

WATER AND INFRASTRUCTURE COMMITTEE

Council of the County of Maui

MINUTES

May 13, 2019

Council Chamber, 8th Floor

CONVENE: 1:30 p.m.

PRESENT: Councilmember Alice L. Lee, Chair
Councilmember Tamara Paltin, Vice-Chair
Councilmember Tasha Kama
Councilmember Michael J. Molina
Councilmember Keani N.W. Rawlins-Fernandez (out 2:55 p.m.)
Councilmember Shane M. Sinenci

EXCUSED: Councilmember Riki Hokama

STAFF: Carla Nakata, Legislative Attorney
Christy Chung, Legislative Analyst
Rayna Yap, Committee Secretary
Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)
(Sitting in the gallery):
Wesley Crile, Legislative Analyst
Julie Reed, Legislative Analyst
Dianne Shimizu, Executive Assistant to Councilmember Alice L. Lee
Don Atay, Executive Assistant to Councilmember Shane M. Sinenci
Gina Flammer, Executive Assistant to Councilmember Shane M. Sinenci

ADMIN.: Rowena Dagdag-Andaya, Acting Director, Department of Public Works
John Smith, Highways Division Chief, Department of Public Works
Michael Kehano, Highways Engineer, Department of Public Works
David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Joseph Blackburn, Wailuku Parkside AOA (WAI-32)
Mae Nakahata, Central Maui Soil and Water Conservation District (WAI-30(4))

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

(5) additional attendees

PRESS: *Akaku: Maui Community Television, Inc.*

CHAIR LEE: . . .*(gavel)*. . . Good afternoon. Oh, excuse me. In Korea, we say annyeonghaseyo. Good afternoon.

UNIDENTIFIED SPEAKER: Annyeonghaseyo.

CHAIR LEE: This is the Water and Infrastructure Committee. And we have all of our Members here...almost all of our...no, we have all of our Members here. Vice-Chair Tamara Paltin, Councilmember Tasha Kama, Councilmember Mike Molina, Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Annyeonghaseyong, Chair.

CHAIR LEE: Very good, wow. And Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Annyeonghaseyong, Chair.

CHAIR LEE: Oh. The international Council. Okay, non-voting Members include Kelly King, and Councilmember Yuki-Lei Sugimura. Excused is Councilmember Riki Hokama. And our Staff, Christy Chung, Legislative Analyst; Rayna Yap, Committee Secretary, is walking around over there, handing stuff out. Our District Staff, are we connected, Christy?

MS. CHUNG: Yes, we are.

CHAIR LEE: We are? Okay, Mavis Oliveira-Medeiros in the Hana Office. Mavis, are you there? Mavis, are you there?

MS. OLIVEIRA-MEDEIROS: I'm here.

CHAIR LEE: Hey. Mavis, are you there?

MS. OLIVEIRA-MEDEIROS: I'm here.

CHAIR LEE: Mavis?

MS. OLIVEIRA-MEDEIROS: I'm here.

CHAIR LEE: Try fix that.

UNIDENTIFIED SPEAKER: Mavis, your TV.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

CHAIR LEE: Try again, Mavis. Mavis, are you there? Okay, never mind. We're going to Lanai.

MS. OLIVEIRA-MEDEIROS: I'm here.

CHAIR LEE: Oh, okay.

MS. OLIVEIRA-MEDEIROS: There's nobody here waiting to testify. Sorry about that.

CHAIR LEE: Okay, no problem. Denise Fernandez on Lanai. Denise?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez at the Lanai Office, and there is no one waiting to testify.

CHAIR LEE: Thank you, Denise. Zhantell Lindo, Molokai. Zhantell? Zhantell, usually we can hear you clearly, but today...is she connected? Okay. Okay, from the Department of Public Works, Director Rowena Dagdag-Andaya; and then the Highways Division Chief, John Smith; Michael Kehano, Civil Engineer. From the Department of Corporation Counsel, we have David Galazin.

MR. GALAZIN: Good afternoon, Chair.

CHAIR LEE: Did I...how do you pronounce that name?

MR. GALAZIN: Galazin.

CHAIR LEE: Galazin. Okay, Galazin. Nice Korean name. Okay, Jennifer Oana is not here?

UNIDENTIFIED SPEAKER: No.

CHAIR LEE: Okay, just you, David. Okay, we have a fairly short agenda today. I...if there are no objections, I'd like to proceed with public testimony.

COUNCILMEMBERS: No objections.

CHAIR LEE: Very good. Christy?

. . .BEGIN PUBLIC TESTIMONY. . .

MS. CHUNG: Yes, Chair, our first testifier signed up to testify is Joseph Blackburn on behalf of Wailuku Parkside AOA.

CHAIR LEE: Okay, I think everybody knows the rules. Turn off your phone-making...phone...noise-making devices. And then, also if you're going to testify, be sure to sign up, and then we give you three minutes, and you just follow the lights right next to the microphone. Good afternoon, Joe.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

MR. BLACKBURN: Good afternoon, Chair and Councilmembers. Joe Blackburn, I'm the Managing Agent for Wailuku Parkside A...HOA. And our company has been with them since about, oh, I think 2009. I have some very interesting things in front of me. The first one is July 17, 2000. This is final subdivision approval for Wailuku Parkside and bonded amount of over \$3 million. This is when this dedication process pretty much started. Then we had a letter in March 1, 2001. This is from Stanford Carr Development saying, can we please dedicate the roads. It's now 2018. Here's a real interesting one. This is from...some of you guys might know, Traci Fujita-Villarosa. This is dated September 4, 2002. The gist of it is they own a home in Wailuku Parkside. They'd like to see the roads dedicated, but the problem was the easement on Eha Street. And our roads cannot get dedicated until that easement was cleared up, which was done a few years ago. Fast forward to today, thousands of hours later by both DSA and our company and the board and the homeowners at Wailuku Parkside, we're finally I think at the point of getting our roads dedicated to the County of Maui. The disconnect has always been the County releases the bond, but the TMK for the roads does not get transferred. And 18 years later, the HOA and the County is trying to resolve this issue. So, with our Public Works' people's help, our board and just some ingenuity, we've come up with a solution to really help the owners at Wailuku Parkside. And I'm open for questions, if anybody has any.

CHAIR LEE: Any questions for the testifier? If not...Mr. Molina? No? Okay. Thank you, Joe.

MR. BLACKBURN: And the eggs in front of you are fresh. They're free-range eggs, yeah. They were for the first six who came so, all you qualify. Thank you.

CHAIR LEE: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

CHAIR LEE: Okay, let's see. Are there any other people to testify?

MS. CHUNG: Yes, our second and last testifier is Mae Nakahata, testifying on behalf of Central Maui Soil and Water Conservation District.

MS. NAKAHATA: Good afternoon, Chair Lee and Members of the Council. I'm here...my name is Mae Nakahata, Secretary for the Central Maui Soil and Water Conservation District, here on behalf of our five Soil and Water Conservation Districts in Maui County, Central Maui, Hana, Olinda-Kula, West Maui, Molokai and Lanai. Our efforts include watershed planning, flood prevention, reforestation, runoff control, wildlife habitat, and environmental education, while we assist our farmers and ranchers in conservation planning. And as a result of these efforts, we have brought in numerous millions of dollars into Maui County in the form of cost share for farmers and ranchers. We are here today in strong support of the Department of Public Works' efforts in managing storm waters as required by the Federal Municipal Stormwater 4 mandate. As our population grew and the Central Maui area became an MS4 area,

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

May 13, 2019

Public Works informed us of this change. What was impressive to us was key to their philosophy that we should manage water at the uppermost regions. That makes sense, right. Water is going to flow downhill. And they invited our conservation specialist as well as our grading and grubbing review specialist to their training activities. Since then, we have incorporated the training, what we learned from the training into our practices. So, clear metrics are included in the engineering reviews that come before us. So, even if you don't live in Central Maui, all of Maui County has to abide by some very basic principles. In the past, you could just say, we're going to put a divergent, or some kind of erosion control system in your engineering plan. Now, you have to say who's going to design it, who is responsible for inspecting, who's going to monitor it, and make sure that it's maintained, and how often it's going to maintain. So, we've put metrics in so that whoever is responsible for regulatory actions later on doesn't have to worry about interpretations. And I think, you know, this is an excellent partnership between us and the Department of Public Works for the betterment of Maui County. Thank you.

