

MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: January 30, 2002
TIME: 9:00 am
PLACE: DLNR Board Room
Kalanimoku Bldg.

Chairperson Gilbert S. Coloma-Agaran called the meeting of the Commission on Water Resource Management to order at 9:17 a.m.

The following were in attendance:

MEMBERS: Mr. Gilbert S. Coloma-Agaran, Dr. Bruce Anderson, Mr. Clayton Dela Cruz, Mr. Brian Nishida, Mr. Herbert Richards, Jr.

STAFF: Linnel Nishioka, Roy Hardy, Ed Sakoda, Glenn Bauer, David Higa, Ryan Imata, Dean Uyeno

EXCUSED: Ms. Meredith Ching

COUNSEL: Edsel Yamada

OTHERS: Steve Bowles, Tom Nance, Bert Kuioka, Eric Hirano

All written testimonies submitted at the meeting are filed in the Commission office and are available for review by interested parties.

Chair Coloma-Agaran introduced new Commissioner Clayton Dela Cruz from the Island of Kauai.

1. Minutes of the December 19, 2001 meeting

MOTION: (RICHARDS/NISHIDA)
To approve the minutes.
UNANIMOUSLY APPROVED.
(Agaran, Nishida, Richards, Dela Cruz)

2. Corrections to Minutes of November 14, 2001

Corrections were made on page 7 of the minutes. In recommendations 1 and 2, Palauea Bay Partners should be replaced with WCPT/GW Land Associates, LLC. The Commission readopted and amended the minutes of November 14, 2001.

MOTION TO READOPT: (RICHARDS/NISHIDA)

To approved the corrected minutes.

UNANIMOUSLY APPROVED.

3. Old Business/Announcements by Deputy Director Linnel Nishioka

The contested case hearings for Kukui Molokai and Waiahole have been appealed. They both are in the process of the record being filed at the Supreme Court.

Kukui Molokai has changed ownership. The new owners are Molokai Ranch.

The Waiahole Funding Committee (Funding Committee) submitted a final report and recommendation to the Commission. The Commission is in the process of receiving comments. The comment period is 45 days. The Funding Committee will be coming forth to the Commission in March or April of this year.

This 2002 Legislative session, the Commission has one bill that addresses the appurtenance water rights issue.

In the Commission’s budget, a request is being submitted to convert 4 temporary positions to permanent. A new position, State Drought Coordinator, is being requested for at this time.

4. PIA-Kona Limited Partnership, REQUEST FOR VARIANCE OF PUMP TEST STANDARDS, 4757-03 & -04 (Well No. 4757-03 & -04), Well Construction: 18/18-inch Casing Diameter, 1000/1017-ft Deep Well, Pump Installation: 550/550 gpm for Irrigation use, TMK 7-2-003: 003, Kaupulehu, Hawaii

PRESENTATION OF SUBMITTAL: Ryan Imata

RECOMMENDATIONS:

That the Commission:

1. Approve the applicant’s request for a variance to allow the installation of the permanent pumps prior to the issuance of the pump installation permits, with the following conditions:
 - a. The pump tests shall be started within one week of the installation of the pumps or staff requests that the pump test be rerun. Otherwise, the pumps shall be removed.
 - b. The applicant shall submit pump test results within one day of the completion of the pump tests.

- c. Staff will complete its analysis of pump results within one business day and issue pump installation permit if pump tests are satisfactory.
- d. In the event that pump tests are not satisfactory to Commission staff, the applicant shall rerun the pump tests in accordance with 1.a., b. and c. above until they are in compliance with standard pump test requirements.

TESTIMONY BY APPLICANT:

Mr. Steve Bowles of Waimea Water Services, Inc. stated that there would be no problem with fulfilling the pump test. He stated that he would like the variance for these wells, but is more concerned about the long process delays in permit approvals. This is not on every well, but some of the more critical ones. Mr. Bowles stated that on some of the wells he is not in favor of the variance process. He would like to find a solution where applicants would not have to go through the variance process. Another point Mr. Bowles stated was the turn around time of the results of the test. Staff then replied that they could issue the variance the day after the results are received for this particular request.

Commissioner Anderson later noted to Deputy Director Nishioka that the Regulation Branch came out with a good solution to address this issue and that a one-day turn around time was terrific as agency reviews go.

MOTION: (RICHARDS/NISHIDA)

To approve the submittal.

UNANIMOUSLY APPROVED.

5. Department of Education, AFTER-THE-FACT APPLICATION FOR A WATER USE PERMIT, Waialua High School (Well No. 3407-25), TMK 6-7-02:10, Existing and New (Irrigation) Use for 0.039 mgd, Mokuleia Ground Water Management Area, Oahu

PRESENTATION OF SUBMITTAL: Roy Hardy

AMENDED RECOMMENDATIONS:

Staff recommends that the Commission:

1. Find the applicant in violation of §174C-50 Haw. Rev. Stat. for pumping Well No. 3407-25 without a water use permit in a water management area.
2. Assess no fines for the violation in Recommendation 1.
3. Approve the issuance of Water Use Permit No. 606 to the Department of Education for the reasonable and beneficial use of 0.039 million gallons per day of brackish

water for irrigation use from the Waialua High School (Well No. 3407-25), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

- a. Should an alternate permanent source of water be found for this use, then the Commission reserves the right to revoke this permit, after a hearing.
- b. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.
- c. All non-potable spigots and piping shall be clearly labeled as “NON-POTABLE” to prevent direct human consumption.
- d. ~~Standard Condition 10 is modified to exempt the permittee from the requirement to install a flowmeter.~~ The brackish water withdrawals may instead be estimated based on pumping capacity and run time and reported on an annual basis. Due to the inability to take water level measurements, the requirement to measure monthly water levels is waived. Lastly, as long as the U.S. Geological Survey is collecting and analyzing the chloride content of the well water, the requirement for the permittee to measure and report chlorides is also waived.

