have the ability to manage the water versus
4 sticking to the set days, I think, makes more
5 sense. And you know, you have rely on the
6 professionals managing the property to be able to
7 have that as a, as a method of you know,
8 maintaining it so. So, anyway those were the main
9 concerns I had. And gonna see how it goes I guess.
10 I live Upcountry, I know water's a big issue and
11 has been for years and you know, I know there's, it
12 needs to be done as far you know as getting
13 conservation programs in place. Thank you.

14 CHAIR ALDRIDGE: I have a question. I'm sorry. Go
15 ahead.

16 MEMBER YAMAMURA: Are you on a public or private
17 system?

18 MR. HONMA: We are on a private, except for the
19 hotel. That's run off of County water.

20 CHAIR ALDRIDGE: You mentioned ah, fertilization
21 and other turf maintenance, you know, activities so
22 and that there was a need to water after those,
23 like aeration, etcetera, how often are these
24 normally done?

25 MR. HONMA: Well, we fertilize, can be weekly to
26 monthly depending on the product you're putting
27 down and, and the rates. I'm more concerned with
28 the wetting agents that we have to put down. And

1 the wetting agents you know, actually make the
2 water more efficient basically, your irrigation
3 more efficient, and we don't like to have it
4 sitting on the surface. We like to kinda do a
5 light watering, get it into the soil profile.

6 CHAIR ALDRIDGE: How often do you apply wetting
7 agents?

8 MR. HONMA: We do that twice a month.

9 CHAIR ALDRIDGE: Twice a month. Ok, so anywhere
10 from once a week to monthly or...

11 MR. HONMA: Uh huh.

12 CHAIR ALDRIDGE: These activities are...

13 MR. HONMA: Correct.

14 CHAIR ALDRIDGE: And ah...

15 MR. HONMA: Well, aeration, we, we do it twice a
16 year.

17 CHAIR ALDRIDGE: Twice a year.

18 MR. HONMA: Yeah.

19 CHAIR ALDRIDGE: Ok.

20 MR. HONMA: Core aeration, we do solid TAN aeration
21 and other, so actually 3 times a year.

22 CHAIR ALDRIDGE: Alright, I was just curious. Any,
23 any other questions?

24 (silence)

25 CHAIR ALDRIDGE: Thank you.

26 MR. HONMA: Ok.

27 CHAIR ALDRIDGE: Alright. We um, let's move on to
28 the third item, person on the list and I cannot, I

1 apologize, cannot read your name. If you have a
2 chance at this, Jeff?

3 DIRECTOR ENG: Wilbert? Is there a Wilbert in the
4 room? Or?

5 MS. HAYASHIDA: Wilbell? Yeah?

6 CHAIR ALDRIDGE: Oh, Wilbell?

7 MS. HAYASHIDA: Have a seat. Just identify
8 yourself for the record.

9 MR. ROBELLO: Ok.

10 MS. HAYASHIDA: Ok, thank you.

11 MR. ROBELLO: Mr. Chairman and members of the
12 Board. My name is Wilfred Robello and I'm a long
13 time Kula resident. I have more questions than I
14 have answers. I only know what I read in the
15 newspaper and what I've talked to the Council
16 people about this bill. How long I live in Kula?
17 Well I can remember when I got my diploma from the
18 eighth grade, so I've been through the old system
19 and now the new system is coming about. I live
20 under the old system, the old galvanize pipe where
21 we had no water, no water to, to water our lawns
22 when everybody use water. We had no water enough
23 to, had to watch when we were washing clothes, that
24 the water washing machine would fill up. But thank
25 God that couple years ago the Water Board gave us a
26 new line and we have little bit more water now.
27 The reason why I'm here is to ask that as you
28 consider this bill that you don't forget the people

1 that live under the old systems that still have
2 galvanized pipes where it's so corroded that the
3 water cannot come through and that the system
4 slowly been upgraded by the Water Board, the best
5 that they can. In my area we just got it about 5
6 or 6 years ago and has made a great improvement.
7 But the people towards the end of the line still
8 have the small line. So if everybody going use
9 water at the same time you're not gonna have enough
10 water. Some people didn't have enough water even
11 to flush their toilets at times when everybody
12 used. So, when you take consideration of this
13 bill, remember the old system, that there're a lot
14 of people living under the old system that the
15 County is still progressing along changing the new
16 system to this new rubber 4-inch line that we have.
17 When the 4-inch line goes only three quarter ways
18 and rest who live at the end of the line still have
19 the small system. So and another thing is that
20 from what I understand from this bill, it's from
21 6:30 to 9 in the evening, they can water but up in
22 Kula get very cold. I live in the Kula Highway,
23 Maukanani Road, it gets regular winter weather is
24 53 degrees, down to 46 at times. Where other
25 people live it goes down to 36, so at our age going
26 out water and, and the cooler weather is not, not
27 possible, not realistic if I should say. So as the
28 Board makes this decision, remember that Kula, the

1 Kula's and the lower Kihei, Kahului, the weather is
2 far different. People who move up there find out
3 how hard it is to live during the winter time. And
4 when you make this decision also remember that
5 there's a lot of old people up there. If they're
6 gonna be traveling around in the dark watering
7 their yard, what's gonna happen to them? I'm 72
8 years old and I don't travel too much out at night.
9 Age makes a big difference. So, I have more
10 questions, I'm just sitting down listening to what
11 your decision you folks make. And if I can help
12 you with any answers about the old Kula system, I'd
13 be glad to help you. And then, any questions?

14 CHAIR ALDRIDGE: Thank you very much. Just as a
15 comment I might say that one of the reasons the
16 water rates have been increased is to fund capital
17 improvements to make replacements on sub-standard
18 lines and so forth. I keep losing my list. Well,
19 it's either next item, next person on the item, ah
20 Michelle Anderson, you wish to make a public
21 testimony? Councilman, Councilmember Michelle
22 Anderson?

23 MS. ANDERSON: Good morning, members.

24 UNKNOWN VOICES: Good morning.

25 MS. ANDERSON: Thank you for putting this on your
26 agenda. I have a lot to share with you. The Water
27 Resources Committee met on this 4 times on this
28 particular bill. We met other times on the larger

1 water conservation bill, but I just want to give
2 you a little background. It's gonna be difficult
3 in 3 minutes to share with you what this committee
4 went through in a 2 month period, but I'm gonna try
5 my best and what really triggered this action was
6 reading your May, I believe, 22nd Board minutes.
7 Where you guys reviewed the Water Availability
8 spreadsheet. And I don't think I need to reiterate
9 to you the shocking numbers that are on these
10 spreadsheets. But it was very disturbing to me and
11 I felt that we needed to take some action
12 immediately that could help us counter the numbers
13 that we see here, because we are heading for
14 disaster if we don't do something. In February of
15 this year we were privileged to have Amy Vickers,
16 who wrote the bible on water conservation, come to
17 speak to our Water Resources Committee. She was
18 here helping Carl Freedman to review the
19 conservation program that he's putting in the Water
20 Use and Development Plan. She toured Maui, she
21 came to our committee, she told us the number one
22 thing that you can do to conserve water is to stem
23 the waste of water for irrigation purposes. So,
24 that is the impetus for our actions in this bill.
25 I also want to remind you, and I don't know if you
26 folks have had the privilege of USGS sh-sharing
27 with you the studies that they've done. But their
28 recent study show that all of the wells in the

1 Central Aquifer are declining. Also, the chlorides
2 are rising in all of the wells. The transition
3 zone is narrowing and rising. The rainfall pattern
4 in Maui County and throughout the state shows a
5 trend of decline, which of course shows a decline
6 in stream flow. None of this bodes well for our
7 water system and the future needs of our community.
8 We know that we're in a severe drought at this time
9 but it may very well be that the drought that we're
10 experiencing right now is going to be...

11 (timer beeping)

12 MS. ANDERSON: Ah, oh, my goodness, is that 3
13 minutes? Is going to be the trend of the future.
14 I'm really sorry, I had so much more but...

15 CHAIR ALDRIDGE: Please take, please take another
16 minute.

17 MS. ANDERSON: So we brought Amy Vickers in and
18 she, you know, this is, we're not the only ones
19 doing this. These are jurisdictions all across
20 United States that have implemented irrigation
21 schedules. And not just for drought purposes, but
22 to conserve water. In Maui County, in Wailuku-
23 Kahului, 46% of the water that's used is for
24 irrigation. Kihei-Makena, 68% of the water used is
25 for irrigation. This is in Carl Freedman's Water
26 Use and Development Plan, statistics based on the
27 Water Department's numbers. So when we drafted
28 this bill, we have put in irrigation schedule for 3

1 days a week. There are some changes that we will
2 be making to the bill and thank you, Don from the
3 Maui Prince, he brought up a very good point. We
4 need to have a provision to allow for fertilizing
5 aeration, whatever kind of amendments they put on
6 to their golf course or lawns, to allow that to be
7 watered in. And we will put a provision allowing
8 for that. I already have a language. We're gonna
9 add a process that Mr. Kushi has given us language
10 when there's an extraordinary circumstance. We're
11 gonna add language for that, how that would take
12 place. And also, it was brought to my attention
13 under C3, Irrigation by commercial or private
14 nurseries or farms qualifying for agricultural
15 water rates. We put that in because we wanted to
16 make sure those people on agricultural land are
17 actually doing farming and therefore qualifying for
18 water rates, the agricultural water rates. But it
19 was brought to our attention that people who are on
20 a private system will not be subject to the
21 County's agricultural water rates, so in order to
22 not exclude them, and that would include in many
23 instances HC&S because they use a private water
24 system, we're gonna change that language to
25 irrigation for the growing of agricultural
26 products. And there's a definition already in the
27 code for agriculture products and that would mean
28 products grown for consumption or for fiber. That

1 way, we're taking care of those people who will be
2 on a private system. And this ordinance does apply
3 to public and private water systems. It's been
4 done in many places including Florida. And the
5 purpose behind that is because we are trying to
6 save the source. And whether it's from private
7 distribution systems or a public distribution
8 system, it all comes from the same source and
9 whether it's brackish or sweet water, it's also all
10 from the same source. The only exemption is for
11 recycled water because we, we would much rather
12 have recycled water used then injected and because
13 it's damaging our reefs, so we need, we need to
14 extend the use of recycled water but that's a big
15 investment and distribution system, so. I also
16 wanted to point out that we did heed your
17 resolution, thank you very much for providing us
18 with this advice. We took out the, the civil
19 lawsuit portion of the enforcement. So, if you'll
20 see the enforcement, it's, it's more concise and it
21 will be, I mean there is a possibility for someone
22 to challenge it if they want to in civil court but
23 it will be enforced by the Department. That's
24 about all I have except that we, we were privileged
25 to have Amy Vickers on conference call with us at
26 our last meeting. And as I said she, she's the
27 nationwide expert in this. She has consulted and
28 provided legislation for many jurisdictions on how

1 to conserve water. She's worked closely with the
2 EPA and the issue of using evapotranspiration
3 technology as an exemption to this watering
4 schedule has been touted throughout the nation by
5 the irrigation industry. And conservation experts
6 have found that many times when you use
7 evapotranspiration as an exception to an irrigation
8 schedule that it ends up using more water and so
9 the EPA has come out with a program called Water
10 Sense and they actually are requiring people who,
11 this is in a draft form, it hasn't been actually
12 finalized yet, but in their draft form they're
13 asking people who use evapotranspirations
14 technology that they must be able to operate on a
15 prescribe schedule. So, even the EPA is behind our
16 decision not to exempt people using EP, ah ET
17 technology. And I will leave this with you. I
18 think the rest of this information you folks have
19 already seen. I just would like to say that we are
20 trying to do our best to implement a program that
21 is fair and equitable across the board, of course
22 those people in Wailea who use 2,000 gallons a day
23 to irrigate and, for their domestic use are the
24 ones who probably gonna feel this the most. But I
25 think there's plenty of room for them to adjust. I
26 do know that the Grand Wailea, who I met with for
27 about 4 hours one day, they took me through their
28 whole area, showed me what they've been doing.

1 They're very proactive in conservation, not just in
2 their irrigation system, but within their
3 facilities, indoor facilities also. And they've
4 put in a lot of ground cover that is native plants
5 that they can use drip irrigation. Drip irrigation
6 as you will note in this bill is an exemption
7 because that is already a conservation measure.
8 And 3 days a week they had, at the time they told
9 me they had no problem. I see they're here today
10 so I hope they haven't been convinced otherwise.
11 This is not going to make Wailea turn into a
12 desert. Palm Beach Florida has this same kind of
13 program except they, they restrict people to 2 days
14 a week and they have tropical landscaping and
15 they're managing just fine. And contrary to an
16 email that I received that was sent out by Bud
17 Pikrone, stirring up support against this, Palm
18 Beach Florida does not have the exemption to use
19 other wells. Now they have reclaimed water to use,
20 fine, but in Florida private systems are also
21 canals, are also a part of their water
22 restrictions. So, Florida has managed just fine
23 with, specifically Palm Beach Florida and I think
24 that Maui County and Wailea particularly can
25 survive this and can cut down their irrigation and
26 their habit of over watering. So I hope you folks
27 can see the benefit in doing this. We need to
28 protect the source not just for this generation but

1 for next generation and Director Eng has a
2 provision in this bill that gives him the power to
3 adjust the restrictions for any extraordinary
4 circumstances, such as Mr. Robello's concern about
5 people at the end of an old waterline, not being
6 able to have water the next day after people have
7 watered. We can make those adjustments
8 immediately. So, thank you very much for your time
9 and for looking into this. We appreciate it very
10 much.

11 CHAIR ALDRIDGE: Thank you, Michelle. I know you
12 have an appointment at eleven, but will you be able
13 to stay for a little while as we review this..

14 MS. ANDERSON: Yeah, if there's any questions right
15 now I'd be happy and I'll stay until my eleven
16 o'clock appointment, but I think you'll probably be
17 engaged in con, ah testimony up until that time.
18 So if you have any questions now, I would be..

19 MEMBER ROBINSON: I have a question regarding the
20 definition of personal food gardens and whether or
21 not that will include community gardens and
22 neighborhood hui type of gardens. I will be
23 putting on another hat here as a member, core
24 member of the South Maui Sustainability Group and,
25 and I talked to Hali'imaile's Community Garden and
26 they said that they would like to get people to
27 conserve better because they put their sprinklers
28 on in the middle of the day and the water bill out

1 there is about \$10,000 and it's...yeah, so I'm just
2 wondering.

3 MS. ANDERSON: Yeah, personal food gardens would
4 mean any food gardens grown not commercially. So
5 we put that in because we have an exemption for
6 commercial or private nurseries or, or the growing
7 of agricultural products so we felt we needed also
8 say that personal food gardens would also be
9 exempt. So, any you know, irrigation for the
10 purpose of food is exempt.

11 MEMBER ROBINSON: Ok, so community gardens would be
12 included.

13 MS. ANDERSON: Right.

14 MEMBER ROBINSON: Ok, thank you.

15 CHAIR ALDRIDGE: Any other questions?

16 (silence)

17 CHAIR ALDRIDGE: Thank you, Michelle.

18 MS. ANDERSON: Thank you, Lee.

19 CHAIR ALDRIDGE: Alright the next person on the
20 list is Mr. David Gleason.

21 MR. GLEASON: Good morning.

22 CHAIR ALDRIDGE: Morning.

23 MR. GLEASON: Keep this a little impersonal, I'll
24 probably read, I, I submitted some testimony. I
25 won't necessarily get through every single sentence
26 but I represent Maui Lani and we've been in
27 business at the golf course for 10 years. We
28 developed private wells which are critical to our

1 operation, we could not afford to be using domestic
2 water. Approval and monitoring of these wells is
3 the responsibility of the State Water Commission.
4 After receiving approval from the State, Maui Lani
5 invested a great deal in our wells and irrigation
6 system. The irrigation need of the golf course are
7 not, irrigation needs of the golf course are not as
8 simple as irrigating at the specific times,
9 delineated in the ordinance, the draft ordinance.
10 The condition of any golf course as you can guess
11 is paramount to our success. And the few examples
12 of why this draft bill may not work, actually they
13 were discussed earlier with Dan Honma. Pretty much
14 all golf courses as I, as I understand it, I've
15 been in the business for over 30 years, have a
16 person on board called the irrigator and in some
17 cases, some courses have more than one, and we have
18 many, many acres to maintain and all that has to be
19 irrigated and the irrigator's job is to check on a
20 daily basis the irrigation system. If there is a
21 problem with the system, obviously he, he's paid to
22 make repairs to that system and that's a daily
23 process in, in repairing you typically would have
24 to turn the system on to see that it's working
25 properly. Example of a problem might be that an
26 irrigation sprinkler head might not be functioning
27 properly. The problem must be diagnosed and
28 repaired and again it would mean the system would

1 be operator. Often the irrigation pipes must be
2 flushed and run for a period of time to eliminate a
3 problem. If a problem exists for a period of
4 time, as was discussed by Dan at, in, it, the area
5 might appear dry you, you tend to make up your
6 evening waterings with daytime waterings if you
7 have a problem and you have a dry area. Another
8 relatively common problem is having the irrigation
9 shut down at night. We have problems with the
10 pumps or the wells therefore you would possibly
11 have to irrigate in the day depending on the
12 conditions. In particular you have sensitive areas
13 on a golf course such as putting greens that have a
14 very short cut, they draft, dry out very quickly so
15 you would have to irrigate between golfers which
16 would mean you're on maybe for 10 or 15 minutes at
17 a time. It is also common as Dan had mentioned to
18 irrigate when fertilizing and performing various
19 maintenance practices...

