

MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: December 17, 2008
TIME: 9:00 a.m.
PLACE: Kalanimoku Building
Conference Room 132

Commissioner Lawrence Miike called the meeting of the Commission on Water Resource Management to order at 9:02 a.m.

The following were in attendance and/or excused:

MEMBERS: Dr. Lawrence Miike, Ms. Meredith Ching, Mr. Neal Fujiwara, Ms. Donna Kiyosaki, Dr. Chiyome Fukino

STAFF: Ken Kawahara, Ed Sakoda, Roy Hardy, Lenore Ohye, Robert Chong, Dean Uyeno, Chui Cheng, Denise Mills

EXCUSED: Mr. James Frazier, Ms. Laura Thielen

COUNSEL: Julie China, Esq.

OTHERS: Frank J. Doyle (CCH, Environmental Services Division), Charles Lee (DOT/Hwy), Vincent Yanagita (AMEC Earth & Environmental), Russell Okoji (AMEC)

A. APPROVAL OF MINUTES

1. November 19, 2008

MOTION: (Kiyosaki/Fujiwara)

To approve the minutes.

APPROVED (Kiyosaki, Fujiwara, Miike, Ching.)

B. ANNOUNCEMENTS

Deputy Ken Kawahara stated that due to the state-wide hiring freeze, the geologist position for the instream use protection section cannot be filled.

Deputy Kawahara recognized two staff members for their years of service; Dean Uyeno with ten years and Roy Hardy with twenty years, with the Commission.

Drought Monitor Report: Deputy Kawahara said the state experienced heavy rains and flooding this past week. Although there has been some improvement in some areas, drought continues to impact most of the state.

Bureau of Reclamation (BOR), Emergency Drought Assistance: Staff transmitted four proposals and understands that the BOR is working on them.

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Stormwater Reclamation & Reuse Stakeholders Meeting: Staff conducted a statewide video conference on December 3, 2008 for stakeholders and potential partners identified in an appraisal study which was funded by the BOR. Also invited were agencies that may have an interest in the stormwater reclamation and reuse opportunities. Thirty-one entities attended the meeting on Oahu, two on Kauai, five on Maui, one on the Big Island, BOR staff participated via teleconference. The purpose of the meeting was to provide background on the appraisal study, describe the 20 opportunities appraised in the report, and seek input and comments for the purpose of prioritizing the opportunities for future feasibility studies. Staff is now holding smaller meetings with stakeholders for those opportunities that show the most promise for successful implementation.

Letters to the Editor, Honolulu Advertiser: Staff's response (to November 25 and 30 letters) was published in the Honolulu Advertiser's December 10, 2008 issue regarding the use of stormwater as an alternate supply source. Staff took the opportunity to inform readers of the Commission's efforts to explore the potential for implementing stormwater reclamation and reuse projects.

Agricultural Water Issues: Staff attended a joint briefing of the Committees for Agriculture Water, Land and Ocean Resources which provided an update on the overall status of Hawaii's agricultural industry. With respect to water, legislators were asked to clarify the Water Code and use priorities by: 1) leveling the playing field for agricultural uses and public trust purposes, and 2) encouraging the Commission to establish Interim Instream Flow Standards (IIFS) on a regional basis rather than a stream-by-stream basis.

East Maui Site Visit (Trips 1 to 4): Staff conducted site visits to various East Maui Streams to measure pre-restoration flows and post restorations flows (Agenda Item E).

Honolulu High-Capacity Transit Corridor Project: The Stream Protection and Management Branch (SPAM) staff attended a Water Resources Agency Coordination meeting. Agencies with permitting responsibilities included the Army Corps of Engineers, State Department of Health-Clean Water Branch, and National Pollutant Discharge Elimination System Permit, and CWRM.

Public Hearing – Maui: Staff conducted a public hearing for Mr. Varel, Mr. Sarsin, and the Maui Department of Water Supply (MDWS) held yesterday (12/16/08). No contested case hearing was requested and Deputy Kawahara said he hopes to have them before the Commission at January's meeting. Dr. Miike asked what the source was. Deputy Kawahara said three were Iao aquifer ground water management area and one MDWS is asking for increase in allocation for the Iao tunnel which is tied in with the contested case hearing for Na Wai Eha. Dr. Miike asked if there was a high-level ground water [surface] water permit pending. Roy Hardy stated that there is one application attempting to but staff will be recommending that it be deferred until the Na Wai Eha contested case is resolved first.

