Mr. Timothy E. Johns, Director  
State of Hawaii  
Department of Land and Natural Resources  
Commission on Water Resource Management  
P.O. Box 621  
Honolulu, Hawaii 96809  

Dear Mr. Johns:

Subject: QUARTERLY REPORT FOR THE PERIOD OF January 1, 2000 TO March 31, 2000; Ref: NOTICE OF ACTION, REQUEST TO WITHDRAW NOTICE OF ACTION, OVERPUMPAGE VIOLATION OF WATER USE PERMIT WUP NO. 160 (WELL NOS. 1902-03 &04) PUULOA GROUND WATER MANAGEMENT AREA, OAHU, May 22, 1998

Please find attached the Quarterly Report for the First Quarter of 2000, as required by the subject Notice of Action.

If you have any questions or comments regarding this submittal, please feel free to contact Ross Tanimoto, Division of Environmental Quality, at 527-6754.

Sincerely,

KENNETH E. SPRAGUE  
Director

Attachment

cc: Ms. Teri Y. Kondo  
Watanabe, Ing & Kawashima, AAL  
Marshall Lum, DOH
QUARTERLY REPORT

FOR THE PERIOD OF

January 1, 2000 to March 31, 2000

Prepared for:

The State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management

Prepared by:

The Department of Environmental Services
City and County of Honolulu

April 20, 2000
ADMINISTRATIVE NOTES & COMMENTS

Per verbal request from the Commission of Water Resource Management (CWRM), the Department of Environmental Services (ENV) will continue to report on activities associated with the Wahiawa WWTP reuse efforts.

Note: All new entries during this quarter are presented in bold face.

Effluent Reuse

a. The Wahiawa WWTP NPDES permit expired in March 1994. The City is currently operating under a Consent Decree that became effective March 2, 1998. In order to meet the requirements of the Consent Decree, the City proposes to construct and complete modification to the WWTP, and discharge effluent through a deep outfall into Wahiawa Reservoir, thereby reclaiming all wastewater from the WWTP, by March 2, 2001. The final project EA was issued on May 1999 and the final PER was issued on June 1999. Public comment period on the EA ended July 23, 1999. The project was advertised on November 15, 1999 and the bid opening was on December 16, 1999. Bodell Construction was the low bidder, and will construct the following, under the projected deadlines, for $10,798,513.90:

<table>
<thead>
<tr>
<th>Facility/Process</th>
<th>Projected Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outfall Replacement</td>
<td>February 28, 2001</td>
</tr>
<tr>
<td>Sand Filters and Disinfection System</td>
<td>February 28, 2001</td>
</tr>
<tr>
<td>Secondary Clarifier Replacement</td>
<td>February 28, 2001+180days</td>
</tr>
</tbody>
</table>

The UV equipment will be furnished under a separate bid and will be installed by the contractor under the same deadline as the disinfection facility, as listed above.

The City obtained the necessary property for the project from Dole Foods on December 20, 1999. Applications for the Department of the Army permit, the CZM Program Assessment, the Section 401 Water Quality Certification, the DLNR Conservation District Use and the Stream Channel Alteration have been submitted either directly to the applicable agencies or to consultants for processing.

b. Effluent Reuse (Paragraph E), Honouliuli WWTP

1) The contract for performing baseline water quality measurements and flow modeling of the Ewa Caprock Aquifer has been awarded to Woodward-Clyde. The contract value is $550,000.

Woodward-Clyde has submitted to the City the final report for
the baseline water quality and flow modeling in Ewa aquifer on December 23, 1998. Also, included in the final report is a three dimensional model (using FEMWATER MODELING) and a post monitoring plan. A copy of this final report has been submitted to Department of Health, Wastewater Branch on December 30, 1998.

We are closing the contract and have submitted the final payment for approval. Other miscellaneous task is for Woodward Clyde to input the data base into the FEMWATER MODELING and provide training.

