

MINUTES

WATER BOARD
PUBLIC HEARING
ON
PROPOSED RULE TO BE ADDED TO THE DEPARTMENT OF WATER
SUPPLY'S RULES AND REGULATIONS

Royal Kona Resort - Discovery Room
August 24, 2004

MEMBERS PRESENT: Mr. Earl T. Nakashima, Chairman
Mr. Thomas Goya
Ms. Pamela Hons
Ms. Sandra Scarr
Mr. George Wilkins
Mr. Milton D. Pavao, Manager, DWS, Ex-officio Member

OTHERS PRESENT: Ms. Katherine Garson, Deputy Corporation Counsel
Mr. David Ross (9:37 a.m.)

Department of Water Supply Staff:

Mr. Quirino Antonio, Jr., Deputy Manager
Mr. Richard Tsunoda, Waterworks Controller
Mr. Dennis Lee, Chief of Operations
Mr. Glenn Ahuna, Engineering Division Head

CALL TO ORDER: 9:35 a.m.

CHAIRMAN NAKASHIMA: Good morning. Will the public hearing of the Water Board on the Proposed Amendment to the Rules and Regulations of the Department of Water Supply please come to order.

My name is Earl Nakashima, Chairman of the Water Board, and the members of the Board and staff who are here this morning are from Kona, George Wilkins, also Sandra Scarr; Thomas Goya; Pamela Hons; and our Manager, Milton Pavao.

The Water Board, under the hearing and advertising provisions, Chapters 54, Part III, and 91-3 of the Hawai'i Revised Statutes, did publish public hearing notices in the Hawaii Tribune Herald and in the West Hawaii Today on July 23 and 25, 2004.

We are here this morning to accept statements from the public on the proposed amendments to the Rules and Regulations. Thank you for coming. Is anyone going to be testifying this morning?

M. PAVAO: Yes. I sympathize with the people from Kona for driving all the way to Hilo (laughter).

S. SCARR: Mr. Chairman, I would just note that I asked a civil engineer, who lives in my subdivision that has a private water supply, to have a look at the proposed regulations. My question was are they sufficient to protect the Department but not excessive and being onerous for those residents who want to move into the Department of Water Supply system. And Dave Ross seemed to think they were pretty reasonable. I thought he might come this morning just to say that; but since he isn't here, I'll say that for him.

CHAIRMAN NAKASHIMA: Okay, we'll accept that.

K. GARSON: We have that item on the Agenda of the regular meeting.

S. SCARR: Okay.

CHAIRMAN NAKASHIMA: Okay, at this time, I'll entertain a motion that this public hearing be closed.

S. SCARR: So move.

T. GOYA: Second.

CHAIRMAN NAKASHIMA: It has been moved and seconded. All those in favor, say "aye."

BOARD MEMBERS: Unanimous ayes.

CHAIRMAN NAKASHIMA: All those opposed?

S. SCARR: There he is. (Mr. Ross joined the meeting at 9:37 a.m.)

CHAIRMAN NAKASHIMA: We haven't officially closed, so, are you signing up for testifying?

S. SCARR: Why don't we just call him up. This is David Ross. I just mentioned that I had given you these regulations to review and that, before, you thought they were fairly reasonable; but I can't really speak for you, David. You have to.

CHAIRMAN NAKASHIMA: We took the Motion. Can we?

K. GARSON: Why don't you -.

S. SCARR: We haven't voted on -. I made the Motion. I withdraw the Motion to adjourn.

CHAIRMAN NAKASHIMA: Alright. So we're back into public testimony, and we have Mr. Ross. Would you like to take a seat right over there?

D. ROSS: Right here?

CHAIRMAN NAKASHIMA: Yes. Could you tell us who you are and who you represent and your business here today.

D. ROSS: My name is David Ross. I'm a civil engineer in the State of Hawai'i, living in Kona. And I suppose I would potentially represent a private water system at the Estates at Holualoa. And having reviewed your proposed regulations, have a question or two, maybe a comment or two, about the process for accepting an existing private water system and having it reviewed so it can become part of the County system. Shall I proceed?