20 (timer beeping)

21 MR. GLEASON: As he mentioned with wetting agents
22 and such. For one reason or another it's not
23 unusual for irrigation systems to be used during
24 day. Maui Lani has a full-time, 40-hour a week
25 employee that checks and repairs and often waters
26 during, every day. Maui Lani is providing
27 irrigation water for our privately owned irrigation
28 wells for the common areas in Maui Lani. So we are

1 using irrigation water as much as possible, not
2 common, or not domestic water. Because our system
3 can only provide a limited amount of pressure for
4 the golf course and that has priority we will be
5 watering common areas in the day. And as much as
6 possible we'd probably do it in the mornings and at
7 times that people wouldn't be using those types of
8 common areas. As mentioned in my previous written
9 testimony at the Council, the Dunes of Maui Lani is
10 very cognizant of water conservation. The energy
11 costs to pump the wells and run the irrigation is
12 extremely high, as we all heard the cost have just
13 spiraled and the golf course alone can be spending
14 up to \$20,000 a month for just irrigation. So it's
15 a big number and we will benefit if we can cut our
16 irrigation back and conserve. So it's certainly a
17 conservation effort but it's, it's a practical
18 effort. It, it, you have to, as we've heard from
19 the condominium association or one of the
20 condominium ah, common areas. Everybody's got to
21 cut back just to survive. It should also be noted
22 that we have a very sophisticated system. It's
23 operated on a central computer and calc, calculates
24 the daily watering requirements and if it's raining
25 or it shuts off and if it's wet it will turn itself
26 back a little bit. Certainly Maui Lani shares it
27 concerns regarding water conservation and
28 accordingly remains firmly committed to taking

1 serious measures to protect and conserve this
2 precious re, precious resource. Thank you for
3 allowing us to talk. I'd answer any questions.

4 CHAIR ALDRIDGE: Michael?

5 MEMBER HOWDEN: Mr. Gleason, would, would you know...

6 MEMBER HALLER: Turn it on, turn it...

7 MR. GLEASON: I can hear you (inaudible).

8 MEMBER HOWDEN: Ok. How many gallons per day per
9 acre do you use for golf courses, for your golf
10 courses?

11 MR. GLEASON: I haven't got it per acre, but we, it
12 depends on the weather of course, and we can use up
13 to 750,000 gallons a day on a very dry, dry period.
14 You can use up to 300,000 gallons a day in more of
15 a cooler climate ah, probably an average might be
16 between 4 and 500,000 gallons a day.

17 MEMBER HOWDEN: And how many acres would that
18 represent?

19 MR. GLEASON: Irrigation acres probably around 150.

20 MEMBER HOWDEN: Thank you.

21 CHAIR ALDRIDGE: Any other questions? Marion?

22 MEMBER HALLER: By raising your point regarding the
23 issue of when you have to do maintenance and repair
24 of sprinkler heads and that sort thing, are you
25 saying that paragraph C5 does not suffice in your
26 mind to cover you for that?

27 MR. GLEASON: Well, it's a daily occurrence. It's
28 not an emergency situation. In an, in a sense we

1 wouldn't be irrigating in the day unless we felt
2 that it was absolutely necessary. The mechanism
3 that we don't understand is how we will alert the
4 Water Department that we are going to be fixing a
5 line or purging a line or fixing a head and having
6 to run the system or irrigating a green that needs
7 to be irrigated. There's so many occurrences that
8 to call one, one an emergency and one not, it would
9 be very difficult. To have whatever the mechanism
10 might be if it was someone from the Water
11 Department, if it's certainly public knowledge and
12 public being what they are and they, God bless 'em,
13 will call the Department and say, "Oh, gee, there's
14 irrigation going on, can you do something about
15 it?" We just didn't know the mechanism to what
16 would be called emergencies or what would be called
17 out of, out of the norm type of practices.

18 MEMBER HALLER: Ok, my, my question is also there
19 is no mention of emergency in the bill. It simply
20 says you are exempt if "installation, repairs or
21 maintenance of new or existing irrigation systems"
22 is being conducted. So I would assume you would
23 have some sort of a log of what your fellow is
24 doing that day?

25 MR. GLEASON: We do.

26 MEMBER HALLER: So if, IF and here we go again, I
27 mean, who's going to police all this, right? So,
28 if somebody were to come along and complain and the

1 Water Department were to come you would be able to
2 say, "I have a log here, we had a sprinkler head
3 that needed repair and we needed to irrigate," so
4 theoretically...

5 MR. GLEASON: Theoretically, that's correct. I
6 guess practically, why, why is there going to be
7 restrictions, or why are there going to be
8 restrictions on golf courses that we already know
9 will be doing these kinds of practices. We will be
10 irrigating in the day. We have to. And that's the
11 reas, we would never be irrigating at a full force
12 if we got players on the golf course, we, we're a
13 business. So you're not going to be turning your
14 system on and simply irrigating for no good reason.
15 So, I'm just suggesting that we have, certainly
16 we're mentioned in the bill, my point is I don't
17 think we should be mentioned in the bill. We have
18 a private system. We spent a lot of money putting
19 it in and we're in a business and for the very
20 reason that I've just mentioned it's something that
21 is a daily occurrence. We have a 40-hour work
22 employee that does nothing but work on the system.

23 CHAIR ALDRIDGE: Michael.

24 MEMBER HOWDEN: Yeah, I, I'd like to comment. I
25 get the impression that even though the products of
26 golf courses are simply economic, and of course
27 pleasure for the golfers. The, there's a feeling
28 that we should exempt you, but the amount of water

1 that you need to properly maintain a golf course
2 is, seems very strong to me of, enormous actually,
3 and I, I would remind you, and I remind all members
4 of the audience that not only are the running
5 waters part of the public trust waters, but the
6 groundwaters throughout the state and that even
7 though you might've developed the wells with State
8 permission, they're still subject to State and
9 County control to some degree. So, you know,
10 Michelle brought out that, that our goal is to save
11 the source. And like with the Kamole Aquifer for
12 instance, we really don't know, there're no
13 accurate measurements of what that is. So, that
14 we, we're trying to be conservative so that we can
15 allocate water use where it will help the future
16 Maui and the future of our communities.

17 MR. GLEASON: I appreciate that.

18 CHAIR ALDRIDGE: Ok. Anybody else? Ted.

19 MEMBER YAMAMURA: I have a question. Actually it's
20 for Corp Counsel, based upon a statement made by
21 Dave. I'm just curious, does the County have
22 jurisdiction over water USE from, from private
23 systems?

24 MEMBER HOWDEN: Good question.

25 MR. KUSHI: Jurisdiction over water USE versus the
26 water...

27 MEMBER YAMAMURA: Right.

28 MR. KUSHI: Source itself?

1 MEMBER YAMAMURA: Yeah.

2 MR. KUSHI: We have both.

3 MEMBER YAMAMURA: I'm more concerned about water
4 use.

5 MR. KUSHI: That's our position.

6 MEMBER YAMAMURA: You, so the County does have
7 jurisdiction.

8 MR. KUSHI: Right. 'Cause we have a trustee
9 responsibility for the source.

10 MEMBER YAMAMURA: Second part of the question,
11 isn't, isn't that, or wouldn't that be considered a
12 property right that might be infringed upon?

13 MR. KUSHI: Well, it definitely is situated below
14 the real property, but again if you're thinking
15 about mineral and metallic rights, etcetera. In
16 all deeds that you have, real property deeds,
17 there's always this blurb about reservation of
18 mineral and mining rights to the State and a lot of
19 these also, a lot, that phrase has been also
20 construed to, to, to include water resources. And
21 I believe the recent Hawaii State Supreme Court
22 cases in the Waiole trilogies, basically come out
23 and say water is a public resource and they need
24 some ah, and the State as well as the County are
25 agencies, are deemed trustees. Now there's a,
26 Gleason mentioned that he got his well permit from
27 the State Water Resource Commission, that issue may
28 come to a head as to who has ultimate jurisdiction.

1 And since the State Water Resource Commission has
2 done nothing this, this County has taken its step
3 to exercise its trustees' trust, trust duties.

4 CHAIR ALDRIDGE: Thank you, Mr. Gleason.

5 MR. GLEASON: Thank you very much.

6 CHAIR ALDRIDGE: Next person on the list and again
7 I apologize I cannot read this, Bud? First name
8 Bud. I think (inaudible).

9 MR. PIKRONE: Good morning. I'm the infamous Bud
10 Pikrone, I guess. I'm representing Wailea
11 Community Association. You've already heard from
12 some of our members of what their doing. I believe
13 this ordinance is really not well thought out.
14 It's inappropriate and ineffective and, and I'm not
15 saying that lightly. I know there's been a lot of
16 work involved in it. However, it's to me it's
17 being inappropriately pushed through separate from
18 the water bill, the general water bill that's being
19 worked on, or conservation plan I should say. It
20 ignores, really ignores any of the technology that
21 is available. We heard a little bit that it
22 doesn't work, well it won't work with this plan.
23 It won't work this bill. Has no way to quantify
24 its effectiveness and is basically unenforceable.
25 We've already heard of some of the issues and some
26 questions as how this is going to be enforced. So,
27 simply put it will not work. Many people are
28 beginning to look at conservation, finding ways to

1 help. Like I said you heard from some of our
2 members. And the weekly water use figures that
3 come out have shown a continuous reduction in the
4 usage for South Maui and that's not by accident. I
5 think people are really taking this serious. And
6 as an example we have in Wailea taken a stance on
7 conservation and we are working with the community
8 to reduce usage and eliminate waste. One other
9 condo property that we have, has installed one of
10 these ET systems. And it has saved 22% in the
11 first year. So, they do work, BUT many other
12 properties want to put 'em in, WCA wants to put 3
13 of 'em in the community because we have micro-
14 climates within Wailea and have other properties
15 tie in to it so that they can save water in their
16 common areas. We do the common areas that, for the
17 County, the main roadways that we have there at the
18 entries to the resort, etcetera. But this will not
19 work as I said if this plan goes into place. For
20 instance it can only be used, it will only be able
21 to use these systems on the 3 days that we're being
22 given. So, if your property, you have it on your
23 property and your property is only can use it on
24 Monday, Wednesday, Friday. Friday is a cloudy cool
25 day and your system says you don't need to water
26 today, maybe some residual dew or some dampness
27 from the night before, says you don't have to water
28 today, but now you're gonna sit there and say, well

1 ok, wait a minute. This is already 2 days now we
2 got the weekend coming, that'll be 4 days without
3 watering, what are you gonna do? You're gonna
4 override the system and water to make sure that you
5 have the next 2 days covered. So, it doesn't work.
6 It contradicts the systems. And the point is we're
7 trying, people are trying to do this. We have a
8 plan in place and we are working on that. I would
9 like to see a partnership with irrigation industry.
10 And I've got a package of other information here.
11 Because back in 2007 there was another expert who
12 came to the island, gave a talk to the engineers
13 and some, some people from the Water Department
14 were there. And he said a few different ways of
15 trying to conserve water, it's usually in the
16 equipment is the big thing, best way to do it. But
17 I would like to see a partnership with the
18 irrigation industry to develop programs, create an
19 advisory panel and develop and coordinate training
20 programs for the community. And it should be done
21 quickly and fairly easy because this is nothing
22 new. I would also recommend that the Water
23 Department take a serious look at more tiered
24 rates, I think would be more effective. And that
25 the Council start working more on changing laws or
26 whatever to allow for funding to be collected for
27 the development of new water resources. We hear
28 about, a lot about we have one water resource and

1 it is going down and it's being, and I don't
2 dispute that. I don't dispute we have problems
3 with that. However, nothing has been done to
4 rectify problems we had with water collection
5 systems, or very little, because we don't have the
6 funding. We need to start looking at water
7 sources. As for enforcement, the issue I have with
8 enforcement, I mentioned part of it is, is
9 somebody's gonna have to water, well, consider
10 you're gonna be watering from 6 to 9 am, somebody
11 can say, ok 6 o'clock at night I'm gonna water for
12 a half hour, where normally maybe they only water
13 for 10 minutes, because they're making up for a
14 day. Then the next morning they water for another
15 hour or maybe 3 hours because they have a larger
16 property so they can water up to 9 am. So now
17 they're starting to use more water to try and make
18 up for it because mentally that's the way they're
19 thinking. We have to change the way of thought.
20 We're not going to change that through this bill.
21 Water runoff on street sidewalks and gutters are
22 prohibited. Show me a county parkway where we're
23 not gonna have that problem. I, I said before the
24 Department of Water Supply might as well station
25 somebody in Wailea 'cause we will have somebody
26 every night calling that department saying, "I see
27 water on the sidewalk." It's virtually impossible
28 no matter you do to cut back because there are

1 areas there that you can't put right now, you can't
2 put drip lines in. We put drip lines in many
3 places and we plan on putting 'em in more but there
4 are areas there that already have a thin grass
5 strip, county sidewalk and then more grass or
6 landscaping. There's going to be some spray on
7 those sidewalk at some time around that curb no
8 matter how we re-adjust everything or change out
9 sprinkler heads. And you'll see a list here of
10 things that we have done to that effect to try and
11 change this and what we plan on doing. It is not
12 going to be easy to enforce. So I don't see this
13 as really working right now and I think it'll be a
14 bigger headache. We need to do more for resources.
15 We need to do more in education and to change the
16 thought pattern of this island. Thank you.

17 CHAIR ALDRIDGE: Any questions from the Board
18 members? Mike?

19 MEMBER HOWDEN: Over the last several months, Water
20 Resources and Planning has shown us how water use
21 varies in Central and South Maui. And I think
22 Michelle referred to that where 46% of the
23 watering, excuse me, Wailuku and Kahului goes to
24 irrigation and 68% in Kihei-Wailea. And I would
25 remind you that especially Wailea, I mean Kihei is
26 very dry but at least there's some groundwater.
27 But Wailea was basically a desert before the, the
28 development took place, kind of a wasteland. Now

1 you have the highest per capita use in the County
2 of Maui. I think it's admirable that, that you're
3 putting this effort in to cutting back water usage,
4 but you still are somewhat gluttonous in terms of
5 water use compared to the rest of the county. This
6 is my comment.

7 MR. PIKRONE: I, I, I would like to respond. I, I
8 do agree that there is a lot of water usage. We do
9 have compared to Wailuku and that, we have 3 golf
10 courses there we have hotel properties and yes this
11 was developed 30, 40 years ago as a resort and it
12 was developed to attract people to a tropical area
13 and it, you know, from a desert and that. We try
14 to, it has been used that way for years. We are
15 trying to rectify a lot of these issues with
16 conserving water. The golf courses are in brackish
17 wells. They are putting in their own conservation,
18 they have been putting in their own conservation
19 efforts to try and, and resolve that. Homeowners,
20 I've been polling all the homeowners to get better
21 feel for what they are using in certain areas. We
22 are working with the different community
23 associations like I said to, to reduce common area
24 because many of the subdivisions and condos have
25 common area that they can do a lot to, to reduce
26 water usage. So, yes. Have we used a lot of
27 water? Yes. Can we reduce it? Yes. Are we?

