

ALAN M. ARAKAWA
Mayor



DAVID TAYLOR, P.E.
Director

RECEIVED

2015 OCT 27 PM 3:32

PAUL J. MEYER
Deputy Director

**DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI**

OFFICE OF THE MAYOR

200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauewater.org

October 27, 2015

Honorable Alan Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

RECEIVED
2015 OCT 30 AM 9:35
OFFICE OF THE
COUNTY COUNCIL

For Transmittal to:

Honorable Gladys C. Baisa, Chair
Water Resources Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Alan Arakawa 10/29/15

Mayor Date

Dear Chair Baisa:

SUBJECT: WELLHEAD PROTECTION OVERLAY DISTRICT (WR-1)

Attached hereto is the response from the Board of Water Supply dated October 22, 2015.

Thank you for your attention to this matter. Should you have any questions or require additional information, please feel free to contact me at Ext. 7816.

Sincerely,

Paul J. Meyer
DAVID TAYLOR
Director of Water Supply

Attachments

- xc: Paul J. Meyer, Deputy Director
- Eva Blumenstein, Planning Program Manager
- William Kamai, BWS Chair

"By Water All Things Find Life"



BOARD OF WATER SUPPLY

COUNTY OF MAUI

200 SOUTH HIGH STREET

WAILUKU, MAUI, HAWAII 96793-2155

TELEPHONE (808) 270-7816 • FAX (808) 270-7951 • www.mauiwater.org

October 22, 2015

Mr. David Taylor
Director
Department of Water Supply
200 S. High Street, 5th Floor
Wailuku, HI 96753

Dear Director Taylor:

**SUBJECT: DRAFT ORDINANCE TITLE 19, MAUI COUNTY CODE
CHAPTER 19.94
WELLHEAD PROTECTION OVERLAY DISTRICT**

After hearing numerous public testimony and presentations by the Department of Water Supply staff on this matter, the Board of Water Supply (The Board) at their October 21, 2015 meeting voted and by unanimous decision affirms and stands by their original decision of January 16, 2014 to not support the current Draft Ordinance Title 19, Maui County Code Chapter 19.94 Wellhead Protection Overlay District in its present form.

The Board reiterates their concerns as follows:

1. Requirement For This Ordinance

The Board has reviewed the forty (40) plus county, state and federal overlapping regulations meant to protect our groundwater systems as provided in recent testimony.

While the department's concern for additional protections is well intended, there did not appear to be any justifiable need, nor were there any historical examples presented during testimony that showed any failures of these current county, state and federal regulations. Adopting additional groundwater regulations, such as this ordinance before the Board, would be redundant unless there could be some clearly demonstrated scenarios presented by the department detailing prior failures within our current regulatory system. Neglecting to show such a need has become a primary source of our concerns for supporting this additional groundwater regulation.

"By Water All Things Find Life"



Mr. David Taylor
October 22, 2015
Page 2


2. Source Water Protection Models (SWAP)

The Board is also concerned that the single peer review, and the related methodology that was applied to support the SWAP, does not rise to a sufficient acceptable level when it comes to implementing a program that would set into motion an overbearing set of parameters with increasing reviews and oversight that will cripple a property owner's allowable use. The Board, however, ***would be in favor of having additional studies*** performed by other experts prior to the acceptance of, or the shelving of this proposed county policy.

3. Impact of Establishing Wellhead Protection Overlay Districts (WPOD)

This ordinance would fortuitously instigate newly prohibited uses that will not be clearly understood by the public-at-large. Such a vastly imperious ordinance will affect most, if not all, property uses and their related property values if that property falls under the purview of these WPODs. This proposed ordinance, with its rather large WPOD envelopes, will literally have the unintended consequence of a *taking* of the affected owner's property.

Sincerely,



William Kamai
Chairman

xc: Gladys Baisa, Chair, Maui County Council Water Resources Committee
Edward S. Kushi, Jr., First Deputy Corporation Counsel