

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

February 17, 2006

**Committee  
Report No.**

\_\_\_\_\_ 06-21 \_\_\_\_\_

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Committee of the Whole, having met on January 17, 2006 and January 31, 2006, makes reference to County Communication No. 05-383, from Councilmember Michael J. Molina, transmitting a proposed resolution entitled "URGING THE STATE LEGISLATURE AND THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPEDITE THE DEVELOPMENT OF A PUMP-OUT FACILITY AT MAALAEA HARBOR".

The purpose of the proposed resolution is to urge the State Legislature and the State Department of Land and Natural Resources (DLNR) to expedite the development of a wastewater pump-out facility at Maalaea Harbor.

By correspondence dated January 13, 2006, an Executive Assistant to the Mayor transmitted information on funding required for Maalaea Harbor improvements.

At its meeting of January 17, 2006, your Committee met with an Executive Assistant to the Mayor and a Deputy Corporation Counsel.

Your Committee received public testimony from five individuals in support of the proposed resolution. One person spoke on behalf of the Pacific Whale Foundation. They testified regarding boats that dump human waste in the ocean and the need for boats to pump their sewage at a wastewater facility. Of the five testifiers, three submitted written testimony.

By correspondence dated January 17, 2006, the Mayor's Executive Assistant suggested amendments to the proposed resolution urging the State Legislature and the State DLNR to provide immediate funding to support interim onshore wastewater pumping of commercial vessels. He also submitted the results of a questionnaire provided to commercial vessels that use the Maalaea Harbor. The Mayor's Executive Assistant said that \$3 million in State funding has been secured as a partial match to Federal funding, and the State DLNR is seeking an additional \$2.6 million in funding to

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

February 17, 2006  
Page 2

**Committee**  
**Report No.**      06-21

facilitate an arterial pump-out system, rather than a single pump-out system. He indicated that the Office of Economic Development has identified \$30,000 to facilitate interim pumping services, but he noted the State's participation in this effort is needed. He stated that the estimated date of completion for the improvements is February 2009.

Your Committee deferred the matter pending further discussion.

By correspondence dated January 20, 2006, your Committee Chair transmitted a revised proposed resolution entitled "URGING THE STATE LEGISLATURE AND THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPEDITE THE DEVELOPMENT OF A PUMP-OUT FACILITY AT MAALAEA HARBOR AND TO PROVIDE IMMEDIATE FUNDING TO SUPPORT INTERIM ONSHORE WASTEWATER PUMPING OF COMMERCIAL VESSELS".

The purpose of the revised proposed resolution is to provide immediate funding to support interim onshore wastewater pumping of commercial vessels, and to urge the State Legislature and the State DLNR to expedite the development of a wastewater pump-out facility at Maalaea Harbor.

At its meeting of January 31, 2006, your Committee met with an Executive Assistant to the Mayor, the Economic Development Coordinator, and the First Deputy Corporation Counsel.

There was no public testimony.

The Mayor's Executive Assistant provided a brief overview of the matter. He stated that a permanent, arterial wastewater pump-out facility at Maalaea Harbor is not expected to be completed until February 2009. The amendments to the revised proposed resolution would urge the State Legislature and the State DLNR to provide immediate funding to support an interim onshore wastewater pumping system for commercial vessels to utilize in the meantime.

Your Committee questioned the amount of immediate funding requested from the State for interim services. The Mayor's Executive Assistant stated that the exact amount has not yet been determined. He stated that he was unaware of legislation before the State Legislature that would provide additional funds for an interim pumping service. He further stated that funds may be included in the State DLNR's budget for small boat harbor improvements.

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

February 17, 2006  
Page 3

**Committee**  
**Report No.**      06-21

Your Committee further questioned the amount of revenue the pump-out facility would generate. The Mayor's Executive Assistant stated that the use of the pump-out facility would be free of charge for commercial boat operators. Commercial boat operators may obtain a reimbursement for one pump-out per week through Tri-Isle Resource Conservation & Development Council of Hawaii. He further stated that the reimbursement for one pump-out may be an incentive for commercial boat operators to use the facility.

A Committee member disagreed with using County taxpayers' dollars to pay for services that are clearly within the State's jurisdiction and further disagreed with allowing profit-making commercial boat operators to use the pump-out facility at no cost.

Your Committee discussed increasing harbor fees for commercial vessels that would help to pay for costs associated with the pump-out facility. The Mayor's Executive Assistant stated that although commercial boat operators currently pay 50 percent more in slip fees, the State has been slow to address the need for a pump-out facility at Maalaea Harbor. He agreed that the reasonable approach would be to pass the costs on to commercial vessel passengers. In addition, he stated that the Administration and the Office of Economic Development have identified a number of potential funding sources.

Your Committee discussed how Federal law currently allows for commercial boat operators to legally discharge sewage outside of State waters, which is 3 miles from shore. Without an incentive to use the pump-out facility, your Committee noted that commercial boat operators may legally continue this practice.

Your Committee further discussed the economic impacts to Maui County as a result of sewage remnants washing ashore.

Your Committee realized that the matter of providing a pump-out facility is a health and safety issue. Although clearly a State responsibility, your Committee supported the need for the development of a pump-out facility at Maalaea Harbor to address the potential health and safety risks posed to human and marine life.

Your Committee recommended that the revised proposed resolution be further revised to include as recipients, the Chair of the Water, Land, and Ocean Resources

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

February 17, 2006  
Page 4

**Committee**  
**Report No.**     06-21

Committee from the State House of Representatives; and the Chair of the Water, Land, and Agriculture Committee from the State Senate.

Your Committee voted to recommend adoption of the revised proposed resolution and filing of the communication.

Your Committee is in receipt of a revised proposed resolution incorporating your Committee's revisions.

Your Committee of the Whole **RECOMMENDS** the following:

1. That Resolution No. \_\_\_\_\_, attached hereto, entitled "URGING THE STATE LEGISLATURE AND THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPEDITE THE DEVELOPMENT OF A PUMP-OUT FACILITY AT MAALAEA HARBOR AND TO PROVIDE IMMEDIATE FUNDING TO SUPPORT INTERIM ONSHORE WASTEWATER PUMPING OF COMMERCIAL VESSELS" be ADOPTED; and
2. That County Communication No. 05-383 be FILED.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI  
**COMMITTEE OF THE WHOLE**

February 17, 2006  
Page 5

**Committee**  
**Report No.** 06-21

---

**MICHAEL J. MOLINA** **Chair**

---

**JO ANNE JOHNSON** **Member**

---

**DAIN P. KANE** **Vice-Chair**

---

**DANNY A. MATEO** **Member**

---

**MICHELLE ANDERSON** **Member**

---

**JOSEPH PONTANILLA** **Member**

---

**ROBERT CARROLL** **Member**

---

**CHARMAINE TAVARES** **Member**

---

**G. RIKI HOKAMA** **Member**