1 Yes. And I don't think though 2, 3 days a week is
2 gonna help.

3 MEMBER HOWDEN: Yeah, I, I think it's admirable
4 what, what your attempting to do but island-wide
5 and especially with the 'Iao and Waihe'e aquifers
6 which may be permanently impaired, the you know,
7 that the wells are diminishing throughout Central
8 and South Maui. The chlorides are rising, but you
9 know, you, we have, as a body we have to, with,
10 where our responsibility really is to the County at
11 large. We have to look at really cutting back.
12 And you know, I think we all really appreciate the
13 efforts that you're making and we mean, we may need
14 to go beyond that, we well may need to go beyond
15 that.

16 MR. PIKRONE: Wouldn't that part of that
17 responsibility be to develop new water sources or
18 to find new water sources that do exist on the
19 island?

20 MEMBER HOWDEN: Well, you know strangely a lot of
21 the information that we had and that was commented
22 on rather profoundly by one of your members, Mark
23 Hyde, I, the USGS really doesn't know how much
24 water is in West Maui. You know at one point
25 they're, they're cautioning us to, that you know,
26 we're over pumping these aquifers, the 'Iao and
27 Waihe'e aquifers. And a few months later much to
28 the Department's delight, they, they were telling

1 us to drill serial wells along the base of the West
2 Maui's which may simply be putting more straws in
3 the same glass. I mean, what we need really is, is
4 a comprehensive assessment of what our water
5 resources actually are. You know, it's unfortunate
6 that somehow the County administration as a whole
7 may be dysfunctional enough that long range
8 planning for instance of the Planning Department
9 has 40 to 50,000 more units, green lighted. And we
10 don't have the water as Michelle pointed out and as
11 Ellen Kraftsow keeps very softly reminding us of,
12 at least she puts it in red now, we're, we're out
13 of water. There's no redundancy in the system.
14 Even Director Eng, a few meetings ago, somewhat
15 reluctant, reluctantly 'cause it is a very strong
16 political issue, and he acknowledge that you know,
17 we need political will to address but maybe we need
18 to issue, the Department needs to issue findings of
19 shortage. You know, which basically stops
20 everything.

21 MR. PIKRONE: Thank you. I agree with the
22 planning.

23 CHAIR ALDRIDGE: Bud, if you could please, you had
24 described one condo complex that had installed an
25 ET system, evapotranspiration...

26 MR. PIKRONE: Yes.

27 CHAIR ALDRIDGE: Control system. Could you just
28 briefly describe for the rest of the Board members

1 what that system is comprised of and how much water
2 (inaudible)?

3 MR. PIKRONE: I, I don't have the exact numbers, I
4 actually just a, they gave me the information.
5 They were supposed to be sending something to you
6 with those exact numbers. But it was I believe he
7 said it was in the range of they saved over 8
8 million gallons, start with. The, like I said it
9 was 22%. It's the Wailea Point subdivision, which
10 is a, fairly large green space on it. It's been
11 there for quite a while. The system what it does
12 is it will monitor what the atmospheric conditions
13 are, what your soil conditions are. There are
14 different variations of the system, but that's
15 pretty much what it does. It can tell you what, if
16 you, if you need to water that particular day on
17 your system, you already have your system set for a
18 certain irrigation and it will tell you that if you
19 need to or not. You can set it up in different
20 ways.

21 CHAIR ALDRIDGE: So, it's a series of, let's say,
22 soil moisture..

23 MR. PIKRONE: Yeah, it's like a weather station..

24 CHAIR ALDRIDGE: Monitors and, and..

25 MR. PIKRONE: And it kinda take..

26 CHAIR ALDRIDGE: Relative humidity..

27 MR. PIKRONE: Yes, yes.

28 CHAIR ALDRIDGE: Monitoring and so forth.

1 MR. PIKRONE: Yeah, and that, that's exactly what
2 we're planning on putting in. We have, our office
3 is up by Diamond Resort. Well, it could be raining
4 there and it's not raining down at the Grand
5 Wailea, or it's not raining down over at Kilohana
6 Park. So, we wanna put weather stations in the
7 different areas so that the homeowners that live
8 around there can utilize that system.

9 CHAIR ALDRIDGE: Right. Thank you very much.
10 Let's move on, the next person on the list Carol
11 Reisman?

12 MS. REIMANN: Reimann.

13 CHAIR ALDRIDGE: I'm terrible at reading
14 handwriting I guess.

15 MS. REIMANN: My handwriting is atrocious. Good
16 morning. My name is Carol Reimann and I represent
17 the Maui Hotel and Lodging Association. We have
18 about 40 hotel and condominium time-share
19 properties on our roster, including golf courses
20 and we also have approximately 80 businesses who
21 recognize importance of the visitor industry. The
22 visitor industry is the economic engine of Maui.
23 The industry doesn't only sell rooms. Our lush
24 properties are an important aspect of what we have
25 to offer. It is where couples get married, it's
26 where families walk together and guests enjoy
27 looking out from their lanais. With tourism
28 leading into one of it's most challenging times

1 here on Maui and in Hawaii, resort grounds need to
2 look better than ever. Regulating the days of the
3 week could be disastrous to this important economic
4 vehicle for the County of Maui. The Maui Hotel and
5 Lodging Association understands the importance of
6 water conservation and to be, the need to be good
7 stewards of our resources. In fact the majority,
8 if not all of our properties have as part of their
9 daily practices water conservation measures already
10 in place, such as drip irrigation, the conversion
11 of pool filtration systems to water saving
12 filtration systems, the installation of drought
13 resistant plantings, requesting guests to reuse
14 towels to save on laundry use, daily monitoring of
15 consumption and quick identification and response
16 to repairing leaks. Rather than pass such a
17 restrictive ordinance, we advocate and recommend
18 looking at incentives for those who implement water
19 conservation types of technologies. The current
20 proposal's virtually impossible to regulate.
21 Incentives to businesses and private residences, to
22 use more advanced forms of irrigation can be
23 verified. And we believe we'll have a bigger
24 impact to the current crisis. For example, many
25 resorts' sprinkler systems can be retro-fitted to
26 regulate water flow for as little as \$3 per head.
27 When we refer to incentives, we mean something like
28 what's being ah, going on with the solar water

1 heaters. If you install it, you get some kind of
2 tax break. The Marriott property on the Westside
3 is currently installing 50 new heads this week and
4 will completely retro-fit their entire resort by
5 January of 2009. Additionally, if passed in its
6 current form, properties would be at a very bad
7 hardship to comply within the stated 60 days.
8 That's all I have. Thank you very much.

9 CHAIR ALDRIDGE: Thank you. Any questions?

10 (silence)

11 CHAIR ALDRIDGE: Thank you. Next person on the
12 list is Thomas Steinhouse? And let me commend you
13 for printing your name so I could actually
14 (inaudible).

15 (laughter)

16 MR. STEINHAUER: Any thing to help. Good morning
17 members of the Board. I thank you very much and I
18 really appreciate the opportunity to be here.
19 we've heard a lot of very reasonable and logical
20 things this morning, I think, in regards to where
21 we need to go, what has been done and what the
22 opportunities perhaps are as we go forward. And I
23 think from a perspective of um, hotel such as Four
24 Seasons, who is very well known, I think in this
25 industry or in this community particularly to be
26 conservative as we move forward, whether it comes
27 to consumption, conservative in regards to how we
28 treat everybody around us. Well, willing, open to

1 always to new ideas. We have most certainly been
2 ones on the forefront who have jumped right on the
3 conservation train, if you will. Conservation is
4 something that isn't ah, small thing and most
5 certainly not taken lightly, is a responsibility
6 that we look at from a corporate perspective. It's
7 a responsibility that we look at if we look at this
8 community particularly and the hardships that are
9 potentially ahead of us if we do not find solutions
10 for decent water utilization and additional sources
11 and so forth. I'd like to share with you a couple
12 of things that we've done. We've heard some ideas
13 from Carol Reimann and a couple of approaches by
14 properties. But at Four Seasons Maui for instance,
15 we looked at approximately 2-1/2 years ago, what is
16 it that we can do and what should we be doing
17 without impacting the guest experience. The guest
18 experience is very valuable ah, very important
19 because the expectations are directly related to
20 the business health. So, retro-fitting all the
21 guest rooms' toilets to save a gallon of water per
22 flush, installing auto-flush valves in the public
23 area restrooms, installed flow aerators in all the
24 public area faucets, installed faucets in the
25 employee restrooms that automatically shut-off, the
26 same in our um, we've looked at a large impact
27 versus a small impact. Perhaps a day here, a day
28 tear, a day there, has some impact on conservation

1 and savings. However, we looked at where, where's
2 the biggest consumption really happening and
3 laundry is one of the big ones as you can imagine.
4 So if you get somebody not to use a towel for a day
5 that is one thing and it's a relatively small
6 impact if you look at the bigger picture. But if
7 you look at your laundry operations and what it
8 does, we've installed state of the art laundry
9 approx, approximately a year ago, a year and half
10 ago now. Three and a half million dollars
11 investment and 17 million gallons of water was our
12 consumption level before this installation and we
13 have now saving 10 millions of gallons per year.
14 So, I do believe that this is quite significant.
15 It is important to understand..

16 (timer beeping)

17 MR. STEINHAUER: That we have to go beyond. If you
18 go and you look at the opportunities though we
19 have, right now under works, a ah, we're trying to
20 figure out a way how to reclaim and recycle laundry
21 wastewater from the smaller washing machines.
22 We're looking at a higher, high tech computer
23 controlled irrigation system for 2009. We're
24 looking at the cooling towers in late 2008 and 2009
25 to have completely exchanged millions of dollars.
26 We plan always well in advance. We cannot go and
27 all of sudden divert funds from one corner to the
28 other. We have to go to research. We have to go

1 find the best technology. We have to plan to get
2 the funding in place and then we can, then we
3 implement it. We do this typically on a 3-year
4 plan. I remind you perhaps of the times when we
5 all looked from a County perspective, I mean I'm
6 sorry, from a (unintelligible) perspective to put a
7 grease traps in place. Huge investment in those
8 days. Does it have anything to do with water?
9 Probably not. But the time-frame of 60 days, 90
10 days to go and divert funds from one end of
11 something that is much higher yielding potentially
12 than a conservation bill the way it is on the table
13 today, is at expense of those kind of efforts. A
14 business is thriving on incentives, any business.
15 If you are here and you have a wedding, you expect
16 to stand on the lawn overlooking the ocean. To
17 have drip irrigation on all the landscaping that is
18 non-lawn or non-turf, absolutely, that's where we
19 need to move, we need to go and we need to do it as
20 fast as possible. What is reasonable? Is it 6
21 months? Is it a year? On the outside there is
22 certain limits that can, will certainly be
23 established. But is it feasible to convert all of
24 this within 60 days or 90 days, given the speed
25 that this particular bill was put on the table? It
26 is for us very important to be part of this
27 community. We have to however function as a
28 business. We need to be able to have the

1 environment turn from a desert environment into a
2 lush resort environment, whether that was right or
3 wrong all those years back when this decision was
4 made, very difficult to have the conversation
5 today. We need to look at what we have today. We
6 need to go beyond. We need to work together and
7 most certainly, are we all on board with future
8 conservation. Any questions?

9 CHAIR ALDRIDGE: Marion?

10 MEMBER HALLER: Could you just re-state your name,
11 I'm sorry.

12 MR. STEINHAUER: Thomas Steinhauer.

13 MEMBER HALLER: Thank you so much.

14 MR. STEINHAUER: I'm the regional vice president
15 for Four Seasons in Hawaii. But I'm located here,
16 got the best job.

17 CHAIR ALDRIDGE: Thank you.

18 MR. STEINHAUER: Thank you very much.

19 CHAIR ALDRIDGE: Alright, we're actually getting
20 down to the bottom of the list. Rob Hoonan? We
21 have a tag team..

22 MR. HOONAN: We do.

23 CHAIR ALDRIDGE: Alright. And Jim Hide or Hayd?

24 MR. HOONAN: Jim Heid.

25 MR. HEID: Heid. Thank you.

26 MR. HOONAN: Aloha Board, Director, Council.
27 Mahalo for this opportunity to speak to this issue.
28 Councilwoman Michelle Anderson gave us some very

1 nice words a little while ago, we appreciate that.
2 Thank you. You've heard a lot of viewpoints for
3 the hotels' perspective on many things. We're here
4 to, to share a little bit of how we got involved
5 in, our names been mentioned a few times here. We
6 recognize the issues and as Thomas so correctly
7 said, our core attributes to our properties and our
8 success as business is our landscaping and our
9 water features to share the, the ah, Hawaiian
10 experience through plants and yes, Wailea is a
11 large consumer but we do believe we have all,
12 across the community in Wailea, done quite a bit to
13 conserve. We have, we met with Councilwoman
14 Michelle ah, a, in August and we did have a
15 conversation about what we're doing specifically at
16 the Grand Wailea. We weren't speaking from the
17 industry's standpoint, we were speaking from a
18 property standpoint. We have done and been ah,
19 benefiting greatly from a lot of the measures you
20 hear today. Conservation is something that does
21 cost capital and we've invested in that for a while
22 as Mr. Steinhauer also said, you know many areas,
23 not just in irrigation. This bill touches on one
24 area of consumption, as Thomas correctly said, our
25 laundries are very large consumers and we are going
26 after those areas also. We've reduced our
27 consumption year over year quite a bit. And we're
28 ah, believe we still have a ways to go. We

1 actually after considerable discussion with Ms.
2 Anderson, discussed the feasibility of 2 days a
3 week, that was not something that we thought would
4 be feasible, frankly. We are concerned although we
5 have used soil supplements and amendments for a
6 long time, and as part and parcel of our practices
7 there, which are good environmental practices, lack
8 of water is pushed us to a point where we felt that
9 we could endorse 3 days a week at the minimum. And
10 that's 2 days a week we would have real problems.
11 We are encouraged by the fact that we can take
12 hoses out there with a control valve on top of it
13 and water areas that we have issues with. And in
14 fact, we started implementing this on a large part,
15 portion of our property, which Jim could speak to
16 the actual details 'cause he actually did it for
17 me. Jim is a, a well known horticulturist here on
18 the island and both of us have been here for close
19 to 35 years, which was something that, it was a
20 different time. So, we do believe in very
21 seriously in what we are doing is the right thing.
22 I am concerned about the fact that...

23 (timer beeping)

24 MR. HOONAN: It does take capital to improve and
25 also time to improve our systems. That time is
26 important to recognize as something that make it
27 feasible and practical. I do consider that 60 days
28 maybe too little, that we should possibly extend

1 that. We are actually implemented, I'll let Jim
2 talk about it. And we've been prob, about week 3
3 into this program. We're ah, it is been a process
4 of balancing our systems. So, I'll let him speak
5 to it and the man that actually does it can let you
6 know, so. Thank you for this opportunity. Mahalo.

