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DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
<http://www.mauicounty.gov/water>

June 23, 2023

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

 **6-26-23**
Mayor Date

For transmittal to:

Honorable Tasha Kama, Chair
Housing and Land Use Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Kama,

SUBJECT: WELLHEAD PROTECTION OVERLAY DISTRICT (HLU-10)

This is in response to your June 20, 2023 letter requesting a response to the following items:

Question 1: Please identify the number of properties located within the proposed Wellhead Protection Overlay District (WPOD), by residency area. How many of these properties have existing homes or business on them?

Answer: Please note that existing homes within the proposed WPOD, would not be impacted, unless there is a home business conducted that involves regulated substances per proposed section 19.061.060 B. 15. An inventory of the number of properties and data on individual dwellings or commercial structures require additional staff time and resources to develop. We can provide a response to this inquiry by July 14, 2023.

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Question 2: What impact, if any, will prohibiting graveyards in the Wellhead Protection Overlay District have on existing graveyards? How would an unmarked iwi kūpuna burial, not known to the landowner, be handled?

Answer: All existing uses would continue as non-conforming uses or structures, subject to section 19.500.110 of the Maui County Code. Prohibiting mortuaries or graveyards would not impact an unmarked iwi kūpuna burial. The current section 19.04.040 defines cemeteries and mortuaries as requiring approval of the department of health, the commission and the County council. For groundwater protection purposes, the chemicals associated with funeral services and graveyard maintenance are of primary concern.

Question 3: If a property is located partially within the Wellhead Protection Overlay District, will the entire parcel be subject to the bill's restrictions?

Answer: According to the proposed section 19.061.120 "Interpretation of wellhead protection overlay district zone boundaries":

A. If parts of a parcel lie within one or more of the delineated zones of the WPOD, each part shall be governed by the restrictions applicable to the zone in which the part is located.

B. Where the boundary between two WPOD zones passes through a facility, the entire facility shall be considered in the more restrictive zone.

C. Where a facility, or portion thereof, is overlapped by delineated WPOD zones of different wells or well fields, the more restrictive zone shall apply.

We will transmit a revised bill and supplemental information as requested by September 1, 2023.

We hope this information meets your needs.

Sincerely,

John Stufflebean, P.E.
Digitally signed by John Stufflebean, P.E.
Date: 2023.06.23 10:19:56 -10'00'
John Stufflebean, P.E., Director

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