CHAIR LEE: Thank you, Ms. Nakahata. Any questions? If not, thank you. Any more testifiers?

MS. CHUNG: There are no more testifiers. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, I heard from the Molokai Office, and there are no testifiers there as well.

CHAIR LEE: Oh, thank you. Okay, if there are no objections, we'll close public testimony.

COUNCILMEMBERS: No objections.

CHAIR LEE: Okay, so noted.

. . .END OF PUBLIC TESTIMONY. . .

**ITEM WAI-32: DEDICATION OF ROADWAY LOTS, WAILUKU PARKSIDE
SUBDIVISION, PHASE I AND PHASE II (WAILUKU) (CC 19-128)**

CHAIR LEE: All right. Okay, so now we have the item before us is Dedication of Roadway Lots, Wailuku Parkside Subdivision, Phase I and Phase II. This is WAI Item 32. Okay, the purpose of the proposed resolution is to accept from KLD Holdings, LLC nine roadway lots in the Wailuku Parkside Subdivision, Phase I and Phase II, pursuant to Section 3.44.015D, Maui County Code. The Council may authorize acquisition of real property. A revised resolution has been distributed this afternoon. This is the version that the Committee will be working off of today. The revised resolution adds references to the Maui County Code Section 18.40.010 which provides guidelines for the acceptance of streets and other infrastructure. Okay, Ms. Dagdag-Andaya, please provide your opening comments to the Committee.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

May 13, 2019

MS. DAGDAG-ANDAYA: Mahalo, Chair, and because I want to get into the spirit of multi-cultural greetings, I wish you maayong hapon po sa inyong lahat. That's a Visayan way of saying good afternoon to all of you, Councilmembers. So, thank you for having the Department of Public Works here this afternoon to present on something that's been in the works for a very long time, the dedication of the Wailuku Parkside lots. And I appreciate the testimony that was provided this morning by Mr. Joe Blackburn because he has been very instrumental in working towards getting this dedication before the Council as well. So, I'd like to say thank you to Mr. Blackburn. As he mentioned in his testimony, the subdivision was granted final approval in July 17, 2000. And the roadways, they at the time I believe were in standard condition, however...for acceptance. But there were a couple of, you know, prior to making sure that the roads were dedicated, that important piece, Eha Street, that runs along...from I believe Maui Disposal all the way towards Waena Street, that needed to be dedicated first before the roads, the internal roads of the subdivision, could be dedicated to the County. As mentioned by the Chair, we're bringing the dedication before you. Well, the Council has the authority to accept or not accept roadways per Maui County Code pursuant to Section 18.40.010 in our Subdivision Code according to...that section is relating to acceptance guidelines. As I mentioned earlier, after Wailuku Parkside was built, the subdivision roadways were never considered for acceptance because Eha Street hadn't been accepted, which is the only access to these road lots. In the years that have passed, roadway standards have changed and normal wear and tear on the subdivision roadways occurred. The Wailuku Parkside Homeowners Association over the last couple years has repaired numerous encroachments into the right-of-way and actually had some utility boxes fixed. Just to give you some background as to the lots that need to be dedicated, we have Lot number 109. It's this road here, the bottom of the page. I believe this is Lot 108. One zero five is this u-shape here. And then we have two internal roads, 105 and 107. One ten is this cul-de-sac on this side of the subdivision. And then we also have Lot 21 here, Lot 20, and Lot 19. And just to give you some...an idea of what the roads look like in the subdivision, attached are some photos. And let me just pull this up. So, these photos were actually taken this morning. As you can see, the roads are in generally...generally in good condition. There are some repairs that need to be made which involve road striping and perhaps some signage. We'd also need to do some work on the curb ramps and add detectable mats like this one here. You know those yellow ones with the bumps on them. And then as I mentioned earlier, just some pavement preservation. I also want to go back to this map to show you that we believe it's in the public interest to accept dedication of the roadways and related easements for the following reasons. So, number one, there's actual regional and drainage...regional drainage and sewer lines that cross through the property that serve the public beyond the Wailuku Parkside residents. The HOA also maintains the private park that's open to the public, and that park is located right here. The only access into the park would be using this road here. And the cul-de-sac roads along the Wailuku River, they provide access to the County's flood control for maintenance purposes. So, if you can...if you've ever been in this subdivision, these areas, they provide access to the Wailuku River. So within the past few years, the dedication of Eha Street was made final in 2015, and we've been working with the homeowners association as well as the owner of the roads to ensure that all the documents are

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

reviewed, and we had Department of Corporation Counsel also review them as well. So, for this, you know, we would like for your...for you to consider the dedication of these roads and are here to answer any questions that you might have. Thank you, Chair.

CHAIR LEE: Thank you. Are there any questions for the Director at this time?

COUNCILMEMBER KAMA: Chair?

CHAIR LEE: Councilmember Tasha?

COUNCILMEMBER KAMA: Just out of curiosity...thank you, Chair.

CHAIR LEE: Pardon?

COUNCILMEMBER KAMA: Just out of curiosity, what took so long for Eha Street to get to where it was that you could now actually dedicate that road to the County?

MS. DAGDAG-ANDAYA: Chair?

CHAIR LEE: Yes.

MS. DAGDAG-ANDAYA: I believe one of the issues was clouded title on one of the lots for Eha Street, and that took a while for the County to be able to move forward with the dedication. I don't know if maybe Corporation Counsel might have some information about it. But my understanding with Eha Street was that one of the issues was that clouded title, that was resolved.

COUNCILMEMBER KAMA: Can I ask how did it get resolved?

CHAIR LEE: Counsel...Corporation Counsel?

MR. GALAZIN: Thank you, Chair. I believe the timing of that, that actually preceded when I came back to the County. If Public Works does have the information on hand, if I'm recalling this correctly, and I can't be positive, was that there was a dedication that was accepted finally through a Council action. But that was 2015, 2016?

COUNCILMEMBER KAMA: So, getting back to how...what was...I mean...I think I'm trying to get at to how was that resolved. I mean in what way, in what manner? Did we quiet title it from whoever it was? Or I mean how did we do that?

MS. DAGDAG-ANDAYA: Chair, yeah, I don't have that information with me. But it did go through that dedication process, and it was resolved back in 2015. So, that portion of Eha Street, in fact the entire portion of Eha Street, is now in...has been dedicated fully to the County.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

COUNCILMEMBER KAMA: Okay, so it's been dedicated. So, I think...I'm still trying to get to the question of how did that get resolved? How did it get dedicated? I mean, so if you don't have the answer today, you can always get an answer for it later?

CHAIR LEE: Sure.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Director, can you provide some history on that matter?

MS. DAGDAG-ANDAYA: Yes.

CHAIR LEE: Okay, this --

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR LEE: --as a reminder, this is the WAI Committee, W-A-I. But we're also called the Why Not Committee, the Can Do Committee. And when we have these problems before us, we will resolve them, yeah. 'Cause we have one of the worst assignments in the world, and that is to deal with substandard roads, old government roads, roads nobody wants to talk about. That's our job. And we're going to get through 'em one by one, starting with this subdivision. Of course, this is actually one of the easier ones. Keep in mind that a lot of times our Council will exempt a lot of projects from all kinds of roadway standards, et cetera, because it...its high priority is affordable housing. And this is no different. This was workforce housing, built for those earning 120 percent and less of median income. So, therefore there are substandard roads and probably substandard sidewalks and whatever. So, just keep that in mind why this came about. But at this time, you know, we need to face up to our responsibilities. These people have been paying their real property taxes for the last 20 years and really not getting the County services that they deserve. So, now is the time for all of us to support our families in this area and say, let's accept the dedication of the roads and take on the responsibilities. And if you agree with me, may I have a motion to the effect of adopting this resolution? But I also want to say, just in case, just in case, this...the following words will be going into the Committee Report because we need to cover ourselves too, yeah. The subdividers shall maintain commercial general liability insurance policies covering the roadway lots and naming the County as additional insured. The subdividers shall indemnify the County for any injuries related to the roadway lots. The indemnification and insurance policies will be maintained for a two-year period commencing upon recordation of the roadway lot deeds provided all conditions related to the roadway dedication have been met. So, this pretty much covers us too. Excuse me one second. Now, you should have a revised resolution in front of you from Corp. Counsel. Corp. Counsel, can you identify it for the Members? And state why it was revised.