7 MR. HEID: Hi. Morning. Jim Heid. As Rob said
8 I'm kind of the practical end of the grounds at the
9 Grand Wailea. Background is in horticulture, been
10 a commercial protea farmer for 32 years Upcountry.
11 As I mentioned in a 4 hour meeting with Michelle
12 Anderson down there, I, I do know irrigation and I
13 knew, know how to conserve. Without you know, just
14 really beating this thing up too much. Reality is
15 we do need to cut water. And there are some
16 practical approaches that you can do. When Rob and
17 I and Councilwoman Anderson met for extended period
18 of time, you know, yeah the bill was, it was
19 restrictive. It, it boxes you in, right of the,
20 right of the chute 2 days a week, you go "whoa".
21 You know this is, this is kinda severe. We water 5
22 days a week on our current program there, if you
23 look at our lawns. So, you know, you, you know,
24 you wheel and deal and you go back and forth and
25 you know bottom line is, Rob and I said let's try 3
26 days a week. You know, I said, "Michelle, what's
27 our time-frame?" At that point, probably 75 days.
28 I said that, that's kinda, that's kinda quick. You

1 know, you have to be practical about this, you
2 know, if you do want to move forward you gotta from
3 a horticulture point of view you gotta implement
4 some things. In other words, you've gotta build
5 your soil fertility up, you gotta put some organic
6 matter in the soil and you know, I mean it's not
7 rocket science if you put organic matter, matter in
8 your soil and you build up your soil fertility, you
9 probably not gonna have to water as much, your,
10 your organic matter's gonna hang on to the water
11 longer and da da, da da, da da. So, anyway, but
12 that takes a little time to do. So, you know, that
13 was our input there, but you do what you gotta do
14 and you try and work with it. So, nothing ventured
15 nothing gained. So, what do we do? Rob is a
16 pretty aggressive guy when it comes to
17 conservation. So I said, "Rob, let's start." Ok,
18 so we've been at this program now for probably not
19 quite 3 weeks. So I took a 5-day program that we
20 were watering on our lawns and I've converted it to
21 3 days. On the areas where I've had a chance to
22 put some organic matter and de-thatch our lawns and
23 aerate and do the little tricks that you can do.
24 And, and so far it, it's ok. But I wanna caution
25 you as I did Michelle and I said we, we're also
26 going into the short days of winter. You know, our
27 days are shorter, our nights are longer, relatively
28 cooler in the South Kihei area. So, you know,

1 don't, don't, you know we don't wanna, you know,
2 don't wanna be misled here too. You know, the
3 real, the real results are gonna be when we get
4 into summer and longer days and hotter days and so
5 forth, ok? But if you can pull the tricks out of
6 your bag and do the proper...

7 (timer beeping)

8 MR. HEID: Soil management type of things, of
9 implementing organic matter and so forth and
10 aerating and building up your soil fertility over
11 the course of the winter that maybe properly,
12 you'll be prepared by the time the long days come
13 by next summer. And, and that's simply our
14 approach and I know Rob and I both felt like you
15 know, this thing got, got out of the bag a little
16 bit because I don't know good or bad but...

17 (someone sneezing)

18 MR. HEID: Bless you. We did respond to Michelle
19 Anderson's request for input on this bill and as it
20 turns out we were one of the few that did. However
21 we are also kinda singled out and you know, the
22 Grand Wailea and Rob and Jim are put out there that
23 this is the you know, this is God's word on how to
24 water 3 days a week and you can do it. The fact of
25 the matter is, is that we are trying it. We're in
26 the experimental phase right now. However you
27 know, 3 weeks into this as I sit here today, it,
28 it's ok. But you know it, it's not, you know it's

1 not a done deal yet. So, we just want to be clear
2 with that, you know, we represent one particular
3 part of the industry. It is the hotel, but
4 practically speaking you know we've taken her
5 advice and, and we, you know, hey, I'm a, I'm a
6 farmer and a, you know at heart. And bottom line
7 is, is that we respect this sponge beneath us and
8 it does need to be respected and, and you have to
9 do some cultural things to make that work and we're
10 willing to try and that's what we're doing, so
11 simply spoke, that's kinda where it's at. Any
12 questions?

13 CHAIR ALDRIDGE: Any questions? Any one? Thank
14 you very much.

15 MR. HOONAN: Mahalo.

16 MEMBER HALLER: Thank you, thank you. Awesome.

17 CHAIR ALDRIDGE: I've, I'm gonna go ahead and, and
18 take a 5 minute restroom break before we continue
19 with the rest of the (inaudible).

20 (Recess. Meeting resumed at 10:39 am)

21 CHAIR ALDRIDGE: Alright, we're gonna go back into
22 session. I have a, oh. I have a question for you.
23 (inaudible).

24 CHAIR ALDRIDGE: On Public Testimony, we actually
25 received written correspondence from 3 entities and
26 I'm not gonna read these into the record, I'm
27 simply going to indicate who had submitted them and
28 will submit them into the record. One was from

1 Laborer's Union, George Aikala, Field
2 Representative, Laborer Union Local 368, had, had a
3 brief comment on the Water Conservation bill. We
4 also received from the International Brotherhood of
5 Electrical Workers, a comment from Ray Shim,
6 Shimabuku, who is their business representative.
7 That'll be put into the record and from Wailea Old
8 Blue Golf Club. From Barry Helle, General Manager,
9 who also submitted a comment on it. So, Gaye,
10 these will be in the record. We're gonna move
11 directly, I'm going to shift the sche, the agenda
12 around. We'll return to the appeals. And we're
13 gonna move to item 8, Other Business, item A, 8A,
14 Review, discussion and comments regarding the draft
15 bill entitled "A Bill for and Ordinance
16 Establishing an Outdoor Irrigation and Water Use
17 Schedule." Jeff, are you going to um, present this
18 or discuss this, what's your..

19 DIRECTOR ENG: Any way you desire.

20 CHAIR ALDRIDGE: Why don't you go ahead and give us
21 a brief synopsis and then we'll open it to
22 questions from the Board members.

23 DIRECTOR ENG: Thank you, thank you, Mr. Chair. As
24 Chair Anderson had indicated that this proposed
25 bill has gone through a number of iterations and
26 for those of us who are pretty familiar with it, it
27 is pretty much watered down, pretty much from
28 original versions. I don't know if you had an

1 opportunity to, to review this on your own. I
2 guess from the testimony that you've heard, you
3 know there are some concerns from those who are
4 certainly trying to conserve water and doing the
5 right thing. And you know, we don't want to impose
6 any hardship, particularly economic hardship on
7 anyone, you know, and if it's gonna affect the
8 quality of a, of a resort property that they're
9 trying to market, you know, and yet they're doing
10 the right thing in conservation, then we're gonna
11 give them whatever exception that is needed for
12 them to continue to do the right thing. And
13 certainly we don't want to see any economic
14 hardships to anyone, both public, both businesses
15 or, or private persons. I guess basically you
16 know, there are some people with some issues with
17 this bill, like any bill, any ordinance, you know
18 there is a regulation. But you know we've
19 basically view this as just an anti-water wasting
20 bill, simple as that. I mean it's too bad we had,
21 had entitled it like that but it's basically
22 covering more just a outdoor watering and
23 irrigation aspects. But that's the whole intent
24 and purpose. Again, the very original water
25 conservation bill that you folks have reviewed
26 earlier and, and by a resolution to, you know that
27 was more, you know, inclusive, more broad but we
28 felt that this time we'd rather take smaller steps.

1 Therefore Chair Anderson did take this approach and
2 I thought it was the right thing to do with all
3 the, you know we don't want to throw this a, a big
4 expansive broad regulation on to, to, to our
5 customers and, and so I was really supportive of
6 just addressing one area of water conservation to
7 begin with. So, we think it's fairly liberal. I,
8 and Chair Anderson's done all she can do to really
9 accommodate all the parties that have had expressed
10 a real problem with it or a hardship. And I think
11 as time goes on, we don't know which way we're
12 gonna need to tweak this. We may have to become
13 more restrictive in the future if we don't get the,
14 the end result. But again, if we find that it is
15 creating some problems for the community we'll hear
16 them out and make the adjustments as necessary.
17 So, I am very supportive of this thing and Chair
18 Anderson did indicate there are a few minor
19 revisions that she's gonna revise to accommodate
20 the golf courses and, and, yeah I think that's,
21 that's a good thing to do too, so. Does anyone
22 have any questions or discussion at this time? And
23 we have, we have Chair Anderson here, we have our
24 Resources staff here too and they're really the
25 experts so. Maybe we can just open discussion.
26 CHAIR ALDRIDGE: I think the first is Phyllis.

1 MEMBER ROBINSON: Can I, can I ask a question
2 directly of Michelle Anderson or, or does this have
3 to go only to...

4 DIRECTOR ENG: I guess we can ask the Chair since
5 she...

6 MS. ANDERSON: Sure.

7 MEMBER ROBINSON: Thank you.

8 CHAIR ALDRIDGE: Right.

9 MEMBER ROBINSON: You, you mentioned that you
10 didn't want to exempt these ET systems because
11 research had shown that they don't work, or they
12 use more water and it didn't sound to me like the
13 folks from the Four Seasons or from the Grand
14 Wailea were in agreement with that, and I was
15 wondering if you could say more about the research
16 on that.

17 MS. ANDERSON: Yeah, there's been, you know, ET
18 technology's been around for quite some time. And
19 I guess the draw back of getting an exemption for
20 ET systems is that without any kind of restriction
21 on the amount of time that they can still water, is
22 that it, it allows the greater water users, who are
23 the people who can most afford that kind of
24 technology which would be your hotels, and possibly
25 some of your larger condominium projects, to have
26 unrestricted use of water. And we're trying to be
27 equitable on this because we're asking people like
28 Mr. Robello to restrict the amount of watering that

1 he does on his property. We don't want water to be
2 used without limitation by those who can most
3 afford it, because we don't think that water is you
4 know, a privilege of those with wealth. It's a
5 right for everyone to have equal access to water.
6 So, given that, we did not give a blank or, I'm
7 speaking for myself, nobody in the committee
8 offered an exemption. Ms. Vickers was pretty
9 adamant and I think, did I pass out that EPA...I did?
10 Someone has that EPA handout? I wish I had, had
11 thought about making more copies for you. But they
12 say that EPA wants to see people who use ET
13 technology to fit within a prescribed scheduling
14 program. Now, I can understand, because we have so
15 many variable climates here in Maui County, and,
16 and especially because the resort areas are in a
17 very arid area, that you know, I'm 28 years on
18 Maui, so I have a history. I used to live on, in
19 Keokeo. So I had a good look and worked at home,
20 had a good look at the South Maui coast and so I
21 have a history of rain pattern. And it seems very
22 odd to me now but all of sudden the Makena-Wailea
23 area is getting rain that they have not got in
24 many, many, many, many, many years. Used to be
25 that you could see the cloud cover form up
26 Haleakala and then dump on Upper Kula and then move
27 across to the South Maui mountains by dinner. That
28 doesn't happen anymore. So, I'm thinking that

1 maybe we should be flexible in regards to the ET
2 technology and still restrict them to 3 days a
3 week. But if they don't wanna do Monday,
4 Wednesday, Friday, if that's their watering day,
5 and their, their sensors tell them that Monday you
6 don't need to water because we had a good rain here
7 and instead they need to water on Tuesday, then
8 maybe we should possibly consider that, as long as
9 they stay at 3 days a week.

10 MEMBER ROBINSON: Thank you.

11 MEMBER LUCK: Yeah, I had a question and, and it
12 might be, I guess it could be directed at the
13 Director or perhaps you could answer it as well.
14 And it, I'd like to see the provision D in section
15 3, I think it's good to have an exception clause,
16 it's just seems to me that there's not enough
17 guidance there so, I was wondering if there's been
18 any thought about the process, timing and the
19 guidance that will be provided and, and also the
20 measure of that exception would be determined so,
21 if, if it can demonstrated that water, the, the
22 measures that are being taken will result in water
23 savings then there wouldn't be an exception granted
24 or something along those lines.

25 MS. ANDERSON: Yeah, we, the idea of behind this
26 was to keep it simple so that it would basically be
27 a phone call to the Director. And, we were
28 thinking of extraordinary circumstances, say like

1 the Maui County Fair, where they were gonna have it
2 set up for you know, various days, they won't be
3 able to water. So, they're gonna need an exception
4 so that they can water before the fair and then
5 after the fair to make for that lost time. But
6 there's probably other exceptions that are gonna
7 come and I think the Director is already stated
8 that he's gonna be flexible, he doesn't want any
9 economic distress for people. Deputy Counsel Ed
10 Kushi has come up with some language for us to
11 extenuate on that so that if it, say somebody wants
12 an exception that, you know I hate to put this out
13 as a possibility but let's just say somebody says
14 there's no way that they can meet the, hotel says
15 there no way they can the 3 day a week watering
16 schedule without more ramp up time, maybe to change
17 out some of their sprinkler heads. So, maybe they
18 could use that exception to ask the Director to
19 give them another 30, 60 days by proposing to him a
20 written plan on what they're gonna be doing in
21 order to meet the standard. Mr. Kushi has language
22 that's going to provide for an exception in writing
23 within 30 days, at that the Director must respond
24 to within 30 days. So, I think that that's mostly
25 a back-up in case it doesn't work out with a phone
26 call. That somebody's got a way to request it in
27 writing and then if the Director denies them then
28 they can always come and appeal the Director's

1 decision to you folks and that's the way it's set
2 up.

3 MEMBER LUCK: Thank you.

4 CHAIR ALDRIDGE: Yeah, actually, oh, I'm sorry.

5 UNKNOW VOICE: Go on.

6 MEMBER HOWDEN: Did the Chair...

7 CHAIR ALDRIDGE: Michael.

8 MEMBER HOWDEN: Go, yeah.

9 CHAIR ALDRIDGE: I always give you first dibs. I
10 was also concerned with that clause about
11 extraordinary irrigation. Precisely the point that
12 if a applicant requested an exemption and then was
13 denied it and then came here to the Board to appeal
14 that, this is so vague that I'm not sure what it
15 means. And that's, that was my concern. I know
16 that you wanna grant a leeway to the Department to
17 exercise you know, due diligence in judgment. It's
18 so vague that it almost seems arbitrary and
19 capricious.

20 MS. ANDERSON: Right. No, we've already got a
21 floor amendment written with Mr. Kushi's language
22 and I don't know if you have it with you, Ed?

23 MR. KUSHI: No, I don't.

24 MS. ANDERSON: But I'm sorry I just signed it and
25 didn't keep a copy so, but it basically says what I
26 told you, you know a written appeal that must be
27 responded to within 30 days. But that way I think
28 it keeps it, if it can handled the, with a simple

1 phone call, great. If not, then there's that
2 written recourse.

3 CHAIR ALDRIDGE: May I request, Ms. Anderson, that
4 we get any revisions to the bill, just as a copy
5 (inaudible).

6 MS. ANDERSON: Oh, definitely.

7 CHAIR ALDRIDGE: Thank you.

8 MS. ANDERSON: Definitely. I'll get those to you
9 in the next few days.

10 CHAIR ALDRIDGE: Ok. Great, thanks.

11 MEMBER HALLER: Hi. There were 2 things that I
12 basically heard and you're kind of addressing but I
13 want to just get clarity from you, how you feel
14 about this. One was this issue of golf courses
15 don't water during the day, by nature what they do
16 and when people play golf. So, that the likelihood
17 that a golf course is gonna be watering because of
18 breakdown in its system and they have to make up
19 for it is almost by definition what they do, how
20 did you feel about that? How do you, I know
21 they're exempt in some aspects but I found that
22 testimony rather interesting but the only reason a
23 golf course waters during the day or uses
24 supplemental system is because there has been a
25 breakdown in its watering system which is by nature
26 by night.

27 MS. ANDERSON: Well, insta, the exemption for
28 installation, repairs or maintenance of new or

1 existing irrigation systems, I think would cover
2 that. And there's also the possibility of calling
3 the Director and saying you know, we're gonna, our
4 systems down or it's gonna be 3 days or whatever,
5 extraordinary circumstance might come up. But I
6 would like to note that we're being very generous
7 in exempting golf courses. We're not trying to be
8 punitive in any way. This is not a drought measure
9 bill. There maybe come a time when we are in an
10 extreme water shortage and we will have to restrict
11 the watering of golf courses. But there are many
12 places across the nation that already restrict on a
13 regular basis the amount of watering a golf course
14 can do, 'cause they're such a heavy consumer. In
15 Florida, 2 days a week. In some areas where
16 they're under extreme drought 1 day a week. And
17 there's also a jurisdiction that doesn't allow any
18 watering of golf courses. And then there's places
19 where they require you to put in native plants in
20 all your roughs and only allow you to water the
21 tees and the greens and not the fairways. So, I
22 mean, I think we're being generous. We're trying
23 to establish a lifestyle, break bad habits. You
24 know, studies have shown, oh, I don't know if I
25 told you about the study, the ET study was done in
26 San Diego, where they did a long range study of
27 people using evapotranspiration sensors and found
28 that, of course this was out, without any

1 restrictions, you know, just using them as an added
2 part of their irrigation system. And they found
3 that they used more water than when they didn't
4 have. So, you know, I guess we have to give it a
5 shot and see what works and see how much we can
6 save and, and conserve in the waste that's going
7 on. Ms. Vickers has done research to find that in
8 some areas, irrigation is, over watering is almost
9 50% of the irrigation use. We just get in the
10 habit of thinking we need to water every day. So I
11 think we have a provision in this bill that we're
12 gonna review it in a year and see what the results
13 are. And I think there's enough flexibility in
14 here that allows adjustments along the way if it's
15 going to severely impact anybody.

