

**MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT**

DATE: March 16, 2005
TIME: 9:00 a.m.
PLACE: KALANIMOKU BUILDING
CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

CALL TO ORDER

Chairperson Peter Young called the meeting of the Commission on Water Resource Management to order at 9:00 a.m.

ROLL CALL

The following were in attendance:

MEMBERS

Mr. Peter Young
Ms. Meredith Ching
Mr. Clayton Dela Cruz

Mr. James Frazier
Dr. Lawrence Miike
Ms. Stephanie Whalen

STAFF

Neal Fujii, W. Roy Hardy, Lenore Nakama, Dean Nakano, Edwin Sakoda, Dean Uyeno

COUNSEL

Colin Lau, Esq.

OTHERS

Roosevelt Freeman, John Katahara, George Kuo, Jane Lovell, Esq., Lance Manabe, Steve Parabolicoli, Manabu Tagomori

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

{Note: language for deletion is bracketed, new/added is underlined}

APPROVAL OF MINUTES

MOTION: (Miike/Frazier)
To approve the minutes of the February 16, 2005 meeting as circulated.
UNANIMOUSLY APPROVED

SUBMITTALS

1. Request for Approval of Mr. Dean A. Nakano as Acting Deputy Director for Water Resource Management

Presentation of Submittal: Edwin Sakoda

RECOMMENDATION:

That in the interim period, until such time that the position is filled on a permanent basis, the Commission on Water Resource Management approve the appointment of Mr. Dean A. Nakano to the position of Acting Deputy Director for Water Resource Management effective as of February 10, 2005.

MOTION: (Frazier/Dela Cruz)
To approve as recommended by the Chairperson.
UNANIMOUSLY APPROVED

2. Adoption of Prototype DLNR Water Conservation Plan

Presentation of Submittal: Acting Deputy Director Nakano

RECOMMENDATION:

Staff recommends that the Commission:

1. Adopt the Prototype Water Conservation Plan for the Department of Land and Natural Resources and instruct staff to pursue opportunities for public/private partnerships to implement recommended water conservation measures at DLNR facilities, wherever possible;
2. Adopt a water conservation goal of 10% for the Department of Land and Natural Resources as a water savings "target" for future planning and implementation; and
3. Instruct Commission staff to pursue funding to facilitate completion of additional follow-on studies/assessments by each DLNR division in accordance with the recommended Facility Water Conservation Assessment Methodology.

DISCUSSION:

Commissioner Frazier commented that in Honokohau 1) water conservation is manageable but not accounted for and 2) non-potable water is not used for the right purpose.

Mr. Nakano mentioned that today's later presentation on the assessment of reuse opportunities addresses in part the issue of matching the right kind of water quality to the right kind of use.

Commissioner Whalen asked if water conservation measures are mandatory when buildings are constructed or renovated.

Mr. Nakano stated that he believes the current City building code requires or at least encourages installation of low-flush toilets. However, it was noted that there are a lot of existing facilities that don't have water conservation measures in place. Mr. Nakano stated that staff would research what the current building code requirements specify in terms of new construction.

Commissioner Whalen asked if all State agencies have water conservation as a philosophy.

Mr. Nakano stated that this is one of staff's points, regarding the need to ascertain what other agencies are doing. If this plan meets with the CWRM's approval, then staff can pursue implementation of the plan recommendations.

Commissioner Whalen was concerned that the 10% water savings "target" may be less than what could be achieved in some facilities.

Mr. Nakano stated that if you set the threshold too high, there may be reluctance or inability to achieve; for example, a 20% water savings. There are also cost considerations in trying to achieve a 20% savings. The 10% recommendation was merely a "target" that staff thought would be a reasonable starting point for implementation.

MOTION: (Miike/Whalen)
To approve as recommended by staff
UNANIMOUSLY APPROVED

NON-ACTION ITEMS

1. Status Report on the Waiahole Ditch Contested Case Hearing Remand

PRESENTATION OF NON-ACTION ITEM: Edwin Sakoda

Mr. Sakoda provided a brief update on the Waiahole Remand based on Minute Order Number 89 that was distributed to the Commissioners.

Commissioner Miike commented that he had hoped to hold the hearings sooner but Campbell Estate asked for more time for their expert studies and the Windward parties wanted adequate time to respond.

2. Update on the Public Hearing Schedule for the Iao Water Use Permit Applications

PRESENTATION OF NON-ACTION ITEM: W. Roy Hardy

Mr. Hardy announced that the public hearing is tentatively scheduled for April 22, 2005 at the Cameron Center in Wailuku. This public hearing is a continuance of the October 28, 2004 hearing. The focus of the hearing will be on what are the practicable alternatives in regards to existing uses, the duties for reasonable uses, and the burden of proof on native Hawaiian concerns.

Jane Lovell, Esq. from the County of Maui, Corporation Counsel, requested that the Commission address their Petition for Declaratory Relief. She questioned whether the Iao water use permits can be resolved without first addressing that very large amount of water that's in contention.

Mr. Nakano noted that staff has contacted the Attorney General's office on several occasions for a response to our request for a legal opinion. Staff's intention clearly was to address that matter before the commencement of the public hearing.

3. Briefing on the 2004 Hawaii Water Reuse Survey and Report

PRESENTATION OF NON-ACTION ITEM: PowerPoint presentation by Steve Parabolicoli from the The Limtiaco Consulting Group.

Mr. Parabolicoli presented survey results and an updated report on existing reuse projects statewide and opportunities for future reuse.

Commissioner Whalen asked if there were any liability concerns if the wastewater treatment plant failed. She stated that there was an issue earlier that if heavy metals made a site unacceptable, the regulatory agencies would not indemnify the users/landowners from future liability for ground-water contamination.

Mr. Parabolicoli said that he did not believe this was an issue. Recycled water is very clean; recycled water and bio-solids are tested, and with respect to heavy metals, bio-solids are within EPA's acceptable quality levels.

In response to Commissioner Whalen's concerns regarding heavy metal accumulation, Mr. Parabolicoli stated that sodium build-up would be more of an issue. Mr. Parabolicoli stated that very low levels of heavy metals are present in recycled water.

4. Status Report on the Hawaii Water Plan

PRESENTATION OF NON-ACTION ITEM: Powerpoint presentation by Acting Deputy Director Nakano

Mr. Nakano provided an update on the Hawaii Water Plan.

Commissioner Frazier commended staff on the presentation. Commissioner Frazier also recommended that a similar update briefing be made to the Counties.

George Kuo from the Honolulu Board of Water Supply (HBWS) informed the Commission that the HBWS is coordinating with State and Federal agencies regarding the update of the Oahu WUDP. A briefing on their progress will be provided to the Commission at a later date.

NEXT COMMISSION MEETINGS (TENTATIVE)

- 1. April 20, 2005
- 2. May 18, 2005

Meeting was adjourned at 10:48 a.m.

Respectfully submitted,

KATHY S. YODA

Approved as submitted:

DEAN A. NAKANO
Acting Deputy Director