MR. GALAZIN: Yes, thank you, Chair. In the title of the resolution, it's going to be...starting out with saying Accepting Dedication of the Roadway Lots, but towards the end it has a reference to Maui County Code Section 18.40.010, whereas the original resolution

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

May 13, 2019

only referenced 3.44.015. So, if you look on the title of the resolution, the one that has 18.40.010 in the header, is the correct one. Thank you.

CHAIR LEE: Okay, Corporation Counsel, since most of us have not memorized the County Code --

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: --can you explain to them what that addition means, please?

MR. GALAZIN: Certainly, Chair. The addition refers to the section of the Subdivision Ordinance in Title 18, and this is a provision that's been in the Code for a while. The Code section was updated in 2013. But that really related to the subdivision committee, or the Public Works Committee...Commission, rather. And 18.040.010 states that the County shall not take over...or receive by dedication any public highway, any street, avenue, or alley in any subdivision hereinafter opened or platted in the County, unless...or except upon full compliance with the provisions of this title, meaning Title 18, Subdivision Ordinance, or as otherwise deemed in the public interest by the Council. Now, because Public Works has already identified these roadways as not being standard to current standards, but are close to if certain improvements are done, then you as a body, as the Council, need to find that it is in the public interest to go ahead and accept these anyway. There's no set defined term for public interest. It's just whatever you deem to be in the best interest. Thank you, Chair.

CHAIR LEE: Are there any questions? Yes, Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And I completely support this effort of figuring out these roads in limbo. I appreciate that, and that can-do attitude. So, mahalo for your leadership in that respect. I do have questions, Director. Is it `Eha Street, or Ehā? Does it mean pain, or does it mean four?

MS. DAGDAG-ANDAYA: Chair, I think I need to get back to you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, that's fine.

MS. DAGDAG-ANDAYA: I don't see a kahakō over...or in any of the other documents that I've seen. So, it would be either `Eha or Ehā. I understand, though, the importance of the correct pronunciation and the meaning, though.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

MS. DAGDAG-ANDAYA: But we can clarify that.

COUNCILMEMBER RAWLINS-FERNANDEZ: I appreciate that.

MS. DAGDAG-ANDAYA: . . .*(inaudible)*. . .

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

COUNCILMEMBER RAWLINS-FERNANDEZ: I tried to do a quick search on it too, just so that we're saying the correct word. Okay, would you please explain why these roads were not developed to the standard conditions?

MS. DAGDAG-ANDAYA: Chair, I believe at the time the roads were developed to the standards at that time. But because years had passed since the dedication, so the initial request for dedication, our subdivision codes, they've changed over the years. And so, that has an effect on, you know, the kind...I mean the way in which we would approve or recommend dedication of the roads. So, at the time the roads were completed, they were in...they were standard according to the requirements back in 2000. But because Eha, Eha Street had not been dedicated and it took all these years to get it dedicated, those standards had changed which meant that for this current standard that we're working off of, the roads wouldn't be standard.

COUNCILMEMBER RAWLINS-FERNANDEZ: Got it. Mahalo for that explanation. Okay, do you know if the developers received any exemption for the roadway standards when the subdivision was built?

MS. DAGDAG-ANDAYA: Chair? To my knowledge --

CHAIR LEE: Yes.

MS. DAGDAG-ANDAYA: --no, I don't recall any or seeing anything related to any exemptions. My understanding is that the roads were dedicated according to what was required at the time.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. And do you know what the original agreement for these roads were when the developers obtained the permits to build the subdivision?

MS. DAGDAG-ANDAYA: Chair, we have those in our file. So, we can pull that up for you if you would like a copy of it, or would like to look at the file.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo. And can you tell us approximately how much would be the cost for the improvements?

MS. DAGDAG-ANDAYA: Chair, that is...so we're looking at revisions or improvements to curb ramps, the...

COUNCILMEMBER RAWLINS-FERNANDEZ: Sidewalks.

MS. DAGDAG-ANDAYA: Sidewalks. We also have some underground utility work, the drainage. And that's kind of an unknown at this point. But looking at those improvements, I think it would be more than what the homeowners association would handle. I don't have a rough estimate with me right now. But I think, you know, for them to continue or to, you know, take on that responsibility, it would be...it'd be way

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

more than what they could afford as a homeowners association. But again, the estimate, it's kind of hard without having to, you know, do a full assessment.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo. You answered the last question I had which was why the homeowners association wasn't doing the improvements, and so it's likely that they can't afford to.

MS. DAGDAG-ANDAYA: Chair, yes, and it's been...I mean the roads were intended to be dedicated back then. And, you know, since then it was of the understanding that the...yeah, the roads would be turned over to the County, and then the County would accept the dedication and be able to maintain the roads. So, the homeowners association, with the amount of homeowners there, it'd be challenging for them to make those improvements.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director. Chair, I'll be supporting your recommendation.

CHAIR LEE: Thank you. Any more questions? Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Ms. Dagdag-Andaya, the...just following up on Member Rawlins-Fernandez questions about the improvements and costs, any...I guess these are ADA-compliant improvements that need to be put in this area as well too related to...

MS. DAGDAG-ANDAYA: Chair, yes.

COUNCILMEMBER MOLINA: Any chance some of these, the \$150,000, can be leveraged for Federal funding for improvements like this?

MS. DAGDAG-ANDAYA: Chair, well, the roads in the subdivision would not qualify for Federal-aid funding. To my understanding, I don't think Eha Street also...it doesn't qualify at this time either. So, we wouldn't be able to leverage Federal funds for this project.

COUNCILMEMBER MOLINA: Okay.

MS. DAGDAG-ANDAYA: Or for any improvements for this project.

COUNCILMEMBER MOLINA: All right. Thank you. Thank you, Madam Chair.

CHAIR LEE: Any more questions? Ms. Kama?

COUNCILMEMBER KAMA: You can tell me if this is not appropriate. But how many homeowners still live in their homes at Iao Parkside, and...or how many of them are rentals now?

CHAIR LEE: Joe?

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

MR. BLACKBURN: Wailuku Parkside is one of the few subdivisions I feel left on Maui where many of the original homeowners are still there. I would say average sales right now are probably three to four a year. And we have, I believe, 119 homeowners. So, a lot of the homeowners that I deal with are original owners. And as far as keeping statistics on rentals versus homeownership, we don't keep that number. But I don't see the names change that much at all, and we have a lot of personal contact with the owners. Some very good, and sometimes not so good.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: So what was the total number of housing units?

CHAIR LEE: Did you say 119?

MR. BLACKBURN: Hundred and nineteen.

COUNCILMEMBER KAMA: Total housing units?

MR. BLACKBURN: Yes. It's either that or 105. I also get confused with Waiolani Mauka.

COUNCILMEMBER KAMA: Okay, thank you.

CHAIR LEE: Thank you.

UNIDENTIFIED SPEAKER: Thank you.

CHAIR LEE: Further questions? Yes, Ms. Paltin?

VICE-CHAIR PALTIN: I just had a question. You know, if we would've got it in 2000 and we would've been like maintaining it regularly, the price would've been less than waiting like 19 years and then going through and doing it or does it matter? Just wondering.

MS. DAGDAG-ANDAYA: Chair?

CHAIR LEE: Yes.

MS. DAGDAG-ANDAYA: No, 'cause you would still have improvements to be made every year. So, and it's not every year that you would maintain the roads. So, the price...I mean the cost to fix it would kind of vary from year to year. But overall, I think, you know, the bottom line is that they've been waiting for this subdivision to be...or for the roads to be dedicated to the County. And it's just unfortunate that there was a holdup with the Eha Street 'cause in order for them to get their roads dedicated, the County would've had to dedicate Eha Street first.

VICE-CHAIR PALTIN: And how come Eha Street had to be first? Like why couldn't they just do the other ones without Eha?

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

MS. DAGDAG-ANDAYA: Chair, it's because the connection to the Wailuku Parkside roads come off of Eha Street. And in order to be dedicated to the County, you would have to have that connection to a County road. So, although Eha Street was open and utilized for public use, for many years it was not a County-owned road. So, before a road is dedicated to the County, it would've had to be adjacent to, or connect up with, a County road.

VICE-CHAIR PALTIN: What if it comes off a State road? No can?