16 MEMBER HALLER: That was actually my second
17 question or one of my second question was this um,
18 the review, if we ask larger users to in fact
19 present us with their own usage after a year and
20 their, the results, would that not take a lot of
21 burden off of the Department of Water Supply, as
22 opposed to us reviewing and gathering data about
23 individuals? Is there any way that we can ask for
24 help on that? It seems like a lot of work.

25 MS. ANDERSON: Well...

26 DIRECTOR ENG: I think we can get that data...

27 MS. ANDERSON: I mean, I mean, you know that the
28 water meter readings are as accurate as you can

1 get. And I think that the Department has given us
2 actually readings on what the hotels use. And..

3 MEMBER ROBINSON: Even for private systems?

4 MS. ANDERSON: Not for private.

5 DIRECTOR ENG: (inaudible) golf courses, it's on a
6 private system but as far as their potable use..

7 MEMBER ROBINSON: Potable use.

8 DIRECTOR ENG: Through county meter we can track
9 down.

10 MEMBER HALLER: Ok. The final question I had was
11 what I heard was this doing it in 60 days, was
12 onerous and that I wanted to hear your thoughts
13 about how you got to 60 days and you know you feel
14 you want to leave it at that, whereas some people
15 are saying I'm gonna have to retro-fit, I need to
16 send people out to fertilize my lawns differently
17 and do a whole bunch of stuff differently and I'm
18 talking about large corporations not small users,
19 I'm just curious how you.

20 MS. ANDERSON: Well, I mean of course people who've
21 already implemented conservation measures, this
22 isn't gonna be a big jump for them, but those who
23 haven't, they gotta get on board. And, and they
24 should have gotten on board sometime ago, because
25 we have for many months been requiring a reduction
26 in water use. And if you look at the numbers it's
27 pretty astounding how much the hotels use. I think
28 they use almost 50% of the water from the Central

1 source. And we're asking this of our everyday
2 residents and it, it's not really practical or
3 equitable to write a bill for residents and then a
4 different bill for the large corporations who are
5 the heaviest users. So, you know, it, the 60 days
6 is actually, it's going to be 60 days before it
7 gets through the Council. It's going to be, I, I
8 take that back, it's going to be, it's going to be
9 30 days before it gets through the Council, 'cause
10 we have 2 readings. Then it's gonna be another 30
11 days before it's effective after the Mayor signs
12 it.

13 MEMBER HALLER: And it's already been in draft for
14 a while, so.

15 MS. ANDERSON: And so that's 60 days and we've been
16 talking about this for 2 months. So, I think
17 people who want to cooperate are already on board,
18 as the Grand Wailea has been taking proactive
19 measures for some time. Now, there's always the,
20 the exemption. That if someone, if a large
21 corporation can come and say this is gonna destroy
22 our landscaping and they can come up with a plan, I
23 mean maybe they should've been on drip irrigation
24 for most their groundcover and landscaping for some
25 time. And I don't know how hard it is to change
26 the heads from spray to drip. I don't think that's
27 a big deal. So, we're not asking them to do a
28 whole lot in order to be able to work with

1 ordinance. But if they need more time, I think
2 they, they could probably ask the Director for an
3 exception and prove to him that they can put
4 together a retro-fit plan or whatever they think
5 they need to do in order to survive a 3-day a week
6 watering schedule. And, and basically, the 3-day a
7 week watering schedule is going to be applicable to
8 lawn areas where you use spray. Every place else
9 should be using drip.

10 MEMBER HALLER: Sorry...

11 CHAIR ALDRIDGE: I, I, I...

12 MEMBER HALLER: Just one more question. Director,
13 I must be missing it right now but could you point
14 to me the, the paragraph that gives you that...

15 DIRECTOR ENG: That's on page 8.

16 MEMBER HALLER: Thank you.

17 DIRECTOR ENG: And that would be paragraph D. That
18 would be the exceptions.

19 MEMBER HALLER: Thank you.

20 DIRECTOR ENG: And we're gonna be open minded. I
21 know there's, yeah, some of the resorts might not
22 be able to comply before that period of time. They
23 just come to me, explain to me what their plans
24 are, so again, you know, again...

25 MS. ANDERSON: Chair, if I could excuse myself...

26 CHAIR ALDRIDGE: Yes.

27 MS. ANDERSON: I have an eleven o'clock.

28 CHAIR ALDRIDGE: Right, thank you.

1 MS. ANDERSON: Thank you very much.

2 (a chorus of thank you's)

3 DIRECTOR ENG: So, yeah, we're gonna try to
4 accommodate everyone. I know like Mr. Pikrone had
5 a concern, you talked about overspray that maybe a
6 possibility. There will be times that we
7 overspray. I, I remember back in the early 90's
8 when, when Kaanapali, the golf course there, the
9 common areas, we hooked up to the County's reclaim
10 water, the (inaudible) just began the ability to
11 produce high quality effluent and here comes the
12 State with this guidelines of how you can utilize
13 it, and so I worked with them (inaudible) but then
14 they had a very stringent requirements about
15 overspray. So but, went anywhere beyond your
16 property boundary, you could be fined. And with
17 the tradewinds in the afternoon in Kaanapali,
18 there's no way we could prevent it going over.
19 And, it's always been, still like to this day, you
20 know you couldn't put drip everywhere on the golf
21 course either. (inaudible. someone coughing over
22 Director Eng's comments) they realize we're doing
23 the best effort and we were making effort to use
24 reclaim water and that was really their priority,
25 so they were willing to accept our best effort so I
26 think same with you, Mr. Pikrone. Now sounds like
27 you're trying to do your best efforts and, and

1 that's what we well, you know, support you on.
2 We're not gonna bust you, you know. Thank you.

3 MEMBER LUCK: I, I just have one more question for
4 the Director and that was the, can you, can you
5 discuss how effectiveness is going to be quantified
6 and then what would be considered successful based
7 on that measure, after the year passes?

8 DIRECTOR ENG: That will be difficult. I guess we
9 can look at overall consumption data. We're hoping
10 that it'll go down and not up.

11 MEMBER LUCK: But that's only public consumption
12 rather than the private systems, correct?

13 DIRECTOR ENG: Yeah, we don't have the consumption
14 on the (inaudible) private irrigation systems for
15 the golf courses.

16 MEMBER ROBINSON: But it sounds like they would be
17 forth coming with that, yeah? The private systems?

18 DIRECTOR ENG: I would think so. You know as Mr.
19 Gleason indicated you know just to have the costs
20 of running those pumps is getting them to think
21 twice about their irrigation practices and so...

22 MEMBER HOWDEN: Well...

23 CHAIR ALDRIDGE: I have a...

24 MEMBER HOWDEN: Don't they have to report to the
25 State, how much their ah, using.

26 DIRECTOR ENG: You know, some may well groundwater
27 is reported, not all the water well owners report.
28 That's been one of the problems that we face, and

1 Ellen is facing, getting good data from this entire
2 County is we do get monthly use reports from a
3 number of larger water, private water operators,
4 but there are tons that don't report and the Water
5 Commission has a, has a requirement reports just
6 hasn't been enforced. I think Ellen, you made a
7 big effort going into their files and..

8 MS. KRAFTSOW: Yeah we, we had contacted them to
9 ask, so that we could build the data base with
10 people's pumpage and who was not pumping or who was
11 not reporting to us, so we could request them to
12 report to us. And the Commission actually didn't
13 know, they only knew who was reporting. And then
14 we went over there and there were like 10 drawers
15 of files. Some of which hadn't been contacted in
16 25 years and it's not clear if the well was put in
17 or where the well was or who owns the well now or
18 how to contact that person.

19 CHAIR ALDRIDGE: Or if it was abandoned.

20 MS. KRAFTSOW: So, we've been through, it took us I
21 think 4 staff days, we've been through 2 of those
22 10 drawers to start building a data base and then
23 we never finished, that data entry is almost
24 finished but not quite, but we kinda just got
25 waylaid because we realize that a lot of it would
26 be virtually impossible to track down and that's,
27 so they're not getting the reporting and so we
28 can't rely on them to say where, but we get the big

1 ones, we get Wailea, we get Maui Land & Pineapple,
2 so we get some of the private systems, you know,
3 and without looking further at to exactly what they
4 have and how big a fraction of their pumpage is for
5 their golf course, I can't say whether or not it
6 would be reflected in the pumpage necessarily, the
7 reports that we do get, but it might be in some
8 cases but if, like if we can identify this well
9 serves this course or something then we might be
10 able to.

11 DIRECTOR ENG: But you know that's a good idea,
12 maybe we should request it from the golf courses.
13 But like Kaanapali, I think Kapalua report their
14 domestic wells, again Kapalua use surface water for
15 their golf course irrigation. Kaanapali might have
16 one, you know one groundwater source for
17 irrigation. They use reclaim water for 27 out of
18 the 36 holes I think so (inaudible). Yeah, but
19 maybe we could request.

20 MS. KRAFTSOW: Yeah, 'cause that's beautiful
21 (inaudible).

22 DIRECTOR ENG: Can have Wailea. Just for data
23 purposes too for, for your needs, yeah.

24 CHAIR ALDRIDGE: I have a follow up question.
25 Based on Scott's, actually I had the same, when I
26 was reading through this, I had the same thought of
27 mine and that was, how do we measure effectiveness
28 and in fact, what do we expect to save in water and

1 more importantly, whatever we save in water, in my
2 mind, has to be a commodity that's reserved as a
3 safety factor for existing users and not become a
4 commodity for new development.

5 DIRECTOR ENG: I agree with you. We, we don't know
6 what the effectiveness is, we really don't have a
7 target goal, numerically. You know, and that's
8 gonna be difficult, we have to see what we, what we
9 get out of this. We're hoping that, and you're
10 right, as we do displace or recover water and have
11 some available domestic water now, where does it
12 go? I believe there needs to be some kind of
13 allocation, hopefully through some kind ordinance
14 and our input. You know I think Councilmember
15 Anderson has talked about coming up with some kind
16 of allocation plan. I heard that from the Mayor's
17 office too. I think that is really important as we
18 do recover water or develop new sources, who gets
19 the source? And right now we don't have a plan or
20 a priority for that. It's first come, first serve
21 as a priority.

22 MEMBER HOWDEN: Yeah, maybe we can have an
23 ordinance that creates a set aside for affordable
24 housing and for Hawaiian Homes and things like
25 that.

26 DIRECTOR ENG: Assuming public facilities and..

27 MEMBER HOWDEN: You know, the priority needs.

1 CHAIR ALDRIDGE: Which is the set aside, so the
2 Department meets its own standards.

3 (laughter)

4 CHAIR ALDRIDGE: How 'bout them apples.

5 DIRECTOR ENG: That's a lot of conservation
6 (inaudible) to achieve.

7 MEMBER HOWDEN: Might I ask a, a question, excuse
8 me, are, are we looking at use of grey water and
9 use of the treated water, I mean it would seem that
10 with all the monies available to these large
11 corporation that they could actually contribute to
12 future pipelines so that, instead of putting the
13 excess water or the recycled water into injection
14 wells and destroying, helping destroy the coastline
15 that they so depend upon, and also grey water, I
16 mean I talked to Tui during the break and as long
17 as that came through a drip system evidently that
18 would be ok.

19 DIRECTOR ENG: Well, the Department and, and Ellen
20 has been and in through her work on the Water Use
21 and Development Plan, you know, they are looking
22 at, at that is a very effective strategy, expanding
23 the reclaimed water particularly in South Maui. We
24 know through our budget process that we haven't
25 been very successful in getting elected officials
26 to appropriate the funds to look at it as seriously
27 as we do. I think with this current budget round
28 that we're going through I know that's gonna be one

1 of my things I wanna do is really get anyone's
2 attention. I think right now you know, we kinda
3 always expected Wastewater Division to take the
4 lead 'cause that is their water, you know and would
5 be their expense but it would be also their
6 revenue. You know and we're kinda viewing 'em
7 maybe it's something we should do, I think, because
8 neither of us are making a, a move. Maybe from the
9 Mayor, you know, should be a joint effort of
10 Wastewater and Water. We both have something to
11 benefit. But yeah, it's, it's, everyone speaks
12 highly that that's the right thing to do, expand
13 and reclaim water and utilizing it but now, you
14 gotta get them to move. And, and that's our
15 biggest challenge right now.

16 CHAIR ALDRIDGE: Any other comments or questions
17 from the Board members? Marion.

18 MEMBER HALLER: Well, I suppose I answered myself.
19 I'm just concerned that there's so many times I've
20 heard here well, we've got this ability, people can
21 call the Director and ask for an exemption and I
22 just see we keep resorting to that and I don't want
23 you inundated with requests for exemptions.

24 DIRECTOR ENG: No. I worry about that myself..

25 MEMBER HALLER: So, we have a year's review here
26 but I'm sure, hope you can raise flag and say, I've
27 just gotten inundated, we need to do something here
28 so. And, and I don't know what that is.

1 DIRECTOR ENG: Yeah, I'm, I'm, I'm kinda concerned
2 about any new legislation and such as even with
3 that, that water, water availability rule, Show Me
4 the Water ordinance. You know I, I've been
5 personally handling it, just because my staff is so
6 backlogged at work. I thought it was the noble
7 thing to do to take my fair share and get a better
8 understanding of what we're facing today. And, and
9 the more I'm doing it the more complicated it
10 becomes. I mean, and then I've heard, got a
11 voicemail message the Mayor's office that they want
12 to tweak it and I can't see how they want to tweak
13 it without everyone clearly understanding what
14 needs to be tweaked so I have another issue I have
15 to be dealing with. But, yeah, it's how do we
16 administer it. You know I think we hear a lot of
17 criticism you know from the public that you know
18 the County doesn't enforce its rule. I'm hoping
19 this doesn't become another one of them. You know
20 I have in our planned budget for fiscal year 2010,
21 that begins in July of next year, we do, we are
22 proposing 2 new bodies, 2 new positions to help
23 enforce this. And, I'm, I'm certainly hoping that
24 the Mayor and the Council will support these new
25 positions too. I mean, that's what we're facing
26 right now. We see or hear a lot of, from the
27 community and we listen to them, about the
28 criticism of our Department. We are trying to

1 respond but it does require funding. You know,
2 even though right now I'm looking at a, from the
3 request from my division heads, of about probably
4 11 new bodies. And they're all well substantiated.
5 I'm fearing that there's gonna be a hiring freeze.
6 You know, and how am I going to enforce this, how
7 are we going to expand our water conservation
8 program, Tui needs support in that area. You know,
9 we need to, we have so many more maintenance needs,
10 we, we need to do a better job on that and so I
11 have a big fight on my hands. So, we'll see. You
12 know, but we'll deal with it one way or another.
13 But, I, I don't want that to be a reason that this
14 doesn't pass. I think we need something like this,
15 you know, you know, we want to make it work. We
16 don't want it to become a hardship. You know, but
17 I definitely, I think this community needs this and
18 should've had something like this already.

19 CHAIR ALDRIDGE: Thank you. Any other questions
20 from the Board members. I think we need to prepare
21 ah, or I guess I need to prepare a response letter
22 to Michelle Anderson by, what, was it the 14th of
23 October?

24 MR. KUSHI: Right.

25 CHAIR ALDRIDGE: Right.

26 MS. HAYASHIDA: Yeah.

27 CHAIR ALDRIDGE: I think we, I've got enough
28 information from this meeting and, and the comments

1 that if I can get sort of heads up from, note from
2 you (inaudible) minutes, would be great.

