

WR Committee

From: Don Gerbig <drgmaui@hawaii.rr.com>
Sent: Wednesday, March 04, 2015 12:41 PM
To: WR Committee
Subject: Wellhead Protection Ordinance COMMENTS
Attachments: Water Resource Committee Members Email 030415.docx

This information might be of value to you in your analysis

Don Gerbig

Water Resource Committee Members Maui County

Some concerns you should consider when reviewing the proposed County Wellhead Protection ordinance.

Wellhead Protection Overlay District ("WPOD").

The WOPD's are established based on one computer model study done via the UH. The study had only one peer review for its accuracy or reliability. Yet, the DWS is basing the County **Wellhead Protection Overlay Districts** in the ordinance on such a poorly reviewed or verifiably accurate study.

Prohibited uses of property in WPOD Zone B

1. New cesspools, 2. Electrical/electronic manufacturing facility, 3. Mortuaries/graveyards.
4. Golf courses, 5. Metal plating/finishing/fabricating facility, 6. Chemical processing/storage facility, 7. Plastics/synthetic production facility 8. Junk/scrap/salvage yard 9. Construction of new highways/freeways, 10. Mines 11. Landfills/dumps, 12. Injection wells/dry wells/sumps.
13. Artificial recharge projects (non-potable water) 14. Reclaimed wastewater irrigation class R2 and R3, 15. Sewage sludge land application, 16. Slaughterhouses, 17. Wastewater percolation ponds.

What if you have one of these uses already on your property now when it becomes designated in Zone B?

Current state and federal laws that protect wellhead areas from contamination.

Federal Regulatory Laws That Affect Groundwater

National Environmental Policy Act
Clean Air Act
Clean Water Act
Federal Insecticide, Fungicide and Rodenticide Act
Safe Drinking Water Act
Environmental Pesticides Control Act
Toxic Substances Control Act
Endangered Species Act.

State Laws Protecting Groundwater

HAR Chapter 11-20 (Rules Relating to Public Water Systems)
HAR Chapter 11-23 (Underground Injection Control)
HAR Chapter 11-58.1 (Solid Waste Management Control)
HAR Chapter 11-62 (Wastewater Systems)
HAR Chapters 11-260 through 273 (Hazardous Waste)
HAR Chapter 11-279 (Used Oil)
HAR Chapter 11-281 (Underground Storage Tanks)
HAR Chapter 11-451 (State Contingency Plan)
HAR Chapter 4-66 (Pesticides)

Do we need more?

Mahalo,
Don Gerbig,
Former Maui Board of Water Supply Member