MS. DAGDAG-ANDAYA: But State roads, there's a...I believe so. I think we have some County...well, we have County roads that are connected to State roads. But if it's a private connected to private, then you know, we need to have it, the main road be a --

VICE-CHAIR PALTIN: Government.

MS. DAGDAG-ANDAYA: --government-type road first.

VICE-CHAIR PALTIN: Okay, thank you.

CHAIR LEE: Further questions? Yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I just had a question for clarification. So, today it's just a dedication of these roads? We're not looking to fund the improvements to the roads?

MS. DAGDAG-ANDAYA: Chair, yes, it's just the dedication of the road at this time.

COUNCILMEMBER SINENCI: All right, okay. Thank you.

CHAIR LEE: Yeah, we're just going to accept the roads. Yes, Ms. Kama?

COUNCILMEMBER KAMA: So, when developments are done, do we know on the front end if there's a cloudy title on the back end? Will we know that?

CHAIR LEE: Ms. Rowena Andaya?

MS. DAGDAG-ANDAYA: Before the roads are, we generally, when we look at the deeds, those are the things that we look for. And so, prior to acceptance of the roads, we need that issue to be cleared, and which is probably why Eha Street had...I mean it hadn't been dedicated because we've been waiting for them to clear those issues first.

COUNCILMEMBER KAMA: So, my question is, before the development even went forward, did we know that we had an issue with cloudy title?

MS. DAGDAG-ANDAYA: Chair?

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

CHAIR LEE: Yes.

MS. DAGDAG-ANDAYA: Yeah, I'm not...yeah, I don't know. I can't...I don't know the answer to that.

COUNCILMEMBER KAMA: Okay, so will we know that going forth? Only because I realize as I went through our paperwork that Kehalani Mauka is the developer, and Stanford Carr is the developer of that. And there's been a lot of cloudy titles around a lot of the properties. So, I don't want to get into this issue 20 more years down the road that we can't dedicate these roads because we've got these cloudy titles hanging over our heads. I think we should take care of the cloudy titles, and then before we move forward. So, that's all I'm saying, Chair. Thank you.

CHAIR LEE: Yeah, I think ideally that's what normally happens. But some slip through the cracks, and this is probably one of 'em. But that's not our Committee.

COUNCILMEMBER KAMA: Yeah, I know. I realize that, Chair.

CHAIR LEE: That's Planning.

COUNCILMEMBER KAMA: Thank you. Just putting it out there. Thank you.

CHAIR LEE: Mr. Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. This is for the Madam Director. With regards to the drainage pipe and sidewalk repairs anticipated, looking down the road, what's the...how many more years before we need to start looking at repairs in these two areas?

MS. DAGDAG-ANDAYA: Chair, I don't know the exact timeline for which we do any improvements and come before the Council for a CIP item. But I think once...well, my understanding is after acceptance of the roads, it becomes part of our inventory. Then we would start, you know, having Highways Division and Engineering Division conduct assessments and try to work some future CIP projects into our project planning.

COUNCILMEMBER MOLINA: So, it's kind of wait-and-see at this point, yeah.

MS. DAGDAG-ANDAYA: At this point. I think we have a good understanding of what can be addressed immediately. The striping is one of 'em. But as far as the drainage issues, you know, we are trying to work off of a, you know, like a master plan of some sort. We do have I believe in this year's CIP, or could've been in 2020, an inventory of our...or an assessment of our drain lines. So, this would be in that general area.

COUNCILMEMBER MOLINA: All right. Okay, thank you. Thank you, Madam Chair.

CHAIR LEE: Yes, Ms. Paltin?

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

VICE-CHAIR PALTIN: I just was going to let you guys know Planning meets on Wednesday, and it'll be great if you guys all come check us out what we're trying to address.

CHAIR LEE: Okay, thank you for that commercial. Meanwhile, back at the ranch, Chair recommends adoption of the revised resolution.

VICE-CHAIR PALTIN: So moved.

COUNCILMEMBER KAMA: So moved. Second.

CHAIR LEE: Whoa. Okay, I think I saw Ms. Rawlins-Fernandez...who moved?

COUNCILMEMBER RAWLINS-FERNANDEZ: Your Vice-Chair.

CHAIR LEE: My Vice-Chair, Ms. Paltin. And I heard you second. But did somebody else second down here?

COUNCILMEMBER RAWLINS-FERNANDEZ: We all seconded.

CHAIR LEE: You all seconded. You see, you guys are trying to confuse me.

COUNCILMEMBER RAWLINS-FERNANDEZ: We're can-do, can-do committee.

CHAIR LEE: Yeah, the can-do. You the can-do-ettes, okay. All right, moved and seconded. Any discussion. All those in favor say, "aye."

COUNCILMEMBERS: Aye.

CHAIR LEE: Anybody say "no?" None. Okay, unanimously passed by one...two --

COUNCILMEMBER RAWLINS-FERNANDEZ: With one excused.

CHAIR LEE: --three...four...five...six.

COUNCILMEMBER RAWLINS-FERNANDEZ: One excused.

CHAIR LEE: One excused.

COUNCILMEMBER RAWLINS-FERNANDEZ: Member Hokama.

CHAIR LEE: Six "ayes" and one excused.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

VOTE: **AYES:** **Chair Lee, Vice-Chair Paltin, and Councilmembers
Kama, Molina, Rawlins-Fernandez, and Sinenci.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Hokama.**

MOTION CARRIED.

ACTION: **Recommending ADOPTION of revised resolution and
FILING of communication.**

CHAIR LEE: Right, okay. Thank you, Ms. Andaya...Dagdag-Andaya. I'm sorry.

MS. NAKATA: Excuse me, Madam Chair?

CHAIR LEE: Yes?

MS. NAKATA: And the filing of the communication, please.

CHAIR LEE: Oh, yes. And that included the filing of the communication. Right, can-do-ettes? Okay, thank you.

**ITEM WAI-30(4): MATTERS WITHIN THE COMMITTEE'S SUBJECT-MATTER
JURISDICTION (DEPARTMENT OF PUBLIC WORKS, STORM WATER
MANAGEMENT PROGRAM AND THE MAUI DISTRICT MUNICIPAL
SEPARATE STORM SEWER SYSTEM (MS4) PRESENTATION)
(RULE 7B)**

CHAIR LEE: All right, now we need to go to the next item which is Item 30(4), Matters Within the Committee's Subject-Matter Jurisdiction, Water Management Program and the Maui District Municipal Separate Storm Sewer System MS4 Presentation. Ms. Dagdag-Andaya, are you going to introduce the presenters?

MS. DAGDAG-ANDAYA: Chair, yes, and if we can, maybe hold just a quick one to two-minute recess just to get set up here?

CHAIR LEE: Okay, one minute.

MS. DAGDAG-ANDAYA: One minute. Can.

CHAIR LEE: Recess for one minute. . . .(gavel). . .

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

May 13, 2019

RECESS: 2:11 p.m.

RECONVENE: 2:13 p.m.

CHAIR LEE: . . .*(gavel)*. . . Will the meeting please reconvene? Director?

MS. DAGDAG-ANDAYA: Thank you very much, Chair and Councilmembers. Again, I'd like to mahalo Chair Alice Lee for having this presentation this morning regarding the County of Maui's MS4 Program. And MS4 means Municipal Separate Storm Sewer System. This has been the program that we've been working on for the past, I want to say, almost five or six years now. When the...and then John...well, I'm going to introduce my Highways Division staff here. I have John Smith from our Highways Division. He's our Chief, Highways Division Chief. And I'd also like to introduce Mike Kehano, who is our Head Civil Engineer, who is working on the MS4 Program as well as he also oversees the Traffic Signs and Markings Program, the County Arborist, and of course, the Municipal Separate Storm Sewer System. So he's going to be...he's our liaison in working with the Department of Health and other agencies involved with this program. In the audience this afternoon we also have Eric Yamashige, who is our Highways Division Superintendent, and Katya, our newest employee at Highways Division who is our Engineering Support Tech. She assists Mike Kehano with the activities in their program. So again, I'd like to thank you for having us provide this presentation. I believe the last time that the Department did a presentation regarding MS4 was probably in 2017. So, I think it's time to provide an update as to what we've been doing, and also give an overview of the...why the program is so important. So, we can turn to the next slide. Overall, the goal of the MS4 Program for the County of Maui is to ensure that we...or work towards improving our stormwater quality. And I have here a stencil that we've been using on a lot of our County roads. And we want to ensure that residents, business owners, and visitors understand that you don't use our storm drains to dump pollutants, trash, oils, or anything else. The only thing that should be going to our...in our storm drains should be stormwater. And so, for the past few years we've been working on educational programs and working with other businesses to ensure that everyone has best management practices in place so that only rain goes down the drain. So, on this slide we note that land-based pollutants carried by stormwaters negatively impact downstream properties, beaches, parks, coral, coral reef, and marine life. And we wanted to...we want to make sure and educate folks that, you know, anything but stormwater does not go into our storm drains. Okay, you can go to the next slide. Another goal of our MS4 Program is to increase water quality emphasis. And so, we've been working with the State Department of Health and with their Polluted Runoff Control Program, the Clean Water Branch. And note here, too, and I think if you click onto the next...yeah, okay. We have some data here as well as a statement that polluted stormwater is the major source of water quality impairments throughout the State. I think we can...okay. So with that, I'm going to turn it over to John and Mike to provide an overview of our MS4 Program. They're going to be talking about how it is and why we're at this point where we had to include a program, a County program for MS4, and also give you some background on the...just the overall structure and how we fall in with Federal and