3 MR. KUSHI: Mr. Chair.

4 CHAIR ALDRIDGE: Yes.

5 MR. KUSHI: Mr. Chair, if I may, just, just
6 briefly, the bill before you, I hope you had a
7 chance to look at it but it's somewhat different
8 the ones that you looked at before. If you noticed
9 on the enforcement sections, Michelle did bring up
10 the point that we're not going to circuit court.
11 This is not a crime, it's gonna be civil fines.
12 But we instituted a procedure to issue a warning
13 first. And then, first then the violators is
14 officially warned and if that same violator within
15 90 days of the warning commits another violation,
16 not even the same one, of, of any prohibitions on
17 that one section, then we can issue a notice of
18 violation order and then institute a fine. You'll
19 also notice that any appeals from those notice of
20 violations and orders comes to here.

21 CHAIR ALDRIDGE: Yeah.

22 MR. KUSHI: We, we had tried to get it to the
23 Board of Variances and Appeals but the, so you all
24 will be quite busy. Those are my own comments from
25 the previous bill.

26 MEMBER HOWDEN: Do, do we need a motion in favor of
27 the bill? Or...

28 MR. KUSHI: She just wants comments.

1 CHAIR ALDRIDGE: She just wanted comments.

2 MEMBER HOWDEN: Ok. Great.

3 CHAIR ALDRIDGE: So, yeah, at this point I think
4 it's still in draft form and in fact I think
5 Michelle had said that some other draft changes
6 were being made even, even as we were speaking.

7 MEMBER HOWDEN: Ok.

8 MR. KUSHI: It'll go to first reading in couple
9 weeks.

10 DIRECTOR ENG: Could well, could it go as early as
11 October 3rd?

12 MR. KUSHI: At the next Council meeting and then
13 they, she plans to do floor amendments to the bill
14 at first..

15 DIRECTOR ENG: And that's gonna be a critical first
16 reading, that'll determine its fate.

17 MR. KUSHI: And then, then it either stays on the
18 table for second and final reading with, with her
19 revisions or they could send it back to committee.
20 That's the process.

21 CHAIR ALDRIDGE: Thank you, Mr. Kushi. Alright
22 thank you. I'm gonna return to the original agenda
23 schedule here. And the next item, one that we
24 skipped over is Appeals. Let's see the first item
25 is Appeal 07-03, an appeal by Thomas L. Behnke, on
26 behalf of John C. Behnke, Jr., MD., retired, of the
27 director's decision and order dated September 7,
28 2007, to deny their proposal to connect to a new

1 waterline to the Department's water system to
2 provide fire protection to their subdivision
3 located at 150-170 Haiku Road. Director Eng, I
4 believe this is still in discussion, negotiations.

5 DIRECTOR ENG: Yes, what I'm aware of, we are
6 finalizing the agreement. I think it will be sent
7 out shortly to the parties, so I think we made a
8 lot progress on this. It looks like it's gonna be
9 favorably resolved. So, it's just a matter of them
10 reviewing the, the agreement.

11 CHAIR ALDRIDGE: A question again to Corporation
12 Counsel, we'll just continue this on the appeals
13 until it is resolved and in ah, is that correct?

14 MR. KUSHI: Yeah, yes Mr. Chair. It, it's on the
15 11th hour so to saying. We've gone through 2 drafts
16 of this agreement and I think we're on the final
17 and, final draft and it's just a matter of them,
18 appellants accepting it. If they accept then we
19 would, then we'll dismiss this appeal.

20 CHAIR ALDRIDGE: Ok.

21 MR. KUSHI: But to preserve their rights in case
22 something hits the fan leave it on the agenda.

23 CHAIR ALDRIDGE: Leave it on the agenda. Alright,
24 great. Thank you very much. Alright item B,
25 Findings of Fact, Conclusions of Law, Decision and
26 Order regarding Appeal 07-05, an appeal by Terry
27 Collins. For this matter the Board will continue
28 their deliberations. And for this matter the Board

1 may convene in executive session pursuant to HRS
2 92-5(a)(4) in order to consult with the Board's
3 attorney on questions and issues pertaining to the
4 Board's powers, duties, privileges, immunities and
5 liabilities. So, since I was absent from the
6 previous meeting when this took place, I'd like to
7 ask the dep, the corporation counsel, where are we
8 on this process?

9 MR. KUSHI: Yes, Mr. Chair. After the hearing on
10 August 29th, the Board did go into deliberations,
11 closed deliberations pursuant to contested case
12 hearing procedures, the Board did discuss it and
13 the Board did direct me to come up with this
14 proposed Findings of Fact, Conclusions of Law, and
15 a Decision and Order, which Gaye just passed out to
16 you.

17 CHAIR ALDRIDGE: So, am I to understand that every,
18 Board members have not seen this yet?

19 MR. KUSHI: No, they've seen, they just see it now.
20 So, as far as I'm concerned the Board is still in
21 deliberations. There is a, there is not a problem,
22 there's a concern that the chair at that point in
23 time, Vice Chair Holmberg, is not here, but you do
24 have a majority, even without yourself.

25 CHAIR ALDRIDGE: And I will abstain.

26 MR. KUSHI: You will abstain but you can still
27 (inaudible).

28 CHAIR ALDRIDGE: Yeah.

1 MR. KUSHI: Right. And so at this point, Mr.
2 Chair, unless there's some other issues, I, I
3 recommend that the Board take a...

4 CHAIR ALDRIDGE: Continue deliberations...

5 MR. KUSHI: Continue deliberations...

6 CHAIR ALDRIDGE: Read the Decision and Order...

7 MR. KUSHI: Have, have the, everybody else out of
8 the room..

9 CHAIR ALDRIDGE: Right.

10 MR. KUSHI: Except for the Board, myself and the
11 secretary.

12 CHAIR ALDRIDGE: Sir, you'll need to leave the room
13 until we're through with the closed session. Thank
14 you. I'm just giving everybody some time to read
15 this until...

16 MEMBER HALLER: Thank you.

17 (The Board goes into closed deliberations and then
18 reconvenes at 11:46 a.m.)

19 CHAIR ALDRIDGE: Alright. Where's the, where are
20 the microphone? In the matter of the appeal of
21 Terry Collins, Appeal Number 07-04, the Board has
22 made a decision to, based on the finding of fact to
23 modify the Director's decision and I'm going to
24 read into the record only the Conclusions of Law
25 and the Decision and Order, the Findings of Fact
26 are several pages long and are available.
27 Conclusions of Law. Based on the foregoing
28 Findings of Fact the Board hereby makes the

1 following Conclusions of Law. If it should later
2 be determined that any of these Conclusions of Law
3 should be properly deemed Findings of Fact, the
4 Board so finds as to those facts. Two, that in
5 con, in accordance with Chapter 14.11, Maui County
6 Code, the Board has jurisdiction over the subject
7 matter and the parties to this appeal. Number
8 three, that in accordance with Section 14.11.010,
9 Maui County Code, the appellant timely filed a
10 Notice of Appeal of the Director's decision stated
11 in the Director's letter to the appellant dated
12 October 17, 2007. Number four, that Section
13 14.11.040, Maui County Code, states, Standards of
14 appeal, the Board shall review the director's
15 decision or order and by a majority of its entire
16 voting membership may affirm the decision or order
17 or may reverse or modify the decision or order if
18 the Board finds that the substantial rights of the
19 appellant may have been prejudiced because the
20 decision or order is, A. based on a clearly
21 erroneous finding of material fact, improper
22 procedure, or erroneous application of the law; B.
23 arbitrary or capricious in its application; or C. a
24 clearly unwarranted abuse of discretion. Five,
25 that based on this Board's declaration of drought
26 warning on June 12, 2007, the Department initially
27 applied the prohibition on water service tie-ins
28 properly with respect to the Project's scheduled

1 tie-in for June 19, 2007. Six, that the Department
2 clearly abused its discretion in advising the
3 Project's contractor that once the Kaupakalua Well
4 is placed back in service, the Department would
5 allow the Project's tie-in, notwithstanding the
6 existing Board's declaration of drought warning.
7 Seven, that the Department improperly allowed the
8 Project's tie-in in response to Appellant's request
9 of September 11, 2007 due to her receipt of
10 significantly larger water bills, as there is
11 provision for such allowance in the Department's
12 current drought declaration guidelines, although
13 the Department's allowance of the subject tie-in,
14 under the facts and circumstances of this case,
15 would not be a clearly unwarranted abuse of
16 discretion. Eight, that based on the evidence and
17 testimony presented, the Board concludes that the
18 Director's decision as set forth in his letter to
19 Appellant dated October 17, 2007 denying
20 Appellant's request to review and adjust
21 Appellant's water bill prejudiced the substantial
22 rights of the Appellant, as said decision was based
23 on improper procedure, and a clearly unwarranted
24 abuse of discretion. Decision and Order. Based
25 upon these Findings of Fact and Conclusions of Law,
26 the Board hereby grants the appeal of the
27 Appellant, and modifies the Director's decision as
28 stated in his letter to Appellant dated October 17,

1 2007 as set forth below. It is therefore ordered,
2 one, that the Appellant's outstanding balance for
3 water service due and owing the Department as
4 reflected in the Department's July 22, 2008
5 printout be reduced from \$805.13 to \$403.00. It is
6 further ordered, two, that this Decision and Order
7 is intended to be fact and situation specific, and
8 shall be viewed and applied only in situations
9 where tie-ins to the Department's water systems
10 have been scheduled prior to any declaration of
11 drought conditions. Three, the Department or the
12 Appellant may appeal this decision and order in
13 accordance with Section 16-02-70 of the Rules of
14 Practice and Procedures for the Maui County Board
15 of Water Supply and Section 91-14, Hawaii Revised
16 Statutes. Dated 25th day of September, 2008.

17 MR. KUSHI: Mr. Chair, Mr. Chairman, for the
18 record, I, I have a request to revise, there's a
19 omission. On Conclusions of Law, number seven, at
20 the beginning page 6, it should read as follows.
21 "that the Department improperly allowed the
22 Project's tie-ins in response to Appellant's
23 request of September 11, 2007 due to her receipt of
24 significant, significantly larger water bills, as
25 there is NO..."

26 CHAIR ALDRIDGE: NO provision..

27 MR. KUSHI: "No provision for such allowance."
28 Sorry for that omission.

1 CHAIR ALDRIDGE: I thought something didn't sound
2 right. Alright and so a copy of that, Gaye, you'll
3 make a copy available for Ms. Collins?

4 MS. COLLINS: Great. Thank you.

5 MS. HAYASHIDA: I will go ahead and mail it to
6 them.

7 MR. KUSHI: You going mail it to...

8 (Appeal portion of the meeting ends)

9 CHAIR ALDRIDGE: Other Business, 8D, Discussion and
10 Update regarding the Upcountry water system and
11 drought conditions. Director Eng?

12 DIRECTOR ENG: Well, well, briefly you know, just
13 looking at the daily production report for
14 Upcountry, you know recent days we were little bit
15 concerned with the lack of rainfall, we getting
16 some Kona type of weather. The reservoir started
17 declining, looks like it maybe it's gonna be
18 recovering with a little rain but we're closely
19 monitoring it. I was glad to see it would past
20 couple days the Wailoa Ditch flow increase so the
21 watershed are getting something out there in East
22 Maui. But production has been well in control not
23 only in Upcountry but in all of our systems so it's
24 really nice to see that as you can tell that we are
25 getting some voluntary conservation too. You know
26 I think with this, with this new bill that we can
27 hopefully see what we could really do in
28 conservation 'cause again we've only been appealing

1 for voluntary cut-backs all this past year or so,
2 so I'm kinda optimistic we'll see even more. I
3 think, I just wanna make a comment, Mr. Howden, on,
4 on 'Iao Aquifer because I'm kinda proud of what
5 we've been doing since last summer. To be
6 perfectly honest, I, when I took the job I don't
7 think we were really well monitoring our pumping.
8 You know, in fact August of last year, the moving
9 average of pumping for 'Iao Aquifer which we have
10 permit limits of about 17 million gallons per day.
11 We're actually exceeding. That wasn't really a
12 good thing to see because it is a managed
13 groundwater area. So, was about 17.6 million
14 gallons per day. We have reduced to that 12 month
15 moving average down to 15.2, so I'd like to let the
16 public know is that we're really trying to protect
17 that aquifer. You know we shifted, we maximized
18 production at our 'Iao Water Treatment facility.
19 We did move a little bit more toward Waihe'e. You
20 know now there's a recommendation to run it at
21 about 4 million gallons per day. We are exceeding
22 that but it's not designated so we're not breaking
23 any law. We are monitoring that too. But again,
24 we're trying to keep it down to total production
25 demand of Central Maui to about 25 million gallons
26 per day, based on our pump permit limitations as
27 well as our production capabilities at our 'Iao
28 Water Treatment facility. So, 25 million gallons

1 per day is kinda magic number for Central but I
2 wanna keep that moving average below and we're,
3 we're right there. We've made some pretty good
4 strides so I'm real happy. I have nothing more,
5 Mr. Chair.

6 CHAIR ALDRIDGE: Comments? Questions?

7 MEMBER HOWDEN: We're on Upcountry or Central and
8 South?

9 DIRECTOR ENG: I kinda blended the two so.
10 (several people speaking at the same time)

11 MEMBER HOWDEN: If, if we are on Central and South,
12 we read the indications that we're in severe
13 drought for Central and South.

14 DIRECTOR ENG: Yes. Yeah the, there's a couple of
15 reports that are sent out on websites, the US
16 Drought Monitor, and yes, and I also look at this,
17 it's either NOAA or National Weather Service, this
18 climate prediction center that they come out with
19 ah monthly predictions, I usually look at
20 definitely going out 3 months and they are still
21 continuing to predict precipitation throughout the
22 state but I'm looking, they, they give a prediction
23 basically for Kahului so they must have something
24 going on there that, rainfall, precipitation will
25 still be 40% below normal going to the end of the
26 year. And also, Kevin Kodama of the National
27 Weather Service based in Honolulu, his report has
28 indicated, really statewide, it has become little

1 bit more severe, most through all of Central Maui,
2 West Molokai. Lana'i isn't in severe drought but
3 it's stepped up to more severe drought conditions
4 than they were previously a month ago, the whole
5 entire island of Lana'i.

6 MEMBER HOWDEN: Are, are we monitoring, I mean, I
7 know it's a private system on Lana'i but are we
8 monitoring how much they're pulling from their
9 aquifer and whether they're over pumping?

10 DIRECTOR ENG: Yes, we get monthly water use or
11 well production reports from them. And, I, I've
12 just recently been really trying to get a better
13 understanding because it's not our system. But
14 because one is, Ellen's been working on this Lana'i
15 Water Use and Development Plan for a number of
16 years and I think the draft chapters are gonna be
17 on our website, if not now shortly. You know
18 there's probably several hundred pages worth of
19 information so. But I've been dabbling, looking at
20 some old engineering reports, getting an
21 understanding of their production and right now
22 they're, they're fine. I think they're, their
23 potable demands have been, and maybe in their
24 entire water demands been like 2.2 million gallons
25 per day. The, they're right now, the sustainable
26 yield for the entire island is 6 million gallons
27 per day. I think the Water Commission can step in
28 and manage that, that source when it's 4.3, so

1 there's still some room to go. But um, so I don't
2 have a concern on what they're drawing right now, I
3 think a lot of it is just, I, I wanna get a better
4 understanding of this Water Use and Development
5 Plan 'cause I know there's some conflicts over
6 there as far as between the community and, and
7 Castle and Cook, I just wanna try to have as
8 unbiased position when I have to review things so.

9 MEMBER HALLER: In regard to the, just because it's
10 happened yesterday, yeah, the East Maui stream flow
11 matter coming up to the State and testimony and
12 stuff and I was curious, what impact may that have
13 on our Wailoa Ditch and general stream flow over
14 there and catching water, if those are in fact
15 required to be opened up?

16 DIRECTOR ENG: That's a good question. I guess all
17 those streams right now there are a total of 27
18 petitions before the Water Commission to establish
19 permanent in-stream flow standards. The Wailoa,
20 whatever is limits the diversion to Wailoa Ditch
21 could potentially impact us 'cause that ditch goes
22 and serves our Kamole Water Treatment facility, our
23 primary source for Upcountry. Down the road, the
24 other remaining 22 petitions may have more
25 significant impacts because they could impact our
26 in-takes for our Lower Kula system that serves
27 Piiholo and Upper Kula, for Olinda. We will
28 monitor closely. Again our position is that we

1 know we are domestic water, the public water supply
2 is one of the protected public uses. And I think
3 that's all we're really asking for is that it's,
4 it's a balanced decision and does respect our needs
5 at this time too.