Commissioner Anderson suggested that instead of using “NON POTABLE” as a label, a more direct understandable language be used. He stated that the Department of Health’s Safe Drinking Water Branch could assist in the signage and language.

MOTION: (NISHIDA/RICHARDS)

To approve the submittal as amended.

UNANIMOUSLY APPROVED AS AMENDED.

6. Hawaii Country Club, APPLICATION FOR A WATER USE PERMIT MODIFICATION, Hawaii Country Club (Well No. 2603-01), TMK 9-4-4:20, Existing and New (Golf Course Irrigation) Use for 0.446 mgd, Waipahu-Waiawa Ground Water Management Area, Oahu

PRESENTATION OF SUBMITTAL: Roy Hardy

AMENDED RECOMMENDATIONS:

Staff recommends that the Commission revoke Water Use Permit No. 112 and approve the issuance of Water Use Permit No. 454 to Hawaii Country Club for the reasonable and beneficial use of 0.400 million gallons per day of ~~non~~-potable water for domestic and irrigation use from the Hawaii Country Club Well (Well No. 2603-01), subject to the

standard water use permit conditions listed in Attachment B and the following special conditions:

1. Should an alternate permanent source of water be found for this use, then the Commission reserves the right to revoke this permit, after a hearing.
2. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.

MOTION: (RICHARDS/NISHIDA)

To approve the submittal as amended.

UNANIMOUSLY APPROVED AS AMENDED.

7. Honolulu Board of Water Supply, APPLICATION FOR AFTER-THE-FACT PUMP INSTALLATION PERMIT AND MODIFICATION TO WUP NO. 320, Kaluanui III Well (Well No. 3554-06), Pump Installation: 700 gpm for Municipal use, TMK 5-3-11: 009, Kaluanui Valley, Oahu

PRESENTATION OF SUBMITTAL: Ryan Imata

AMENDED RECOMMENDATIONS:

Staff recommends that the Commission:

- A. Find the BWS in violation of §13-168-12, HAR, for installing a pump without a Pump Installation Permit and prior to having their Water Use Permit modified.
- B. Assess BWS a fine of \$28,500 for the violation described in A, or as an alternative settlement, assess the BWS a fine of \$500, and have the BWS drill a monitor well in the vicinity of the Punaluu ~~well field~~ area. The payment is to be made within 30 days of the date of this meeting.
- C. Suspend action on any applications submitted by the Board of Water Supply until either:
 1. The fine is paid;or for the alternative settlement:
 2. The \$500 fine is paid and the monitor well location is established and permitted. The Commission will expedite the process of this application.
- D. Approve the issuance of an after-the-fact Pump Installation Permit, subject to the conditions in Exhibit 9.

- E. Revoke Water Use Permit No. 320 and issue Water Use Permit No. 571 to the Board of Water Supply for the reasonable and beneficial use of 1.093 million gallons per day of potable water for municipal use from the Kaluanui I and III wells (Well Nos. 3554-04 and 3554-06), subject to the standard water use permit conditions listed in Exhibit 10 and the following special conditions:
1. The Commission shall delegate to the Honolulu Board of Water Supply the authority to allocate the use of water for municipal purposes, in accordance with §174C-48(b) HRS.
 2. Honolulu Board of Water Supply shall be exempt from the requirements of permit modifications as provided in §174C-57.
 3. This interim water use permit shall cease to become interim and shall be subject to Haw. Rev. Stat. §174C-55 upon administrative review of the quantity within 5 years, provided that all conditions of the use (including the review of the quantity which shall not be greater than the amount initially granted) remain the same.
 4. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.

An amendment to the submittal on page 2 was made in the fourth paragraph. The percentage that is within the margin of error should read 0.328% and not 0.0.328%.

TESTIMONY BY APPLICANT:

Mr. Bert Kuioka of the Honolulu Board of Water Supply, Water Resources Planning (Board) stated that the site is one of the newer well site. He stated that the Board will come to an agreement and look for an optimal site. He apologized for this oversight and stated that with new procedures things like this should not happen.

MOTION: (NISHIDA/RICHARDS)

To approve the submittal as amended.

UNANIMOUSLY APPROVED AS AMENDED.

8. Other Business

The Department of Health is working with the Commission on water quality matters because they are concerned that when developers start a well project then later leave the islands there is a concern that the water quality are not up to the legal standards. One matter that needs to be resolved is the extent of the Commission's legal authority to enforce water quality issues. The Commission needs to confer with the Department of the Attorney

General. This happens primarily on the neighbor islands. The island of Oahu has a unified system. Most of the Oahu projects have to go through the Board of Water Supply.

Chair Coloma-Agaran suggested that a briefing for the Commission on the standards would be helpful. He suggested that the Commission work with the Department of Health and the Attorney General's office.

This meeting was adjourned at 10:20 am.

Respectfully submitted,

FAITH F. CHING
Secretary

APPROVED AS SUBMITTED:

LINNEL T. NISHIOKA
Deputy Director