2) The contract with Engineering Concepts (ECI) is currently in effect. ECI was tasked with four efforts. Final billings for expenditures to date are being prepared. All tasks to be suspended. All remaining balances are to be considered to fund the operation on the demonstration trench (basically, ITEM NO. 3) and other compliance work. Currently evaluating the groundwater model for use in the demo study. First, ECI was tasked with preparing plans, specifications, and estimates for a transmission line to the City golf courses (Ewa Villages and West Loch). 60% complete design plans have been turned over to a private entity who will complete the design and construct the transmission line following execution of the RFP contract. Preliminary designs completed. Easement parcel maps and descriptions are being finalized. Task completed.

Additional funds are being incorporated in the ECI contract for design of transmission lines to city customers; these are lines which are not included within the U. S. Filter (USF) agreement.

Second, ECI has been tasked with designing a temporary disinfection system to provide secondary treated effluent for in-plant applications (R-3 USES). Compliance with the 2 mgd of beneficial effluent reuse by July 1998 will be accomplished through in-plant applications. Construction is ongoing to meet this requirement. Task completed. In-plant reuse of 2 mgd began July 1, 1998, and is continuing, effectively eliminating the need to use brackish ground water or potable water for these purposes.

Third, ECI was tasked with studying the impacts of discharging treated effluent to a demonstration pilot percolation trench. Construction of the pilot percolation trench has been completed. The final environmental document (EA) for construction of a 6.5 mgd water reclamation facility, in-plant uses of 2 mgd of reclaimed water, and the pilot percolation trench has been completed. A plan for phased testing and monitoring for the trench was prepared by ECI in June, 1999. Revised plan was prepared by ECI in August, 1999. Negotiation of fee with ECI is on-going. Start of implementation of the
plan is scheduled for November, 1999. Start of implementation will depend on resolving difficulties in fee negotiations, and is tentatively re-scheduled to the first half of 2000.

Four, ECI was tasked with developing a framework for public outreach. A final framework for public outreach was completed on April 3, 1998.

ECI is not tasked with completing environmental documents for the U. S. Filter (USF) efforts. ECI prepared a preliminary draft EA for the demonstration transmission line to Ewa Villages and West Loch Golf Course but this effort was canceled with the award of the RFP to USF.

3) We have forwarded our technical approach on a separate cover (WMC 97-846 and WMC 97-847) to DOH and EPA, respectively. The correspondences outlines our current strategies (pilot trench/in-plant, public/private partnership [RFP-028], and in-house efforts) and request approval of this approach. To date, we have not received approval from EPA. Additional correspondence was sent to EPA and DOH (DIR 99-91 and DIR 99-93, respectively) describing the on-going progress of the technical approach, and requesting EPA consideration of several outstanding issues, including approval of the reuse plan, using an annual average flow to determine compliance, and proposing a schedule adjustment for the 5 mgd requirement, as an Alternative SEP. EPA agreed to changing the schedule for the 5 mgd requirement to Sep. 30, 2000, in a letter to ENV, dated Sep. 2, 1999.