S. SCARR: Yes, proceed.

D. ROSS: I think when I read through the proposed Rules and Regulations, it seemed fairly straightforward and according to current standards from the Department of Water Supply. The one place where I have a few questions has to do with the owner of the existing private system submitting documents based on the construction of the system and what process would be involved if some of those documents were not complete. I personally haven't had a chance, in our own situation, to locate all the original construction drawings. I know they exist. I'm still in the research mode on those. But I know that once those are found, typically, the notes that are required when the drawings are viewed are the existing standard notes that the Water Department requires at that time. I guess the problem would come in that when the construction was done and no representative of the Water Department was present to do the actual inspection, I'm not clear on what kind of standing any private water system would have to try and provide adequate documentation about what normally a Department of Water Supply inspector might do, and have we left a door open somehow to satisfy the Water Department in that category. I'm not sure. It's been awhile since I've looked at these. I looked at them again last night 8:00. But that was the one thing I had that, you know, if we have a possible situation there was no inspection by a DWS inspector and yet we have to provide all the certification. It may be impossible to provide it. And so in that situation, what avenues are open to meet whatever requirements--an alternate way? You can't turn the clock back.

CHAIRMAN NAKASHIMA: Okay, Milton, you want to clarify that?

M. PAVAO: Typically since the 1960's, I think, 1964 or 1965, every subdivision that gets put in has to comply with the County's ordinance for a public water system. That ordinance also mentions that the Department of Water Supply shall do inspection and we normally collect .04 tenths of one percent of the construction cost of the water system. So anything from the 60's have been inspected by the Department of Water Supply. So that's really not an issue for all of the water systems.

S. SCARR: I have a question. May I ask a question? What kind of documentation, Milton, does the Department have regarding these subdivisions that did meet Department of Water Supply standards at the time they were built?

M. PAVAO: Normally, we do have as-built plans. If we don't have the plans, then the Department of Public Works should have a complete set of plans.

S. SCARR: Okay.

M. PAVAO: I don't know how long Department of Public Works keeps their plans before they purge it. I'm not sure. But we have as-builts that we normally keep. Quirino?

Q. ANTONIO: In addition, the Department of Water Supply -, because the subdivision code required that these subdivisions be provided with a water system meeting our standards, in order for that subdivision to obtain final subdivision approval, the Department of Water Supply, upon completion and inspection of the water system, will forward a letter to the Planning Department. Planning Department certified that their water system was built to our standards.

S. SCARR: Then on the list of materials to be supplied then, does it -, does this imply that in fact the Department of Water Supply will have a lot of these documents and we just need to gather them all together?

M. PAVAO: I think they -,

Q. ANTONIO: I would think -,

M. PAVAO: The intent is for the private water system owners to provide that information to us. If some information is missing, we certainly will assist in trying to locate the document if we have it. It's just worded such that the responsibility is on the owners to provide the documents. And normally, there's as-built plans that they have.

S. SCARR: Thank you. Other comments?

D. ROSS: Yeah, I wasn't aware of the practice of the Department of Water Supply to inspect the private systems.

M. PAVAO: Yeah, since the '60's.

D. ROSS: Yeah, so that was -, yeah, that's great. You guys have got your scans of all aspects of your system? So potentially, those plans would have been scanned in your digital files?

M. PAVAO: We're not quite there yet. We're starting to scan; but, you know, there are thousands of plans. We don't have everything scanned.

D. ROSS: Yeah, so we just have to check and see whether you do or not?

M. PAVAO: We have as-builts in the basement that we physically go and bring up.

D. ROSS: I see. Okay. So if we don't come up with our own as-builts, we would probably be calling you folks?

S. SCARR: Well, if we have the plans, they're in my garage. It's either your basement or my garage--we'll find out.

D. ROSS: Yeah. Okay. I think that was my primary concern, and it sounds like it's been addressed well. Thank you.

CHAIRMAN NAKASHIMA: Is that your final point then?

D. ROSS: Yeah.

CHAIRMAN NAKASHIMA: Is there anyone else in the audience wish to testify on the amendments and rules -, amendments to the Rules and Regulations for the Department of Water Supply? (none) Now to go back to my request for a motion.

S. SCARR: I move we adjourn.

T. GOYA: I second the motion.

CHAIRMAN NAKASHIMA: It has been moved and seconded this public hearing be closed. All those in favor say aye.

BOARD MEMBERS: Unanimous ayes.

CHAIRMAN NAKASHIMA: All those opposed, no? (none) Okay, motion is carried. Public hearing is closed. Thank you.

Public Hearing adjourned at 9:45 a.m.

Secretary

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