6 MEMBER HOWDEN: Yeah, the guys from Na Moku, the
7 plaintiffs made it clear that they, they're
8 intention was not to interfere with the County of
9 Maui and the water supply.

10 CHAIR ALDRIDGE: You know I, I would be concerned
11 about that because regardless of whether their
12 intents are, you never can tell what a judge
13 somewhere, completely unrelated to the local
14 situation may impose as a lawsuit settlement at a
15 later date. Now, I wanna bring, I went to
16 California for vacation, they're in a severe
17 drought, I've never seen the state look as bad,
18 driving up the central valley and despite that fact
19 even though there's been an 8 year drought in the
20 southwest and the entire Colorado water system is
21 almost down to 50%, a federal judge ordered last
22 year, requires that more northern California water
23 be left in the Sacramento San Joaquin delta to aid
24 declining fish population even though there's
25 almost no water going down to the south. So, one
26 of these days you can bet...

27 MEMBER HOWDEN: 'Bout time.

1 CHAIR ALDRIDGE: That they're gonna take water away
2 for fish as opposed to people drinking water. It's
3 just a matter of time because water is the
4 controlling growth.

5 MEMBER HOWDEN: Well, the concern is, it's worth
6 maybe sharing. The, a lot of the concerns
7 expressed yesterday by the Water Commission, by
8 their staff dealt with, you know, stream biota,
9 health of the watershed, you know, a pertinent
10 rights, you know and traditional customary uses.
11 And the rec, the staff recommendations at this
12 point, this, I think the strongest recommendations
13 were for 50% flow in the streams. But they have to
14 re-configure the EMI in-takes so that instead of
15 EMI taking the base flow, the base flow basically
16 moves back on to the streams. And, and truthfully,
17 my feelings is that as that watershed is restored
18 we'll get better production from the watershed. I
19 think we'll all profit. HC&S didn't seem to have
20 that same point of view but I, I think if you're
21 looking at the future of Maui and access to water,
22 we really need to take care of our watersheds
23 better.

24 CHAIR ALDRIDGE: Oh, absolutely. I mean, I think
25 it points out that (someone coughing) again for
26 those reservoirs in the Upcountry area so we can
27 pick up those peak flows and store 'em. You know,
28 that's where we're lacking, that's where our

1 problem is with all this Upcountry drought
2 situation.

3 MEMBER HOWDEN: Well, we need a new flume system.
4 By the way...

5 CHAIR ALDRIDGE: Yeah, by the way.

6 MEMBER HOWDEN: Before we go back again, yeah?

7 MEMBER HALLER: One of the other things that came
8 to mind about the Upcountry system is something
9 that Michael you've brought up several times which
10 is this matter of population growth at various
11 areas. When the Upcountry system really is 3 areas
12 and while the lower area has some problems and
13 issues, the upper area sure has more acute problems
14 and issues. And so is th, has, has the Department
15 thought about managing the Upcountry area in a more
16 segmented way? Anything from, what if we did look
17 at the, well, doesn't need even go there, but I
18 mean, in, in terms of development of source? Do we
19 just look at the whole thing all the time? Do we...

20 DIRECTOR ENG: Right now, we're, we're looking at
21 Upcountry as overall surface area because you know,
22 we look at some sources at very high elevations and
23 recently Herb and I and some others have been given
24 an opportunity with the partnership with a
25 developer for a, a well of 2900 foot elevation. We
26 don't know how much that would cost. Let alone
27 just the maintenance you know for a pump pumping
28 that much you bet, you know, my maintenance and,

1 and plant operations people have concerns. We
2 believe maybe developing more down the Haiku and
3 Kaupakalua area, low, lower elevations, less cost
4 to operate, and booster pump to, is it, would be
5 the Pookela or, or whatever tank, but you know we
6 can move water around and serve the Haiku area as
7 well as bring it Upcountry. We have that
8 sophisticated pumping system, it's costly but right
9 now we're treating the whole service area as one
10 connected system. And it currently is a connected
11 system so to split them apart you know, obviously
12 some of the, like the Upper Kula system could go
13 without water certain times, you know when
14 Kahakapao reservoirs go dry, so. We still always
15 view things operation, I mean I think that's really
16 how I always look at things when I'm making some
17 decision is when you're running a utility you know,
18 you wanna be able to serve people water 100% of the
19 time. You know, it's not like, so you look at
20 redundancy, you look at things (inaudible), you
21 know so.

22 MEMBER HALLER: I guess, I guess I go to, we have
23 no concern here as to where people choose to build
24 their homes and it seems irresponsible to me that
25 we continue to encourage people that you can buy
26 property in Upper Kula just as well as you can in
27 Lower Kula and Haiku and yes, you're allowed to
28 build your house there if there's a water meter

1 there and, and you can, it, it just seems to me
2 imprudent for the County to continue to encourage
3 and I know that's not your purview but it, how does
4 anybody else feel about that? Do we, do we as a,
5 as a county, as a government or as a people, do we
6 just say sure move anywhere you like, regardless of
7 how difficult it is to, to develop water there, or
8 to develop services there? Do we even have an
9 equal responsibility?

10 MEMBER HOWDEN: That was one of the concerns about
11 the Piiholo Well agreement at least for me, I mean
12 the key concern is, Jeff's tired of hearing, but,
13 but, but you know, a week or two before that
14 agreement was signed, Engineering, I don't know if
15 it was Herb's signature or not, but, but
16 Engineering said we have source scarcity in the
17 Upper and Lower Kula systems and yet we agreed to
18 allocate 120,000 gallons a day, really to
19 facilitate David Cole and Maui Land & Pine doing
20 their big agricultural subdivisions, when in fact
21 their contribution of water isn't to the Makawao-
22 Pukalani part of the system. You know and that's,
23 that was for me like you know...

24 CHAIR ALDRIDGE: Shocking.

25 MEMBER HOWDEN: My disconnect.

26 DIRECTOR ENG: I think it was from entire staff,
27 you know, I don't believe Herb or anyone supported

1 that, taking it out of that normal service area up
2 in, so it was beyond them.

3 MEMBER HOWDEN: Yeah.

4 DIRECTOR ENG: I think they did the right thing.
5 They did do, they make a decision, realistic
6 practical decisions (inaudible) Engineering staff.
7 But it wasn't their call.

8 MEMBER HOWDEN: Yeah, political decision basically
9 trumped, you know and I, I think it should have
10 more transparency in what's taking place in the
11 Department and in the County government in general
12 then the public's able to have better input. And,
13 and these are issues that I think should be raised,
14 desperately.

15 CHAIR ALDRIDGE: You know I think it, it's, the
16 Department has a difficult position..

17 MEMBER HALLER: Yeah.

18 CHAIR ALDRIDGE: And it's clear from what I've seen
19 and everybody here on the Board has seen, the Upper
20 Kula and the Lower Kula systems have far more
21 fragile collection systems, have far less adequate
22 storage and so they're the ones that run out of
23 water sooner. And that's one reason why all 3
24 systems are connected for reliability. But I, I
25 also share that concern about development and, and
26 the comment I made about if you conserve water,
27 who's it for? It should be preserved for the
28 people who are using it now, not for the new

1 development because all of sudden developers are
2 going find the capacity in, in the effect of water
3 conservation. And, so I think that you know, we
4 build reservoirs, they should, up there, they
5 should be for satisfying the existing users AND
6 like the Upcountry list that continues to grow, the
7 waitlist, you know and not new development.

8 MEMBER HALLER: Yeah, I didn't want to bring that
9 up. I mean I'd love to segregate that list and..

10 CHAIR ALDRIDGE: Yeah.

11 MEMBER HALLER: Say, you know if you're looking for
12 water in the Upper Kula system, you're gonna have
13 to wait 20 years. The, it's more feasible for us
14 to try to deliver water to you down here. This,
15 it's just the reality.

16 MEMBER HOWDEN: I know.

17 MEMBER HALLER: I know we can't do that but.

18 MEMBER HOWDEN: But why not?

19 (laughter)

20 (several people speaking at the same time)

21 DIRECTOR ENG: But I believe the Water Use and
22 Development Plan you know, that is one of the
23 candidate strategies, is limiting growth in the
24 upper, Upcountry areas. Just something to look at..

25 MEMBER HALLER: Ok.

26 DIRECTOR ENG: You know I haven't reviewed it
27 closely but that is something that the community's
28 looked at.

1 MEMBER HALLER: How interesting.

2 DIRECTOR ENG: They looked at everything.

3 Basically in the Water Use and Development, you

4 look at every possible strategy, weed them out.

5 Now that might be weeded out because...

6 MEMBER HALLER: Yeah, I don't recall...

7 DIRECTOR ENG: Legal reasons.

8 MEMBER HALLER: Seeing that presentation, it must,

9 must've gotten...

10 DIRECTOR ENG: Yeah.

11 MEMBER HALLER: Eliminated.

12 DIRECTOR ENG: But I think if you go to the, our

13 website you might be able to still find it.

14 MEMBER HALLER: Oh, ok. I'll look, thank you.

15 CHAIR ALDRIDGE: Well, thank you, Jeff.

16 DIRECTOR ENG: Oh, you're welcome.

17 CHAIR ALDRIDGE: Any other comments on Upcountry or

18 Central Maui systems? By the way I just, besides

19 that drought monitor I also pulled some of the

20 information off the USGS which anybody can access.

21 Shows the Waiehu Well situation, rainfall data on,

22 on Puu Kukui of the West Maui mountains.

23 MEMBER HOWDEN: So, is, is the drought situation

24 strong enough that we would consider mandatory

25 restrictions for Central and South or do you think

26 we're, it's still well, well in hand?

27 DIRECTOR ENG: Yeah, I think the demand numbers has

28 done more to this time...

1 MEMBER HOWDEN: Ok.

2 DIRECTOR ENG: You know, I mean you've seen the
3 numbers and..

4 MEMBER HOWDEN: Yeah.

5 (from this point forward most of the speakers were
6 not using the microphones provided)

7 DIRECTOR ENG: It's really again that moving
8 average has come down, you know so I think though
9 if we see any reversal, again we're during the
10 worst time of the year, the past few months. And
11 demand, demand numbers have been really good so
12 hopefully (inaudible) better with this proposed
13 bill (inaudible).

14 MEMBER HOWDEN: Must be all those golf courses
15 using less water.

16 CHAIR ALDRIDGE: Could be.

17 DIRECTOR ENG: No players, no revenue, they're not
18 gonna run the pumps.

19 CHAIR ALDRIDGE: Any other comments? Thank you.
20 We actually covered item B and C already so, I,
21 item D, Discussion, possible action by Board
22 regarding the concerns on future water resource
23 use. I think I had promised I'd put something
24 together. I'm sorry I didn't. But I will for the
25 next meeting and we'll carry this over and, and
26 I'll try and actually send it to all the Board
27 members through Gaye so we could get some time to
28 look at. Mark it up, tear it apart, do whatever

1 you want to. Alright, item E, Receipt of Board
2 member request for agenda items to be placed on
3 future agendas. Before we go through this I just
4 wanted to check with Gaye, what is our, our
5 outstanding list of appeals, Gaye?

6 MS. HAYASHIDA: I think we have 6 outstanding
7 appeals, 6.

8 CHAIR ALDRIDGE: Like the horn, the cornucopia, it
9 just keeps filling up as in, faster than we can get
10 to 'em.

11 MS. HAYASHIDA: Yeah, I think the next one we're
12 scheduled is ah, ah Susan Burns and that's with
13 Paul Mancini so, I'm sure Mr. Mancini will be here
14 and I would assume that the Department will be
15 getting their own corporation counsel. We are
16 gonna ah, he is scheduled for October 23rd, that's
17 the next board meeting.

18 CHAIR ALDRIDGE: Ok.

19 MS. HAYASHIDA: So.

20 MEMBER LUCK: Are we also doing budget that
21 session?

22 MS. HAYASHIDA: Unfortunately, yeah. The reason is
23 Holly cannot give me anything for the budget until
24 like October 15th. It's too late, we can't and so
25 we can hold a special meeting but then they need to
26 get the you know, they need to submit the budget to
27 Budget Office by October 31st, so I don't know how
28 you guys wanna do this.

1 CHAIR ALDRIDGE: And when, when will Holly have her
2 information available?

3 MS. HAYASHIDA: She said the earliest she could
4 give me would be like around the, after the 15th
5 would be maybe about the 17th, 18th of the month.

6 CHAIR ALDRIDGE: So...

7 MS. HAYASHIDA: And our meeting is scheduled for
8 October 23rd.

9 CHAIR ALDRIDGE: Yeah, so basically you'll be able
10 to get it to us one week before the meeting.

11 MS. HAYASHIDA: Yeah. The good news is we will
12 have Liquor so we do have all day.

13 MEMBER ROBINSON: We'll have liquor?

14 (laughter)

15 MEMBER ROBINSON: That's the way to do the budget!

16 MS. HAYASHIDA: Ok, that didn't...

17 CHAIR ALDRIDGE: We can stay all day.

18 (laughter)

19 MS. HAYASHIDA: That didn't come out the, no, we
20 will have the Liquor Control conference room and
21 they are nice enough to allow us til 3 o'clock so,
22 we can...

23 MEMBER HALLER: We knew what you meant.

24 CHAIR ALDRIDGE: That was an excellent Freudian
25 slip.

26 MS. HAYASHIDA: I know. We need the liquor I
27 guess. So, I will try and see if we can get some
28 kind, I guess we can't buy you lunch unless you

1 work through it, right? So, if we can work
2 through, have a working..
3 CHAIR ALDRIDGE: Working lunch?
4 MEMBER ROBINSON: Working lunch?
5 MS. HAYASHIDA: For the budget session..
6 MEMBER ROBINSON: Yeah.
7 CHAIR ALDRIDGE: Sure, that'll be great.
8 DIRECTOR ENG: Working, drinking lunch.
9 (laughter)
10 MEMBER HALLER: Yeah, yeah, more of those.
11 MS. HAYASHIDA: So, yeah maybe we could do the
12 appeal first, hear 'em and then you know, go into
13 budget..
14 CHAIR ALDRIDGE: Sounds like a plan.
15 MS. HAYASHIDA: Yeah. So that's what I was
16 thinking.
17 CHAIR ALDRIDGE: Now, I think at the, at the
18 meeting before the last meeting, I had, I had
19 committed to meeting with, with dep, corporation
20 counsel to review the stats, I have not been able
21 to do that because of my vacation, so I think you
22 and I should meet, get together as soon as possible
23 to go over the appeal cases and come back to report
24 to you whether or not we would recommend any of it
25 going to a hearings, a special hearings officer.
26 MEMBER LUCK: Would there also be the possibility
27 of splitting them up so there's maybe we can even
28 come up with a dollar amount, that if they're

1 smaller than a certain amount that we have a sub-
2 committee or something like that? 'Cause we, I
3 think...

4 CHAIR ALDRIDGE: What do you mean by some dollar
5 amount?

6 MEMBER LUCK: I think we only need like 3 people...

7 MEMBER HALLER: No somehow dis...

8 MEMBER LUCK: Isn't there only 3 people from the
9 Board actually, or, or a smaller portion than the
10 Board, I think we had talked about this at the very
11 beginning. We know...

12 CHAIR ALDRIDGE: Yeah, by having just a committee
13 from the Board?

14 MEMBER LUCK: Yeah.

15 MEMBER HALLER: In other words we've had testimony
16 last, last time around where somebody, it was I
17 believe David Goode, saying I'm number 6 on your
18 list here and I got on 5 months ago.

19 CHAIR ALDRIDGE: Right.

20 MEMBER HALLER: And...

21 MEMBER LUCK: We project that it'll be a year
22 totally...

23 DIRECTOR ENG: Ignore them.

24 (laughter)

25 MEMBER HALLER: Never mind who it is, but the truth
26 is for anybody you know, is, is this long tedious,
27 and we acknowledged that when we got into this. We
28 knew that appeals could require us to move more

1 quickly. So how do we do that, and one of the ways
2 is if we, those 3 are our committee and they take
3 one appeal and these 3 are a committee and we take
4 another appeal, suddenly we can handle 2 appeals
5 and we...

