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DIRECTOR OF HEALTH

**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
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In reply, please refer to:  
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March 2, 2015

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

Dear Chair Baisa:

Subject: Draft Ordinance Title 19 Maui County Code  
Chapter 19.94 Wellhead Protection Overlay District

One of the many functions of the Hawaii Department of Health (DOH) is to ensure that public drinking water sources are free from contamination. The State Wellhead Protection Program (WHPP) is one of the approaches used by DOH to ensure that contaminant free drinking water is delivered to the public. As will be discussed below, wellhead protection ordinances drafted by county and municipal governments are an important component of the State WHPP. The DOH supports the County Council process to move this ordinance forward to the Planning Committees for continued public comment and subsequent decision-making.

The Maui Wellhead Protection Ordinance (WHPO) seeks to "manage potential sources of contamination to minimize their threat to drinking water sources." This ordinance represents the combined efforts of the Environmental Protection Agency (EPA), DOH, the Maui Department of Water Supply (MDWS), and the University of Hawaii. The EPA established the broad guidelines for the Source Water Assessment Program (SWAP) and provided funding to the State for its implementation. The DOH developed the SWAP procedures and contracted with the University of Hawaii to delineate the time of travel overlay delineations and to estimate the relative susceptibility to contamination of each of the State's public drinking water sources. DOH also provides funding to water systems through its Wellhead Protection- Financial Assistance Program to develop and implement protection activities. MDWS in addition to being integrally involved in the SWAP process, incorporated the SWAP into their WHPP by use of the overlay delineations. This is how the SWAP/WHPP process was envisioned to work. The SWAP was not intended to be an "end of the road" program, but rather provide the foundation for the protection of public drinking water sources. The Maui WHPO has been drafted as a means of controlling or preventing contamination of their drinking water wells by placing controls on the activities that occur with the overlay delineation zones.

The county government is the proper level for implementing Wellhead Protection regulations. The development of the State WHPPs commonly falls to the local government and the water system operator, with the local governments or municipalities being responsible for

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(JOANNA SETO)

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implementing the land use tools. In Hawaii, delegating Wellhead Protection implementation to the county governments is even more logical since, unlike the other states, Hawaii's aquifers do not cross county boundaries.

The State and Federal laws have made great strides in protecting the environment, more site and groundwater specific oversight is needed to provide the level of protection desired for drinking water wells. Current laws and regulations such as those dealing with agricultural use, hazardous waste disposal, and fuels transfer and storage are very broad and complex and in many cases do not provide the detailed level of regulation that is necessary to ensure the protection of groundwater.

In summary, the DOH supports the Maui WHPO as a proactive measure to protect the drinking water supplies for Maui. This ordinance is needed to preserve the high quality of drinking water that is delivered to the residents of Maui by the MDWS. This ordinance complements and does not conflict with State and Federal efforts intended to protect groundwater.

If you have any questions, please contact Ms. Joanna L. Seto, P.E., Safe Drinking Water Branch Chief, at (808) 586-4258 or via email at [joanna.seto@doh.hawaii.gov](mailto:joanna.seto@doh.hawaii.gov).

Sincerely,



Keith E. Kawaoka, D. Env.  
Deputy Director for Environmental Health

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