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

State regulations. They'll also give you an understanding of our...or give you a brief update on our stormwater management plan, and the activities that we've been engaged in in meeting the goals of our stormwater management plan. And then also give you some feedback on some of our future activities and what you can expect from the Department of Public Works in the future. So with that, I'll turn it over to John and Mike.

CHAIR LEE: Thank you, Director. John, Mike?

MR. SMITH: Thank you, Director. Thank you, Chair. Thank you, Council, for taking the time to hear us this afternoon. And I want to thank Mike for being here. He gets to do the part of the presentation that I did a few years ago with the updates. So, thanks, Mike. We're happy to have him here. He has a lot of experience. In the regulatory world, he's worked with Department of Health for a long time.

CHAIR LEE: John, could you move a little closer?

MR. SMITH: Yes, sure, sure. He's worked with the Department of Health for a long time, and so we're just happy to have him as part of our team. So, my part will be really quick. This slide is not meant for me to go through in detail. But the point we're trying to make is that the MS4 Program is involved in stormwater in a whole lot of ways. And stormwater has a lot of different regulating agencies. So, you heard from our partners at Soil and Water Conservation District testimony earlier today. We have partners across every governmental body that has to do with stormwater. But today's focus is really more on the urban environment. That's why the program was made. And from a permit side, we have an MS4 Permit Program. And Mike is going to talk more about what that means. It's a little bit convoluted, but that's just the way it works, coming from the Federal government down. So, a little bit more simplified slide is we have the EPA and the Clean Water Act. And they give the State, the State Department of Health the authority to make rules that follows the Federal guidelines for MS4 systems. The County of Maui is the designated permittee, and we're going to look at a map in a second. But really this permit program is a little bit different than the permit programs that you're used to with like on the Wastewater side. It's broad. It has six categories that Mike is going to talk a lot about. And it's designed to be collaborative. It's designed to be out there with all the different agencies, and we all work together to keep things out of the drain before they get there, right. So, that's this slide. But DPW Highways Division and our Engineering Division and our Development Services Administration, we have the bulk of the work, if you're wondering why is it in Public Works because we maintain the storm drains. And so we are developing MOAs, and we are working with other permittees. The program right now as we speak, if you look at the blue on the map, that's the regulated area. That's the MS4 area. And it's all defined by the Census, and the same triggers that made the MPO are the triggers that made us fall under MS4. So, in the future as the population grows, we do expect the program to expand. And the likely areas of expansion would be Upcountry, Kihei, and Lahaina. And with that general overview, I'll turn it over to Mr. Kehano.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

MR. KEHANO: Thank you, John. So, first, what is an MS4? It's a conveyance system that carries water. It's owned by a municipality. It's designed to carry the stormwater. It's not a combined sewer, and it's not part of a sewage treatment plant, or publicly owned treatment works. The parts that kind of make up a MS4 is, you know, your streets, your catch basin, curbs, gutters, storm drains that all carry the water, stormwater, to a local body water. So the County as of April 2014 has been part of a small MS4. NPDES is National Pollutant Discharge Elimination System which is a permit program created by the Clean Water Act. And it's for any of the discharges to a local body of water. Our MS4 Program has six categories to control pollutants, and that's what I'll be talking about for this next slide for a little bit. So, first one is public education. The goal here is to promote awareness in the community. The way we do that is we have presentations to residents, County staff, business owners. County also has a webpage. We do fact sheets, another, like John said, we collaborate. There's a Talking Trash that comes out of EP&S. There's also resident guides that I believe all of you got a copy of, activity books for kids. Again, all related to stormwater. We've also done restaurant placemats. And again, the theme all having to do with stormwater and keeping, like John said, everything out of the storm drains. Second part is the public involvement and participation. Basically, we're trying to get the public involved to prevent pollution. So we, the Highways Division, will help support cleanup efforts. Groups will do the cleanup, pick up the trash, bag it up, and Highways Division will come and pick up the trash and take it to the landfill. We also partner with community groups for cleanups, litter prevention campaigns, and promoting recycling. Also the storm drain stenciling that you saw Rowena holding up, that's to identify at the storm drain, you know, what not to put down there. Third is illicit discharge detection and elimination. Again, goal is to prevent non-stormwater from entering the MS4 system. Periodically, we would do inspections of outfalls to see if...to check for signs of pollution and try to track those back to the polluter. Examples of illicit discharge would be sanitary wastewater coming in, auto fluids being dumped into the storm drain, commercial carwash water going into the storm drain, or any type of cleaners, pesticides, herbicides. Fourth is our construction site runoff. During the permit process, DSA will, and Public Works Engineering will, review construction designs and ensure that proper BMPs are designed for construction. BMPs are best management practices. So, examples of that would be filter socks, storm drain filters, silt fences, sedimentation basin, and hydroseeding. During construction, DSA will do inspections to ensure that the correct construction BMPs are in place and functioning properly. Fifth is our post-construction runoff management. Similar to construction site runoff, we...DSA and Engineering ensure that the design of the facility will have the correct stormwater management BMPs in place. Once that's developed, the facility owner is responsible for maintaining those BMPs. And last is our pollution prevention and good housekeeping. This is exactly what it means. We're trying to prevent litter from getting on the roads. So, those would be litter cleanups. We try to maintain our County baseyards to make sure that those aren't contributing to the stormwater...polluting the stormwater. There's also litter cleanup related to compassionate response which is the County's program to address homelessness. And just keeping hazardous materials and secondary containment to ensure that doesn't get spilled. And then if there's a spill, ensuring that we clean it up properly. So, meeting the minimums. So, Highways has historically dedicated its time to

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

May 13, 2019

aboveground structures, roads, bridges, and kind of dealt with the belowground structures as needed. I think moving forward and with this MS4 Program, the Division has realized we need to recognize that we need to put more resources into our stormwater infrastructure maintenance to help improve water quality. In addition, we see that there's going to be future requirements that may increase system inspections, maintenance, and the number of assets may increase, so increase in our responsibilities. This picture is just showing two areas where we're trying to collect data on our assets. So, in the blue on the right side of the picture is the assets, the stormwater assets, that are in our MS4 Program, and we're also able to get some information on our assets, stormwater assets, on the west side of Maui. So, what are we trying to do here? We're hopefully trying to be more proactive in our maintenance. So, when we move forward, instead of reacting to problems in the...especially with the belowground structures, we're ahead of 'em. So, meaning we're cleaning out the storm drains. This not only helps with the water quality, but it also help with potential flooding or sinkholes by having these drainage ways cleared. Of course, as we enhance our maintenance practices, more resources will be necessary to properly maintain these systems which will require, you know, additional resources such as staff, additional equipment, and possibly a dewatering facility. So, then these next few slides, I'm just going to kind of quickly go over what we've done in FY '19. Some of the stuff has happened before I got here. I've only been here with the Division for two months. So, if I say anything that's incorrect, John will jump in and correct me. So, I think the...one of the first tasks that they've tried to do is called a memorandum of agreements with all of the different departments and divisions, basically getting everybody on the same page to keep our stormwater clean, which means keeping our facilities clean or removing items that shouldn't be there. From that we expect that we would develop a working group and then we can share ideas and basically help each other to make sure we're meeting these requirements. Some of these things will be storm water plans for each of the facilities, in some cases spill plans, if necessary. Another item that got done this year, and we talked about earlier, is community outreach, is getting these, you know, residents guides out, keeping our webpage updated. Recently we teamed up with Water Department on their rain barrel program. So, as they were handing out the rain barrels, we were handing out...or having them hand out resident guides as well. And again, that's just to get the community educated. The County has also done, and I think maybe even Rowena and John have done stormwater presentations to schools and to other public groups. Here the County has partnered with the State DOT and to provide annual training for their construction BMPs, stormwater BMPs. And again, just to educate designers and contractors about proper stormwater management. Social marketing, so we use this approach to develop activities aimed at changing our...changing or maintaining people's behavior to improve stormwater quality. For instance, a property owner had been allowing material to wash off his property into the storm drain. The property owner thought the drain went to a wastewater facility. So, we made the property owner aware of his actions which, of course, helped them realize that he needed to stop allowing that from happening and going into our stormwater, or MS4 system. Public involvement, again you know, similar to what's happened on the west side, there's a West Maui ocean-friendly pledge. Basically, people and businesses in the community pledge to keep the ocean clean by preventing stormwater pollution from