6 CHAIR ALDRIDGE: Alright, why don't we bring that
7 back as a discussion point...

8 MEMBER HALLER: Yeah, so.

9 CHAIR ALDRIDGE: At the next meeting and...

10 MEMBER HALLER: How to accelerate...

11 CHAIR ALDRIDGE: Ed and I will review together the
12 case loads, if you wanna call it that, and come
13 back with a recommendation.

14 MS. HAYASHIDA: Oh, if you do that, keep in mind
15 staff's time, because now you're gonna have to hear
16 testimony from the appellant and the staff...

17 CHAIR ALDRIDGE: Right.

18 MS. HAYASHIDA: This committee's gonna have to hear
19 appellant testimony from appellant and staff...

20 CHAIR ALDRIDGE: Right.

21 MS. HAYASHIDA: Engineering still is bogged down so
22 that may not be a good, I mean, it's up to the
23 Board but you have to also consider staff's, the
24 Department's time, staff's time involved.

25 DIRECTOR ENG: That's a big point.

26 MEMBER LUCK: The only reduction is our aggregate
27 time. The Board member's aggregate time that'll be
28 the only savings. But at least we can potentially

1 do it faster if we can tackle the other resource
2 constraint issues. I just get concerned when I
3 see, when I looked at the list, I'm like ok, the
4 earliest possible time we can get this person
5 number 5 I think is one year after they submitted
6 their appeal, which I think is really sad.

7 CHAIR ALDRIDGE: Sad as it is it might be faster
8 than if they had gone to the Appeals Board.

9 MEMBER LUCK: That, that's probably true.

10 (laughter)

11 CHAIR ALDRIDGE: That's not much of a consolation.

12 MEMBER LUCK: But then I also see you know we spend
13 a lot of time on a \$400 case too, which seems kinda
14 wasteful to me but that's my personal opinion.

15 MEMBER HOWDEN: It was.

16 CHAIR ALDRIDGE: Well, I don't know that we could
17 assess what the value...

18 MEMBER LUCK: Yeah, I don't, some of them you can
19 and some of them you, I'm sure you cannot if it's
20 like whether or not they get issued a meter but
21 some of 'em we might look and go wow this is even
22 that big of a deal, if they, if they, well actually
23 everybody now has to pay the \$300, right, from now
24 on?

25 CHAIR ALDRIDGE: Yeah.

26 MS. HAYASHIDA: And that I think that's slowed the
27 appeals.

1 MEMBER LUCK: Yeah, 'cause the last appeal we might
2 not've heard at all if she had to pay the \$300.
3 MS. HAYASHIDA: Yeah, she didn't pay.
4 CHAIR ALDRIDGE: She made 100 bucks out of...
5 MEMBER LUCK: Right.
6 MS. HAYASHIDA: And there have been people
7 appealing their water bills but when I explain to
8 them the appeal fee, their water bill was less than
9 the appeal fee so...
10 MEMBER LUCK: Yeah.
11 CHAIR ALDRIDGE: Yeah, sure.
12 MS. HAYASHIDA: They just said forget it.
13 MEMBER LUCK: That saved us.
14 MS. HAYASHIDA: So, yeah.
15 CHAIR ALDRIDGE: That gives me an idea.
16 (laughter)
17 MEMBER ROBINSON: What, raise the appeal fee?
18 DIRECTOR ENG: You know, I think...
19 CHAIR ALDRIDGE: I bet he already thought about of
20 it..
21 DIRECTOR ENG: We had to submit rates and fees for
22 next year's so, budget you know, just because we
23 just put it on recently the \$300 but it's something
24 we thought about..
25 MEMBER LUCK: From a practical perspective, the
26 actual time that's invested in it has gotta be far
27 above \$300, not, not our time either, just the

1 staff time. I'm sure corporate counsel's a bit
2 expensive as well.

3 (laughter)

4 CHAIR ALDRIDGE: We have no comment.

5 MEMBER LUCK: No.

6 CHAIR ALDRIDGE: Alright. Are there any other
7 specific items that for, that anybody would like on
8 the next...

9 MEMBER ROBINSON: Well, I was just wondering are we
10 putting any agenda items on for November or are we
11 gonna wait til October to put something on for
12 November?

13 CHAIR ALDRIDGE: If you have something you would
14 like to see on...

15 MEMBER ROBINSON: Well, I just wanted to have some
16 follow through on, on the cost to pumping water and
17 the idea that we have some people that are trying
18 to put their minds toward and I know they've been
19 approaching you, Jeff, about using alternative
20 sources to pump water because of the large size of
21 our Department's electric bill. And there're
22 several people who have approached me in the
23 community who have been doing research and
24 traveling to the mainland and learning more about
25 pumping water using in this case, using wind
26 turbines and small, in small quantities. So I have
27 2 people that would be like, who would like to do a
28 presentation to our Board of Water Supply about

1 this, and one is Chris, Chris Mensel, the other is
2 an Eric Beal and so I'll get those credentials and
3 information to you Lee and to Gaye in terms of
4 contacting them and see if we can get them on to
5 talk about more about that. And one of them
6 actually asked me for whether we have a mapping of
7 the pumping, the kilowatt power that we put into
8 the different pumping stations. If I could get
9 that to them they have a map of where we have the
10 strongest wind power on the island so, great.
11 Thanks.

12 CHAIR ALDRIDGE: That would probably be more likely
13 in November.

14 MEMBER ROBINSON: Yeah, that's what I was saying,
15 November is fine.

16 MEMBER HOWDEN: And, and Carl did mention that in
17 the Water Use and Development Plan for Upcountry,
18 wind, wind power was suggested (inaudible).

19 MEMBER ROBINSON: That combines with hydro-
20 electric.

21 CHAIR ALDRIDGE: Marion.

22 MEMBER HALLER: I wanted to ask if we get requests
23 like that, do we get a chance to decide whether
24 that is what we want, it seems to me that the
25 budget session is a great time to, for you to see
26 what the Department is gonna have in its budget to
27 pursue things. And to what degree I wanna get
28 involved with thinking about what, how much power

1 you use there versus there and have presentations
2 all that, I question that, that use of our time. I
3 would like to focus on getting money into your
4 budget so that you, does something and do it, and
5 then direct those people to your engineers...

6 CHAIR ALDRIDGE: Well we got, we wouldn't want
7 putting on the same session as the budget session.

8 MEMBER HALLER: No, I wasn't suggesting it so. My,
9 my question is about we wrote a resolution of
10 whatever you call it, that we, when we declare the
11 drought, that we said we wanted some information
12 from the administration about their progress on
13 developing source.

14 CHAIR ALDRIDGE: Right.

15 MEMBER HALLER: And I wondered how we can follow up
16 on that? As we're discussing the...

17 CHAIR ALDRIDGE: Well, I think that's...

18 MEMBER HALLER: Lack of rain.

19 CHAIR ALDRIDGE: That's something we should put on
20 the agenda and we would like to kinda get an
21 update, for instance, where are we with the 300
22 million gallon or two 150 million gallon
23 reservoirs.

24 MEMBER HALLER: Right, and I'm wondering whether
25 that's, whether that's Jeff's purview or whether
26 it's asking the Mayor to come and join us and give
27 us an update on...

1 CHAIR ALDRIDGE: Well, we could leave it up to
2 Jeff...

3 DIRECTOR ENG: Yeah, I think nice, I think, I think
4 she is having one of her assistants develop some
5 information for her to help develop her water
6 policy plan. I'm hoping that there's something she
7 can present to us. I think a lot of people wanna
8 hear it. So if it's true for sure, so maybe, I'll
9 let you know of how that's progressing you know, I
10 think (inaudible).

11 CHAIR ALDRIDGE: Can we schedule that? Maybe the
12 meeting of November?

13 DIRECTOR ENG: I'll kinda have a better update in
14 October's...

15 CHAIR ALDRIDGE: In October...

16 DIRECTOR ENG: Know that something is going on the
17 9th floor and I'm gonna have to see this. And I
18 think others from the public can (inaudible).

19 MEMBER HALLER: Great.

20 DIRECTOR ENG: Requested that (inaudible).

21 CHAIR ALDRIDGE: Great.

22 MEMBER HOWDEN: You know, did, Charmaine did
23 mention a few weeks ago that she had called off the
24 appraisal for Na Wai Eha.

25 DIRECTOR ENG: (inaudible).

26 MEMBER HOWDEN: So if you could, could update us
27 that would be helpful, because we kinda beat on her
28 about that you know. Her position was well,

1 because it's a designated area there's no guarantee
2 that the County would even get any water...

3 DIRECTOR ENG: Well, that's true now that it's a
4 surface management area.

5 MEMBER HOWDEN: (inaudible) and my feeling was well
6 the very least we would own the delivery systems
7 (inaudible).

8 DIRECTOR ENG: Actually along those lines I just
9 placed a call to the PUC. I'm kinda curious about
10 the Wailuku Water Company application. We haven't
11 heard anything for about 4 plus months since the
12 public hearing and generally the PUC would've at
13 least stipulate the parties to at least set up a
14 schedule for the next 9-12 months to proceed with
15 that application. I've seen and heard nothing so.
16 I'll give you an update when I get some word on
17 that too, I'm kinda curious. I don't think that
18 application would fly anyway. They created 2
19 classes of customers those with grandfather
20 contracts, those like us without. I can't see that
21 going anywhere so we'll find out.

22 CHAIR ALDRIDGE: Thank you, Marion. Are we only
23 gonna have one budget meeting, is that it?

24 DIRECTOR ENG: So we're gonna include both
25 operations and CIP?

26 MS. HAYASHIDA: Yes, because both, neither Ellen
27 nor Holly can get me anything any earlier.

- 1 DIRECTOR ENG: Yeah, they were really jamming on
2 that right now.
- 3 CHAIR ALDRIDGE: And it has to go to the Mayor's
4 office by?
- 5 DIRECTOR ENG: October 31.
- 6 MS. HAYASHIDA: Yeah. It has to go to the Budget
7 Office by October 31st.
- 8 DIRECTOR ENG: It maybe to the Budget Office to put
9 it into a format to get it to the Mayor.
- 10 MS. HAYASHIDA: Yeah, yeah, so, yeah.
- 11 DIRECTOR ENG: Sounds a little bit err, early.
- 12 MS. HAYASHIDA: Yeah, last year was the same..
- 13 CHAIR ALDRIDGE: Every year the time gets pressed.
- 14 DIRECTOR ENG: You know our Department starts
15 budget before anyone else, a lot of it because has
16 to go for your review too but it seems like we just
17 get the budget approved..
- 18 CHAIR ALDRIDGE: And you're in the next one.
- 19 DIRECTOR ENG: You know we're scrambling. I mean
20 there's no break. You know so it goes to the Mayor
21 and then she gets it to the Council by March 15th
22 and they get it April or May, we go through hell
23 before the Council. You know we just wanna get it,
24 that out of the way where it's back to planning
25 again so.
- 26 MEMBER LUCK: From a practical standpoint if we
27 have any meaningful feedback is there actually any

1 feasible way to incorporate it in and still make
2 the deadline?

3 DIRECTOR ENG: Probably not really. I mean that's
4 unfortunate how the timing (inaudible) is.

5 MEMBER LUCK: So why is this, yeah, I mean...

6 CHAIR ALDRIDGE: Why we have it?

7 MEMBER ROBINSON: Why bother.

8 MEMBER HALLER: That's what I said. We go through
9 hours of going through specific numbers and I'd
10 rather focus on things like what are we doing in
11 the budget for alternative energy, to get that
12 electric bill down. I would much rather focus on
13 that and the other one is employment. How are you
14 standing on being able to...

15 MEMBER ROBINSON: Getting hiring.

16 MEMBER HALLER: Getting hiring done? Those 2
17 issues to me are...

18 DIRECTOR ENG: Yeah, or, or as our, our workforce
19 gets older and retiring, that's what I'm facing
20 right now is planning. And I'm putting in for a
21 new position in anticipation of some key
22 retirements and I've talked to budget officer and
23 Department Personal(sic) Services, it's kinda
24 unheard of to plan for key replacement of
25 positions. If I'm gonna, I'm gonna go for it, I,
26 I, what I'm gonna do. But it may not be approved
27 too. So, we wait until these key people leave and
28 then we start...

1 MEMBER HALLER: Scrambling.

2 DIRECTOR ENG: Yeah. Creating a position and goes
3 to 2 or 3 years of processing before we even see
4 that. And energy and there's a lot of things, we,
5 we do some things already we should try to bring
6 you up to speed with too you know but. We got some
7 recognition recently from MECO for saving
8 (inaudible) bucks. I guess for some key motors and
9 pumps to shut 'em off between 5 and 9, during the
10 peak period..

11 CHAIR ALDRIDGE: (inaudible)

12 DIRECTOR ENG: I got this clock in my office, they
13 awarded, if I told them I could save more money I'd
14 get what, about a bigger clock next time you know.
15 (laughter)

16 DIRECTOR ENG: I thought it would be more than that
17 for my (inaudible) bucks but you know.

18 MEMBER ROBINSON: Oh, they gave you a clock for...

19 DIRECTOR ENG: Yeah, yeah they had no (inaudible)
20 thing but great but, but..

21 MEMBER ROBINSON: Better than a t-shirt.

22 DIRECTOR ENG: We do what we can but you know we
23 don't have lot of redundancy or you know, anyway
24 so.

25 CHAIR ALDRIDGE: I think Marion brought a good
26 point. Maybe we should instead of just going
27 through all the pages and pages of numbers which

1 for the most part are meaningless, it's just a have
2 a...

3 DIRECTOR ENG: Powerpoint like before...

4 CHAIR ALDRIDGE: Yeah.

5 DIRECTOR ENG: I like that, I like that they did
6 before.

7 CHAIR ALDRIDGE: And then stress the areas where
8 there're existing problems.

9 MEMBER HALLER: And we like it, you know, I'd like
10 to understand that X percentage of our money is
11 going to replace old pipes, that's always such a
12 valuable, you know and what are we doing that, and
13 what percentage of the money is going for new stuff
14 and what's the new stuff about.

15 CHAIR ALDRIDGE: Right.

16 MEMBER HALLER: Those things are crucial but really
17 I mean this is my third or whatever budget session
18 and yeah I, I do wanna see that we're gonna take a
19 pump and try some solar or some wind power energy,
20 we really need to show the community that we're
21 doing that...

22 CHAIR ALDRIDGE: Or doing something.

23 MEMBER HALLER: Yeah, and not just saving with
24 MECO, but it's like what are we doing to try that
25 kind of, so.

26 DIRECTOR ENG: Yeah, we're, we're starting to look
27 at little bit of that right now.

1 MEMBER HALLER: So we'd love to see that in the
2 budget.

3 DIRECTOR ENG: You know we're working with, with
4 some firms who actually know, they'll, they'll come
5 in and build it. You'll be purchasing power from
6 them..

7 (several people speaking at once)

8 DIRECTOR ENG: At, at a reduced rate than what
9 MECO..

10 MEMBER HALLER: Yes.

11 DIRECTOR ENG: So it's a long term commitment.
12 They gotta get their pay-back but, you know again
13 it's also the process. We're looking at how do we
14 deal with it, the procurement thing. Can we just,
15 now we're going through the bidding process, you
16 know and so. Nothing, nothing's simple around
17 here. That's what I've learned.

18 CHAIR ALDRIDGE: No, if it were, it'd been done
19 already.

20 DIRECTOR ENG: There'd be a big line outside my
21 door for the job.

22 (laughter)

23 CHAIR ALDRIDGE: Yeah, you don't see anybody
24 standing there..

25 DIRECTOR ENG: I don't see anyone so.

26 (laughter)

27 DIRECTOR ENG: Give me a little hint you know.

1 CHAIR ALDRIDGE: What am I doing here. Number 9
2 Communications, any communications? Director's
3 Report.

4 DIRECTOR ENG: No, I have nothing more, thank you.

5 CHAIR ALDRIDGE: Alright, thank you. Division
6 Report. Any comments on Division Reports?
7 Apparently not. Let's adjourn the meeting. See
8 you all next time.

9

10 (The meeting adjourned at 12:32 p.m.)

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Prepared and submitted by:

Gaye Hayashida
Commission Support Clerk

Approved on: _____