

**TESTIMONY  
MAUI COUNTY COUNCIL  
WATER RESOURCES COMMITTEE MEETING  
WEDNESDAY, SEPT 30, 2015. 9:00 A.M.**

**CHAIR – Gladys Baisa and members Mike Victorino, Robert Carroll, Elle Cochran, Don Couch, Stacy Crivello, and Mike White**

**AGENDA ITEM 2** – Transmitting the proposed bill to establish a Wellhead Protection Ordinance to the Planning Commission

**Chair Baisa** and Committee Members, my name is Don Gerbig, a resident of Lahaina and a past member of the Maui County Board of Water Supply Advisory Committee.

It is my understanding that the current proposed Wellhead Protection ordinance has not been reviewed by the current BWS and their testimony has not yet been submitted to this Committee. I strongly urge you to not pass this proposed ordinance out of this committee until you receive and review the BWS comments evaluating this ordinance.

As a past member of the BWS, and involved in this same legislation, I feel that it has some serious flaws that need to be evaluated prior to sending it on to the Planning Commission.

To just mention that the implementation of a designated Wellhead Protection area surrounding a current wellhead that will prohibit certain current uses of property under the new ordinance will have a detrimental effect on current property values and tax revenues. This must be evaluated.

Another item that bothered me under this proposal was the so-called SWAP study that was used to determine the protected area. Previously, there was only one such study done and this was never really peer reviewed by other scientists to insure its reliability. Drawing a line in the sand based on flawed research could cause serious legal problems with this ordinance.

These two items alone, in my opinion, are very important items that need to be reviewed, evaluated, or corrected before passing this legislation on.

Thank you for listening.

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