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

May 13, 2019

leaving their property. So, similarly we at Highways were working to get the community involved with similar activities such as adopt-a-stream, or adopt-a-highway-type programs. Illicit discharge detection and elimination, this is preventing stormwater...non-stormwater pollutants from getting into the stormwater collection system. Currently, we're working on improving our ordinances by better defining what constitutes an illicit discharge and to have repercussions for violations. This will be something that would apply Countywide and not just in the MS4 area. So, with our construction ordinance we're also working with DSA to evaluate our current procedures and looking to enhance ordinances for violations that occur during construction projects. With post-construction, we, we're working to identify and inventory all of our...well, all of the post-construction assets, and then ensuring that those BMPs are installed. And in the future, hopefully making sure that these homeowner...or these facility owners are maintaining these systems so they operate or work properly. And here again, we're also looking to possibly revise some ordinances to hold violators responsible. And then with good housekeeping, again this year we continued with our Highways baseyards, keeping 'em clean as much as possible, keeping...promoting the good housekeeping and litter cleanups. We've developed stormwater plans and spill plans where necessary for those sites. And then we're working with other departments as well on their facilities and getting stormwater plans developed for their facilities as well. We also collaborate with other departments to manage litter at problem areas such as bus stops, or any illegal dumping sites. And then with the litter also, the Highways Department...or Division will take care of the street sweeping. So with that, I'm going to turn over the mic to John, and he can talk about the future of our MS4 Program.

MR. SMITH: Thanks, Mike. So, just a couple more slides, and then if you have questions. We see this as, as I stated earlier, as an expanding program. There's a couple assumptions behind that. One is that the population will increase, and then make more triggers for increasing the geographic spread of the program. And then also we're in coordination with the Department of Health on revised rules from them. So, we expect more stringent requirements on the next term of the permit. So, knowing that we're looking ahead and what would we need to do. And things like...this is a picture of a dewatering facility in the City and County of Honolulu. We probably need to construct something like this at at least one but maybe multiple locations around the island. And these are things that will just give us more flexibility in our operations as our cleaning efforts expand. And of course, if the program expands, we're thinking about possible ways to fund it. We're not asking for money at the moment. We're just letting you folks know that there are on the books ways to establish fees for stormwater from the State Legislature. And so, stormwater user fees is one possible way, subdivision grading fees, et cetera. And then we're also always looking for ways to go after grant funding and looking at low-interest loans for large CIP projects. And we've done this slide in the past, but just as a reminder, the Department of Health has fined other permittees on Oahu in the past. The State Department of Transportation had a pretty big settlement. This is older. This is back in 2004. And then more recently, 2014, the Harbors Division had some fines because they didn't keep up with their permit terms. We're doing everything we can to avoid that situation. We don't want to get into a consent decree. And so far, we think we're doing well. Right now

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

May 13, 2019

there's no actions against us. We're following what we need to follow. But we do expect more onerous requirements in the future, so we'll let you know and we'll give you updates as those things happen. I just want to thank you for your support really. Mike is sitting here and we have Katya up there because the Council supported us and gave us a couple new positions to help manage and run this program. So, we want to thank you for that. And if you have...if you're thinking about MS4, you're thinking about stormwater stuff, this is just a snapshot from the County website. If you hit Public Works, we have a whole stormwater management page, and you can find a lot of that information that we talked about today on that page. And with that...

CHAIR LEE: Thank you, John. Ms. Paltin?

VICE-CHAIR PALTIN: I just had a question if you had followed up with the Police's new carwash system, like how you said they were not in compliance. And then they wanted to build a new carwash rack but it wasn't going to be recycling the water. So, that would still be...they would be building a new thing that's not in compliance. Is that...

MR. SMITH: I haven't had a chance to follow up with them on...I do remember that conversation. But a development like that, we would see because we're working...we actually identified that need for them. So, as they move forward with their plans, they'll bounce 'em off of us before they would move forward with that. So, we would make sure that whatever they design is going to be the most environmentally friendly design, and one that it should be a recycled wash facility.

VICE-CHAIR PALTIN: 'Cause it was my understanding that they were coming for the budget and the design that they had researched to fund was not going to be recycled water. So, but if you haven't followed back up, can I ask one more question?

CHAIR LEE: Sure.

VICE-CHAIR PALTIN: So, I was wondering, we have a lot of, in our district, and I realize that's not under your mandate, but for West Maui, there's a lot of oceanfront swimming pools. And does like the backwash and discharge of that swimming pool water fall under this MS4?

MR. SMITH: The MS4 Program regulates that boundary in Central. But any rules that we would work on, or work towards, when it comes to, Mike mentioned it, illicit discharge and swimming pools is one of them that needs to be beefed up, would most likely go Countywide. So, it wouldn't necessarily fall under --

VICE-CHAIR PALTIN: MS4.

MR. SMITH: --MS4, anything on the West Side at the moment, unless the Census pulls us into it. But as we look at these rules and regulations and bring them before you to change, I think that would be the opportunity to make something like that Countywide.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

VICE-CHAIR PALTIN: So, currently do you know if it's illegal to discharge swimming pool water into the ocean?

MR. SMITH: From my understanding, only if it's been treated or dechlorinated. So, if it's clean water and it's been tested, then you can. And if it's not, then you cannot.

VICE-CHAIR PALTIN: Thank you.

CHAIR LEE: So, John, if you see some kind of violation, you would report it to the Department of Health? Is that the proper agency?

MR. SMITH: You're talking about outside of the MS4 boundary?

CHAIR LEE: Yes.

MR. SMITH: That's correct. But we do have jurisdiction over our right-of-ways. So, we get calls fairly often all over, and we're going to respond. And now that we have staff, we're going to investigate. And then we work hand-in-hand with the Department of Health.

CHAIR LEE: Good. Any other questions?

VICE-CHAIR PALTIN: So, if you cannot catch swimming pool discharge into the ocean in the act, maybe like going forward in the rule-making process, when we have a number of oceanfront swimming pools and we don't know how they're discharging the water, would it be okay to ask like what is your process for discharging the water? Because we don't want to come and like try and catch everybody in the act of discharging it into the ocean. But there needs...there's probably like protocols or something like that. And so if they're not discharging chlorinated water, what is their protocols for discharging the water? Would that be appropriate to include in the coming plan?

MR. SMITH: Yes, and we actually...we had that question come up fairly often. So, we developed a fact sheet that people can go. So, if you go on the website, there's a swimming pool one, and it basically just lists what you can and cannot do under the current rules. But it gives some suggestions on how and how to do it properly, at least under the current rules. So, you can see that today, if you go there, yeah.

VICE-CHAIR PALTIN: Thank you.

CHAIR LEE: Oh, good. Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I wanted to follow up on one of the points that Councilmember Paltin brought up. Thank you for your presentation. So, for the Public Works wash rack, is it going to have a dewatering facility?