C. STREAM PROTECTION AND MANAGEMENT

1. Application for Stream Channel Alteration Permit (SCAP.2030.2), Installation of Culvert Crossing on Pohakuhonu Stream, Kilauea, Kauai, TMK: (4) 5-2-022:025

PRESENTATION BY: Robert Chong

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RECOMMENDATIONS:

That the Commission approve a Stream Channel Alteration Permit (SCAP) to install a culvert crossing on Pohakuhonu Stream, Kauai, TMK: (4) 5-2-022:025. (SCAP.2030.2) with the following condition:

The applicant shall ensure that the culverts are configured in such a manner that provides a continuous wetted surface between the stream channel and the entries and exits of the culverts. In addition, prior the end of construction activities the applicant shall provide the Commission and the Division of Aquatic Resources with photographs or digital images of both the upstream and downstream transition areas between the stream channel and culverts.

The permit shall have a term of two (2) years subject to the Commission's Standard Permit Conditions in Exhibit 6.

Dr. Miike asked to note DOH's comment about additional information needed to justify the construction of a second stream crossing at Pohakuhonu.

The applicant was not present.

MOTION: (Ching/Fujiwara)

To approve the submittal.

APPROVED. (Ching, Fujiwara, Dr. Miike, Kiyosaki)

2. After-the-Fact Application for a Stream Channel Alteration Permit, (SCAP.2061.3), Emergency Stabilization of DOT Pedestrian Bridge across Kapaka/Waimanana Stream

PRESENTATION BY: Robert Chong

RECOMMENDATION:

That the Commission approve an After-the Fact Stream Channel Alteration Permit for emergency stabilization of Department of Transportation's (DOT) pedestrian bridge across Kapaka/Waimanana Stream, Hauula, Oahu, TMK: (1) 5-3-014:003. The permit shall be subject to the Commission's standard conditions in Exhibit 6 (standard conditions 4 to 8 do not apply to this permit).

Dr. Miike asked if there was a permit for permanent construction since this is for emergency stabilization. Robert Chong said this was the same for boulder riprap and Charles Lee confirmed that it was permanent.

Commissioner Fujiwara asked Mr. Lee if DOT knew about the emergency provision that allowed this type of work. Mr. Lee said they never had this problem before to go through this process. Commissioner Fujiwara said it was mind boggling that it took nine months to go through the approval process and four days to complete the job

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MOTION: (Fujiwara/Kiyosaki)

To approve the submittal.

APPROVED. Dr. Miike, Fujiwara, Ching, Kiyosaki

D. GROUND WATER REGULATION

**1. Covanta Honolulu Resource Recovery Venture
APPLICATION FOR A WATER USE PERMIT
Facility Maintenance Wells 1 and 2 (Well Nos. 1806-09 and -10),
TMK (1) 9-1-026:030, WUP No. 863, Modify Existing (Industrial) Use to 3.34
mgd; Malakole Ground Water Management Area, Oahu**

PRESENTATION BY: Denise Mills

RECOMMENDATION:

Staff recommends that the Commission approve issuance of water use permit no. 863 to Covanta Honolulu Resource Recovery Venture for the reasonable and beneficial use of 3.34 million gallons per day of brackish water from the Facility Maintenance Wells 1 and 2 (Well Nos. 1806-09 and -10) for industrial use at the H-POWER facility. Approval should be 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.

Commissioner Kiyosaki asked if reclaimed water is referring to R1 water. Denise Mills said the City is looking at the R1 and RO (reverse osmosis) water options. Commissioner Kiyosaki said RO lines are fairly close by and the R1 water may need a longer extension. Denise Mills said she spoke to Stephen Langham and he said that they are considering both options in the draft EIS and that there is R1 water delivery to the area, however understands it's not to that property. The City is looking at reclaimed water as an alternative water source and that their objective is to move totally to reclaimed water, R1 or RO, and move away from the salt water source.

Commissioner Kiyosaki stated if R1 water can be used to service most of the needs of H-Power, it would be a real boost to reclaimed water usage. Commissioner Kiyosaki would like to see a time schedule to monitor the movement toward recycle water use so that it doesn't drag out another 10 years without serious study and thought into getting recycled water out to the H-Power plant.