4) Award RFP-028 to U.S. Filter (USF) has been made (reference WMC 98-325) with notice to proceed issued on December 24, 1998. The objective of this project is to establish a Private/Public partnership for purposes of wastewater reclamation for a twenty (20) year duration. Generally, the scope of the RFP is to have USF design, build, and operate a reclamation facility to take 13 mgd of secondary treated effluent from the Honouliuli Wastewater Treatment Plant and market it for beneficial reuse in accordance to our schedule. Because the option to convey 2 mgd of wastewater from Wahiawa WWTP has been abandoned, USF will only have to meet 10 mgd of beneficial reuse application by July 2001. Of the 10 mgd needed to meet the schedules, 6 mgd will be provided to the City for its use (2 mgd to Ewa Villages and West Loch golf courses, 2 mgd in plant, and 2 mgd for other City purposes) by July 1, 2001. In June, 1999, USF mobilized at the Honouliuli WWTP site, and began initial grading work. Foundation work started in July, 1999. As of March 31, 2000, plant construction was 70% complete, and distribution system construction was 80% complete. Construction of the R-1 plant and distribution system is due to be completed by August 2000.
U.S. Filter has ongoing discussions with other irrigation and industrial users and is confident that customers can be secured. U.S. Filter reports they have signed contracts with initial industrial customers for "RO" water (purified water treated by microfiltration/reverse osmosis). As of December 31, 1999, the public outreach program led by U.S. Filter is in progress, with the production of information brochures and community newsletters. The City is continuing preparation for the August, 2000, start-up. An irrigation specialist was hired on a short contract in January 2000, to evaluate retrofit needs for existing irrigation systems at the West Loch and Ewa Villages Golf Courses, and the owner association common areas served by these systems. Submittal of application to DOH for approval of these reuse areas is scheduled for second quarter, 2000.
<table>
<thead>
<tr>
<th>TO:</th>
<th>INIT.</th>
<th>TO:</th>
<th>INIT.</th>
<th>FOR:</th>
<th>PLEASE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAUER, G.</td>
<td></td>
<td>LUM, A.</td>
<td></td>
<td>Approval</td>
<td>See Me</td>
</tr>
<tr>
<td>CHING, F.</td>
<td></td>
<td>NAKANO, D.</td>
<td></td>
<td>Signature</td>
<td>Review &amp; Comment</td>
</tr>
<tr>
<td>FUJII, N.</td>
<td></td>
<td>OHYE, M.</td>
<td></td>
<td>Information</td>
<td>Take Action</td>
</tr>
<tr>
<td>HIGA, D.</td>
<td></td>
<td>SAKODA, E.</td>
<td></td>
<td></td>
<td>Type Draft</td>
</tr>
<tr>
<td>HIRANO, E.</td>
<td></td>
<td>SUBIA, S.</td>
<td></td>
<td></td>
<td>Type Final</td>
</tr>
<tr>
<td>ICE, C.</td>
<td></td>
<td>SWANSON, S.</td>
<td></td>
<td></td>
<td>File</td>
</tr>
<tr>
<td>IMATA, R.</td>
<td></td>
<td>UWaine, J.</td>
<td></td>
<td></td>
<td>Xerox ___ copies</td>
</tr>
<tr>
<td>JINNAI, R.</td>
<td></td>
<td>UYENO, D.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JOHNS, T.</td>
<td></td>
<td>YODA, K.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KUNIMURA, I.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I have a copy for my water-use files.
August 17, 1998

Mr. Edwin Sakoda, Acting Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Sakoda:

Subject: Monthly Ground Water Use Report for Well Nos. 1902-03 & 04

Submitted for your information is the Monthly Ground Water Use Report for July 1998. Every month, ground water is used only for in-plant operations at the Honolulu Wastewater Treatment Plant.

The Interim Water Use Permit Number 473, which expired on July 31, 1998, allowed the City to pump 1.50 mgd from well nos. 1902-03 & 04. The City still has Water Use Permit Number 160, which allows us to pump 0.50 mgd from the same wells. Currently, the brackish water system from the groundwater wells is disconnected, but can be reconnected for future use if required. We are using about 1.5 mgd of reuse water for in-plant operations.

If you have any questions, please contact Keith Sugihara from the Division of Environmental Quality at 523-4938.

Sincerely,

KENNETH E. SPRAGUE
Director
### MONTHLY GROUND WATER USE REPORT

City and County of Honolulu, Dept. of Wastewater Management  
650 S. King St.  
Honolulu, Hawaii 96813  

Month of **July** 1998

**INSTRUCTIONS:** Please TYPE OR PRINT CLEARLY. Complete this form to report total monthly ground water use, and if required, other information from each of your well sources. Mail to: Commission on Water Resource Management, P.O. Box 621, Honolulu HI 96809. For assistance, please call (808) 587-0284.