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

MR. SMITH: Chair, thank you for that question. 'Cause it's...I know dewatering facility is not...it's not really a wash rack. So, we currently have dewatering capabilities. We just don't have a fancy facility like that one. But the wash rack will be something entirely separate on the baseyard right down at the bottom of the hill where the trucks can pull in. All of the dirty water will be collected, and then it'll be consolidated. And we'll take that consolidated waste to a disposal facility, not the dewatering facility. Dewatering facility is more for our vac trucks. So, we have vac trucks that go out and clean out the stormwater...the one picture you saw with the pipe, that's the ones where we would use the dewatering facility in the future. Not...the carwash rack and the dewatering facility are really not...I mean they're related, but not directly. Does that make sense?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for the clarification. So, the wash rack photo that we were shown during Budget was like just a hose --

MR. SMITH: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --with a sprayer. And so, there's going to be somehow --

MR. SMITH: Underneath.

COUNCILMEMBER RAWLINS-FERNANDEZ: --they're going to catch it?

MR. SMITH: Yeah. So, that...it might not look like, well, underneath it'll catch all of the dirty water and consolidate it, and then we'll dispose of that. So, the idea is to catch it all before releases from there, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo. And on Page 9 where it lists the six categories, it shows the drainage exit into...I don't know. I don't know if it's going into the ocean. But there's a bunch of like trash coming out from...yeah, that one, to the left. There's like plate lunch trays, and gallon containers. I know some places are using like those nets. Is that something that your Department's considered using?

MR. SMITH: What kind of nets are you talking?

COUNCILMEMBER RAWLINS-FERNANDEZ: It's like a, yeah, sock.

MR. SMITH: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: So it would...you would...it would attach to the...where the water would exit, and so it would catch all of that, you know, the pollution before it gets out.

MR. SMITH: So, that would be what we would call a BMP, or a best management practice, right. That's what you're talking about. And we would install things like that where it wouldn't get blown out in a big storm. Yeah, we would consider those things as part

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

of this program. We have in our baseyard, in all of our baseyards, we have catchment-type devices that are kind of like nets right now to catch the trash. And then we would put them in high-litter areas as needed. Yeah, so, I mean, yes, to answer your question, yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, so it's something like you'll be considering like soon?

MR. SMITH: We would consider it anywhere that we thought it would be appropriate to not cause additional issues because sometimes they work really well in low-flow environments. But a lot of the infrastructure that we deal with on the roads, I mean, not much can stand up to the big rains. So, we'd have to look at where, and we would tend to...the post-construction BMP part of this we'll tend to work with the owners of all these facilities to make sure that those types of catchments are in place as part of the design in the long-term operation and maintenance. So, it would be most efficient for us to stop it before it even got to our street. Yeah.

MS. DAGDAG-ANDAYA: Chair? Can I also add --

CHAIR LEE: Yes.

MS. DAGDAG-ANDAYA: --something?

CHAIR LEE: Director?

MS. DAGDAG-ANDAYA: So, just wanted to add on what John was saying 'cause I did bring up the same thing when we went over the presentation last week. And we, you know, we've actually looked at different types of BMPs, that filter sock included. But we want to make sure that the BMPs are appropriate for the area because you don't want one, you know, one solution to create an additional problem. So, with the filter sock and the type of, the velocity coming through, the type of stormwater coming through during a big storm, you know, we want to be careful in what we place in there. And that it doesn't create additional flooding in the future. I think maintenance is also another consideration as well because once you have that sock and it collects everything, then you need a place to put all of that trash. So, having that, making sure that we have a plan in place to dispose of that material, making sure that the solution is appropriate for that area. You know, those are the kinds of things that we'd have to consider. But we were looking into that sock. So, I'm glad you brought it up.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director. Mahalo, Chair.

CHAIR LEE: Okay. Mister...I'm sorry. Who had their hand up first? Him? Okay, what a nice guy, Mr. Molina.

COUNCILMEMBER SINENCI: Thank you, Chair.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

CHAIR LEE: Mr. Sinenci?

COUNCILMEMBER SINENCI: Yeah, just couple general questions. How large is the MS4 Program within the Department? How many people dedicated to stormwater?

MR. SMITH: Well, on the administrative side, there's two. They're sitting here. There's Mike and there's Katya, within Highways. But if you think about the program, a big chunk of Development Services is dedicated to our construction and all over. And our Engineering group, our Engineering Division has a big role to play in this. So, several of the engineers work on MS4 and MS4-related jobs. And then we also leverage all of our relationships with...Mike talked about Water, DEM, Police even. So, the program if you look at it from that perspective, which is the way the Department of Health wants us to run it. They don't want this silo program where the others aren't involved. So, there's two dedicated in Highways, but there's much more than that Countywide.

CHAIR LEE: Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you. And then on...in your presentation, you mentioned the EPA had delivered some, I guess, some violations to Oahu's Department of Transportation. Can you quickly speak towards those violations at Honolulu and Kalaeloa Harbors? I'm not familiar with that place.

MR. SMITH: I can't speak to the details of those. I can just give you the amounts that were decided upon in the paper which is...the big one was the one back in 2004 for 52 million. I really would have to do some research to understand, but it was MS4-related. But the City and County of Honolulu has been under this program for over 20 years, and so they have a well-developed program. And the Harbors one was just a subset of MS4. I've talked to the people at Harbors who are under that, but I don't know the details.

COUNCILMEMBER SINENCI: Okay. One last question, Chair.

CHAIR LEE: Sure.

COUNCILMEMBER SINENCI: We've got a County park in East Maui where sometimes if it floods due to raining, the leach field would get inundated with stormwater and sometimes that would, you know, kind of bring up some of that pollution. So, is there any...what are your efforts in dealing with leach field overflow?

MR. SMITH: You're talking about wastewater leach fields or...

COUNCILMEMBER SINENCI: Yes.

MR. SMITH: Yeah, those would fall under either, well, Department of Health. That wouldn't fall under the purview of the Department of Public Works, leach field issues. But we do...if it's a property that we control, a park or a highway, and there's a drainage problem that's causing the issue, then we would work with our partner agencies to try

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

to mitigate that so it wouldn't have that problem, if it was brought to us. But that, we typically don't deal with leach fields at all.

COUNCILMEMBER SINENCI: Okay, thank you. Thank you, Chair.

CHAIR LEE: Good. You're talking about a leach field in a County park?

COUNCILMEMBER SINENCI: Right. And so sometimes it'll flood the park and then sometimes it gets into that leach field, and it'll leach out onto the park. So, I mean we're just kind of concerned that, you know, this has happened maybe, a rarity, but we just wanted to address some of the issues. I know future leach fields, there's proper drainage that goes around the leach field. And I don't know about this particular case, if the flooding actually inundates the leach field. But I can get more information on it, then report it.

MR. SMITH: A problem like that if it were to happen within the MS4 boundary, we would get involved with because that would be an illicit discharge into our system.

COUNCILMEMBER SINENCI: Okay, I'll look into it.

CHAIR LEE: So, what do you want him to do? Report the information to your office?

MR. SMITH: Sure. If there's anything we can do from a drainage standpoint that can help mitigate that particular problem, we can take a look at it.

COUNCILMEMBER SINENCI: Okay, great. Thank you.

CHAIR LEE: Good. Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good afternoon, Mr. Smith and Mr. Kehano. You know, one of the main objectives of this Council is to seek expansion for more affordable housing in this community. And with that there are some unintended consequences, especially when you have storms and you might have a lot of this runoff from construction materials and whatever else. Looking at your program expansion, can you elaborate a little bit more what type of positions you're going to need and equipment, and if some of these positions and equipment can possibly be paid for with Federal funds, maybe CDBG funds. Can you kind of elaborate, touch on that a bit?

MR. SMITH: Thank you. So, the type of equipment that typically goes along with a program like this, are street sweepers, but we would need street sweeper operators to increase what we're already doing. So, that would be one. So, operators, vacuum trucks. So, operators for vacuum trucks. And...drew a blank. Those are the two big ones. But storm drain cleaning workers. So, the City and County of Honolulu set up a whole section of workers just to clean storm drains as a result of their MS4 program. And I don't think we're that big so we would utilize Highways staff. But it would primarily affect our Central, or our more urbanized areas. So, laborers and equipment

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

operators is where we would see the need in the future. I don't think we need a lot more...a lot more engineers and administrative staff. Maybe some more technicians to help with the data, but really, we would just need more laborers and equipment operators.

COUNCILMEMBER MOLINA: Okay, good. Yeah, just looking ahead 'cause as you get more people and more construction, this stuff is going to...you're going to definitely have a need for more maintenance folks. Thank you.

