

The purpose and intent of the Water Availability Ordinance is to protect public water resources from overuse and depleting the source and its' sustainable yield. These proposed amendments invalidates the purpose of the ordinance and turns it into a water meter issuance ordinance.

At the time this ordinance was adopted, all county water systems were operating at maximum capacity, based on conservative industry standards for measuring a municipal water system budget. Iao Acquifer had been taken from the county's control by the State Commission on Water Resource Management for overpumping the source and threatening its' sustainable yield. This is the primary source for all of south maui, central maui and Paia, the greatest number of users, by far, of any county water system. In addition to taking over the management of this sacred resource, the CWRM ordered the county to drill at least 5 wells in the flank of the aquifer to spread out the pumping and allow the aquifer to recover. So instead of drilling new wells for new source, the money was spent repairing the damage done from overpumping.

This legislation was crafted over a three year period, logging over eighteen meetings. We worked in collaboration with the Department of Water Supply, the Department of Public Works, Corporation Counsel and even members of the development community (Jeff Pearson, Tom Cook, David Goode, Rory

RECEIVED AT WR MEETING ON 6/15/16
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Frampton, etc) whose suggestions contributed to a well designed ordinance.

Engineer report review – you can delete it, but you will still be sent a water well application for review, because it is required by the Depart of Health in it's inter-agency review of the well application. Suppose someone wants to drill a well where the county eventually wants to drill a well to service department of Hawaiian homelands lots, a priority user. Wouldn't you want to notify DOH that this well permit is encroaching on water reserved for DHHL? The inter-agency review allows the DWS to call out any problems they might have with the placement of the well. *This review should be no problem for a trained hydrologist.*

Let's be clear, if the county had water available in its' systems, developers would be getting water meters and they wouldn't be complaining. It isn't because of this ordinance, its' because there is no additional water available, based on industry standards.

The State of Hawaii Water System Standards set the criteria for surface and ground water capacity and is found in Sections 111.04 and .08 of the adopted standards. For surface water systems, the demand should not exceed 80% of the average daily inflow for the source. Specific criteria for determining maximum ground water pumpage is listed and generally yields

2/3 of 2/3 – this allows for redundancy in the system for unexpected shortfalls, like drought and pump failures and maximum fire flow during a fire.

It appears these amendments are asking you to set lower standards for water system capacity and sustainable yields. If you adopt this you will codify these lower standards. Deleting the 'long-term reliable source of water' which is the heart of the ordinance and replacing it with 'adequate water system capacity' undermines the whole purpose of protecting the county sources from overpumping and overuse.

What is adequate water system capacity? This is the determining factor in this proposal for issuing new water meters yet is it not defined. Is it whatever the Director wants it to be? If you are going to start issuing meters based on 95 to 100% of maximum reliable capacity – you better have those terms well defined. Will there be any redundancy left in the systems?

This proposal does not protect the public trust resource – it completely diminishes the protections we put in place.

We all know the developers want water but so do the generations to come.

Revolving loan fund