



RECEIVED

2018 JUN 22 AM 10:42

**BOARD OF WATER SUPPLY
COUNTY OF MAUI**

OFFICE OF THE MAYOR

200 SOUTH HIGH STREET

WAILUKU, MAUI, HAWAII 96793-2155

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

June 22 2018

Honorable Alan M. Arakawa
Mayor
County of Maui
200 S. High Street
Wailuku, HI 96793

For Transmittal to:

Honorable Alika Atay
Chair
Water Resources Committee
Maui County Council
200 S. High Street
Wailuku, HI 96793

APPROVED FOR TRANSMITTAL
 6/22/18
Mayor Date

Dear Chair Atay:

SUBJECT: WELLHEAD PROTECTION OVERLAY DISTRICT (WR-18)

On June 21, 2018, the Board of Water Supply (the Board) reviewed and discussed your letter dated May 31, 2018. The Board feels that the three previous letters conveyed to the Water Resources Committee, explaining concerns with the ordinance, adequately represented the Board's views on the matter. Attached are copies of the letters dated March 20, 2018, October 22, 2015 and January 16, 2014. We offer no further comments at this time.

Mahalo for the opportunity to clarify our views.

Sincerely,

Anders Lyons
Chair

AL:ghh

attachments

xc: Alan Arakawa, Mayor
Gladys Baisa, Deputy Director of Water Supply
Edward Kushi, Jr., First Deputy Corporation Counsel

"By Water All Things Find Life"





RECEIVED

2018 MAR 21 AM 10:05

BOARD OF WATER SUPPLY OFFICE OF THE MAYOR
COUNTY OF MAUI

200 SOUTH HIGH STREET

WAILUKU, MAUI, HAWAII 96793-2155

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

March 20, 2018

Honorable Alan M. Arakawa
Mayor
County of Maui
200 S. High Street
Wailuku, HI 96793

For Transmittal to:

Honorable Alike Atay
Chair
Water Resources Committee
Maui County Council
200 S. High Street
Wailuku, HI 96793

APPROVED FOR TRANSMITTAL
Alan Arakawa 3/20/18
Chair

Dear Chair Atay:

SUBJECT: WELLHEAD PROTECTION OVERLAY DISTRICT (WR-18)

As requested by your committee, the Maui Board of Water Supply (Board) met on March 15, 2018 to review and discuss the matter of the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A WELLHEAD PROTECTION OVERLAY DISTRICT."

The Board supports wellhead protection though we do have concerns with how the ordinance will be implemented. We are especially concerned about the costs of permitting and best management practices for landowners. Therefore, we welcome the Council's Water Resources Committee and the Maui County Council to further pursue this matter.

"By Water All Things Find Life"

Honorable Alan M. Arakawa
For Transmittal to
Honorable Alike Atay
March 19, 2018
Page 2

Thank you for your patience for the Board's response to your January 25, 2018 letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Anders Lyons".

Anders Lyons
Chair

AL:gh

xc: Gladys Baisa, Deputy Director of Water Supply
Edward Kushi, Jr., First Deputy Corporation Counsel



COPY

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.mauewater.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



COPY

**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

January 16, 2014

Mr. David Taylor
Director
Department of Water Supply
200 South High Street, 5th Floor
Wailuku, HI 96793

Dear Director Taylor:

**SUBJECT: THE BOARD OF WATER SUPPLY CONCERNS WITH DRAFT
ORDINANCE TITLE 19, MAUI COUNTY CODE CHAPTER 19.94
WELLHEAD PROTECTION OVERLAY DISTRICT**

Please review the County of Maui Board of Water Supply's (Board) concerns as summarized below.

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.

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

"By Water All Things Find Life"



Mr. David Taylor
January 16, 2014
Page 2

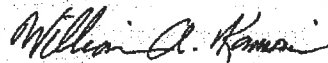
a property owner's allowable use. The Board, however, **would be in favor of having additional studies** performed by other experts prior to the acceptance of, or the shelving of this proposed county policy.

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.

The Board, consequently, cannot support the current Draft Ordinance Title 19, Maui County Code Chapter 19.94 Wellhead Protection Overlay District in its present form.

Sincerely,



William Kamai
Chairman