CHAIR LEE: Any more questions?

MS. DAGDAG-ANDAYA: Chair, just...

CHAIR LEE: Yes, Director?

MS. DAGDAG-ANDAYA: I wanted to also add. So, this is all Census-driven, the urbanized area. So, right now it's just Kahului-Wailuku area that's within that MS4. But potentially like in the 2020 Census, there may be additional urbanized areas identified. So, we're going to be monitoring that trend, and that would...that information will kind of drive us...I mean drive how many positions or what kind of equipment we're going to need depending on which additional urban areas are included in the MS4.

CHAIR LEE: Okay, I have a question. Under that slide says, possible funding sources. Item number two, other program funding sources, Storm Water User Fee. Who is a storm water user?

MR. SMITH: So, what's been done in other communities is through mapping efforts like GIS mapping efforts, you would identify how much impervious area per property. And then, so the user would be the...it would be the runoff coming off of that particular property, and how much of it is staying, and how much of it is actually coming into our system. So, the...it's basically setting up another utility. But it's all based on runoff from the property owner, from the parcel.

CHAIR LEE: Wouldn't the largest users be those who own lands mauka? State, County.

MR. SMITH: I think that would open up a whole lot of discussions about how a utility like that would be set up. But the largest landowners would be all mauka, that's correct, yeah. The MS4 Program was designed for urban areas. So, that's why the boundary is down in the low-lying areas. But, yeah, it's quite possible that we would find the largest contributors or users that would run through a County-controlled system would be large landowners.

CHAIR LEE: Okay. And then I noticed that on one of the pages, there's a property pledge where people take a pledge to not pollute the water. Well, who started that?

MR. SMITH: That was efforts in West Maui, maybe our...

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

CHAIR LEE: Ms. Paltin?

VICE-CHAIR PALTIN: Yeah, we have a West Maui Ridge-to-Reef group with Tova Callender and Liz Foote. And they come up with these ideas and then they go like, you know, they go to Ace Hardware, and they find ocean-friendly fertilizers and lawn care products. And then they'll certify it. And then they go to like landscapers and they say, if you use these ocean-friendly products, we'll make you be an ocean-friendly landscaper. And it's kind of...it's all voluntary, but you know, just raise awareness and things like that. And, you know, they work also with the large landowners to try and make their roads be less runoff-y and all kinds of things, good things.

CHAIR LEE: Wow, I think that's a great idea. John?

MR. SMITH: Yeah, it's partnerships like that that really work for this type of program. I was able to be a part of their Ridge-to-Reef initiative and sitting on their meetings. And that's how we knew about these efforts that were going on. Even though it's not a MS4 thing, it's...it helps the program, and it's these ideas that are working in other parts of Maui that we're going to bring to this program and promote. And so, this is one of the better ones, yeah.

CHAIR LEE: Great, good idea. Ms. Kama?

COUNCILMEMBER KAMA: So, the National Pollutant Discharge Elimination System General Permit, what exactly does that allow us to do?

MR. SMITH: Okay, it allows...it essentially allows us to discharge stormwater from our system to a receiving body of water, a stream or the ocean. So, we own the infrastructure, we own the road, we own the storm pipe. And the permit allows us to run water through that and discharge it to those bodies of water, assuming that we follow all the criteria within the permit, which is those six control measures that Mike talked about.

COUNCILMEMBER KAMA: It's right, these six right here? The public education outreach and so on, and so on?

MR. SMITH: That's correct.

COUNCILMEMBER KAMA: So, as long as we fulfill these six things, we can use this permit to discharge water?

MR. SMITH: That's correct.

COUNCILMEMBER KAMA: Okay, I got that. Thank you. Thank you.

CHAIR LEE: Oh, well, Ms. Kama, you want to share what you're thinking? I can see the wheels turning.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES

Council of the County of Maui

May 13, 2019

COUNCILMEMBER KAMA: I was just thinking about the injection wells, and who makes that determination whether or not this permit can be used to do that, or not do that.

CHAIR LEE: Well, you want to answer that, John?

MR. SMITH: I...

CHAIR LEE: Is it applicable? What she's saying, is it applicable?

MR. SMITH: Yeah, I don't know if I'm tracking with what you're saying. But this is just stormwater so...

COUNCILMEMBER KAMA: Yes, I hear what you're saying about stormwater. That's why I'm asking you. But, see, what you're telling me is that this permit allows us to just do stormwater through this permit. And that's why in my head I'm thinking about what are the injection wells waters that is going through that? And if this permit allows us to do the same with water that's going through the injection wells.

MR. SMITH: That's...

COUNCILMEMBER KAMA: That's what I'm asking, because if it means to do public education and outreach and public involvement and participation and illicit discharge detection and elimination, construction site runoff control, post-construction runoff management, pollution prevention and good housekeeping. That's where my head is going.

CHAIR LEE: John?

MR. SMITH: Well, I think what's regulating the injection wells is another section of the Department of Health, and in another permit.

CHAIR LEE: It's a different permit.

MR. SMITH: It's a different permit. So, I mean there are good things in this permit and we can learn. But it is really a totally separate program. And I guess I would just leave it at that, unless Corporation Counsel wants to...

CHAIR LEE: Okay, both permits are provided by DOH? Both? Okay.

MR. SMITH: Yes, but I do not want to speak about the injection well permit because I don't know anything about it.

CHAIR LEE: Okay. Any other questions?

COUNCILMEMBER KAMA: No, thank you.

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

May 13, 2019

CHAIR LEE: No? Any final comments, Director?

MS. DAGDAG-ANDAYA: No final comments, but we just want to thank you for allowing us to have this presentation and this discussion. There was a lot of great questions that you had today. And I think moving forward, you know, we want to provide the Committee with updates. And I think also before we go into the Budget Session, you know, just an update on the MS4 Program would be really good to have. That way, you understand what our program is and what we're coming with, and it'll help. The information from the session would kind of help guide you when you're making decisions at Budget. So, again thank you very much for this time today.

CHAIR LEE: Thank you. I have one question. Are you using dams or any of those kinds of solutions to stop or divert stormwater?

MR. SMITH: We have eight dams in West Maui.

CHAIR LEE: We do?

MR. SMITH: Yeah. We have one in Central that are...they're debris basins, they call them. So, they trap sediment, and we stop it before it gets to the ocean, and we take it out. So, I'd love to come back another time and show you all the other things Highways does.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR LEE: Okay. Yes, Ms. Kama?

COUNCILMEMBER KAMA: I'd love to hear that. I'd like to --

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: --listen more to what they have. Thank you.

CHAIR LEE: Okay. And, Members, if you have anything in specific you'd like covered, let us know. That way, you know, areas of your interest will be I'm sure happily covered by the Director and her staff. So anyway, thank you very much for your presentation. This was Item WAI-30(4). And if there are no objections, we'll file this matter, right? Carla, do we need to keep it open?

MS. NAKATA: Madam Chair, I believe that this was scheduled pursuant to Rule 7B, so no filing is necessary.

CHAIR LEE: Just defer.

MS. NAKATA: Yes.

CHAIR LEE: Any objections to deferring this item?

WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

May 13, 2019

COUNCILMEMBERS: No objections.

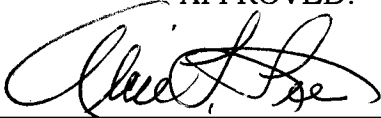
COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: RH, KRF)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR LEE: If not, so ordered. Thank you again, everyone, for coming, and that brings us to the end of our calendar. This meeting is adjourned. . . .*(gavel)*. . .

ADJOURN: 3:06 p.m.

APPROVED:



ALICE L. LEE, Chair
Water and Infrastructure Committee

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Transcribed by: Reinette L. Kutz

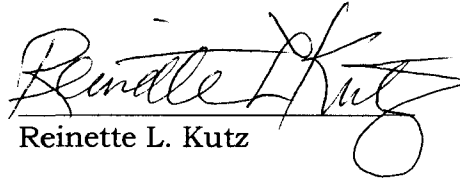
WATER AND INFRASTRUCTURE COMMITTEE MINUTES
Council of the County of Maui

May 13, 2019

CERTIFICATE

I, Reinette L. Kutz, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 24th day of May 2019, in Makawao, Hawaii.


Reinette L. Kutz