Dr. Miike asked (Exhibit 4 of the submittal) why the Honolulu Resource Recovery Venture is 2.26 mgd, however the 12 month moving average is 1.428. They are asking for 1.08 but they are not really using their capacity, they're short about 0.8. Dr. Miike asked staff about Hawaiian Electric's 14.4 and it wasn't being reported. Roy Hardy explained that it's salt water and part of the well

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construction standards is that we don't require meters, hence salt water use it is not that high a priority as brackish or freshwater. However, the water below the brackish water is salt water, and we want to make sure the wells are constructed so they are not sucking salt water up into the brackish zone. Mr. Hardy said that in addition there are many injection wells so they put the salt water right back into the ground. Dr. Miike asked if the applicant could explain how they arrived at the 1.08 request when they're not using the 2.26 (using only 2/3). Frank Doyle explained that they are using the brackish water for cooling purposes, that's why they don't need that much quality water, R1 or RO, so it's basically cooling the condenser in order to take on return steam, cool it and then use the condensate for cooling tower make-up water. Dr. Miike said the use is not always at maximum use so the average is around 2/3. Mr. Doyle said the new facility will not be producing the same amount of steam as the existing two boilers, however it will produce more than that, and the water usage on that side will go up, so that's another reason for increasing the amount to the 3+ million gallons per day. Dr. Miike stated that you could actually go above the maximum of what the permit is as long as the twelve month average stays below.

Commissioner Ching asked if the aquifer is not managed by volume but by chlorides, is chloride readings requested. Denise Mills said they are required to report chloride readings with their water usage. Ms. Mills explained that the chloride range in this area is from 1,200 parts per million to over 20,000 parts per million, and that 17,000 is the threshold for salt water. H-Power wells draw water with chlorides at 17,000 to 18,000 parts per million and when pumping it's a localized effect; all the users in the area are industrial users and the chloride isn't a problem for them. There are no irrigation users in the area. Ms. Mills mentioned that the water is re-injected into this aquifer, so it's the feedback system of poor water coming out and poor quality water going back in.

Commissioner Kiyosaki asked if there was an environmental study to look at the recycled water issue; Ms. Mills confirmed that there is as one of the elements of the City's draft EIS. Commissioner Kiyosaki asked whether there was any way to monitor the movement towards recycled water use. Ms. Mills responded, not under the current standards however, one of the standards water use permit conditions for using the brackish water is that they are required to switch within six months once the water is available. Dr. Miike explained that the condition gives the Commission the authority to do that when time comes or faced with decreased [aka less sustainable yield] supply for the amount of uses. It's a way of the Commission saying that if needed the Commission can alter the permit so permittees have to use an alternative source. Ms. Mills said that one of the special conditions is on page 10 of the submittal, should an alternate source be found for this use, the Commission reserves the right to revoke the permit after the hearing. Commissioner Kiyosaki feels that no one will push reclaimed water unless the Commission does because economically, it's easier and cheaper to pump fresh water.

MOTION: (Ching/Fujiwara)

To approve the submittal.

APPROVED. (Ching, Fujiwara, Dr. Miike, Kiyosaki)

9:40 a.m.; Dr. Fukino arrived.

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E. NON-ACTION ITEMS

1. IMPLEMENTATION OF EAST MAUI INTERIM INSTREAM FLOW STANDARDS

PRESENTATION BY: Dean Uyeno

Dean Uyeno stated that this is the first update on the implementation of the East Maui interim instream flow standards (IIFS) and presented a power point on SPAM's field trips 1 through 4.

Mr. Uyeno reported that on December 4 staff briefed the Department of Agriculture and the Hawaii Farm Bureau Federation to review the whole process and the outcome of the September 25 decision, and there was a briefing at the December 12 meeting of the Board of Land and Natural Resources.

A copy of the power point is made a part of this record.

F. NEXT COMMISSION MEETINGS (TENTATIVE)

1. January 22, 2009
2. February 18, 2009

Respectfully submitted,

KATHLEEN OSHIRO
Secretary

APPROVED AS SUBMITTED:

KEN C. KAWAHARA
Deputy Director