<table>
<thead>
<tr>
<th>State &amp; Well No.</th>
<th>Well Name</th>
<th>Period (mm/dd/yy)</th>
<th>Quantity Pumped (gallons)</th>
<th>Method of Measurement</th>
<th>Chloride (mg/l)</th>
<th>Temp. (°F)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1902-03 &amp; 04</td>
<td>Honolulu STP 1 &amp; 2</td>
<td>07/01/98 to 07/31/98</td>
<td>742,100</td>
<td>meter</td>
<td>340 (pump#1)</td>
<td>77.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>340 (pump#2)</td>
<td></td>
<td>74.3</td>
</tr>
</tbody>
</table>

- **Flow meter, electrical consumption, weir of flume, not metered (estimated).**  
- Measurement should be taken while pump is NOT running just prior to a pumping cycle; if measurement is taken while pump is running, please indicate so.

Other comments or additional information (e.g. - date and method of chloride measurement; how pumpage amounts are estimated; etc...):

Chloride measurements taken on 7/6/98.

Submitted by (print) **Keith Sugihara**  
Signature **(signature)**  
Title **ENV-Division of Environmental Quality**  
Date **8/4/98**
August 17, 1998

Mr. Edwin Sakoda, Acting Deputy Director  
Commission on Water Resource Management  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Sakoda:

Subject: Monthly Ground Water Use Report for Well Nos. 1902-03 & 04

We have read the terms and conditions of these permits and are submitting a signed Water Use Permit No. 160 and Water Use Permit No. 473 for Well Nos. 1902-03 & 04 for your information. Well Nos. 1902-03 & 04 are located on the grounds of the Honouliuli Wastewater Treatment Plant.

If you have any questions, please contact Keith Sugihara from the Division of Environmental Quality at 523-4938.

Sincerely,

Cheryl K. Okuma-Sepe  
Deputy Director

Attachment
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King St.  
Honolulu, HI 96813

Dear Mr. Sprague:

Approval of Water Use Permit for Well Nos. 1902-03 & 04  
Puuloa Ground Water Management Area, Oahu

This letter transmits your modified permanent water use permit for Honouliuli STP 1 & 2 Wells (Well Nos. 1902-03 & 04) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis for in-plant process water, landscape irrigation, and emergency backup use that was approved by the Commission on Water Resource Management (Commission) on April 15, 1998. As part of the Commission's approval, the following special conditions were added and are part of your permit under Standard Permit Condition 20:

**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.

Enclosed with this letter of approval are the following:

1. Your water use permit
2. Your official monthly water use report form

Please be sure to read the conditions of your approved permit. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.

Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Puuloa Ground Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

If you have any questions, please call the Commission staff at 587-0218.

Aloha,

[Signature]

for: MICHAEL D. WILSON  
Chairperson

Attachments
### GROUND WATER USE PERMIT

**WUP NO. 160**

**PERMITTEE**

<table>
<thead>
<tr>
<th>Applicant/Water User</th>
<th>Landowner of Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Address</td>
</tr>
<tr>
<td>DEPARTMENT OF WASTEWATER MANAGEMENT</td>
<td>DEPARTMENT OF WASTEWATER MANAGEMENT</td>
</tr>
<tr>
<td>650 SOUTH KING ST.</td>
<td>650 SOUTH KING ST.</td>
</tr>
<tr>
<td>HONOLULU, HI 96813</td>
<td>HONOLULU, HI 96813</td>
</tr>
</tbody>
</table>

**PERMITTED SOURCE INFORMATION**

<table>
<thead>
<tr>
<th>Island</th>
<th>OAHU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>PUULOA</td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>EWA CAPROCK</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>PUULOA</td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>NA</td>
</tr>
<tr>
<td>Well Name</td>
<td>HONOUILIULI STP 1 &amp; 2</td>
</tr>
<tr>
<td>State Well No.</td>
<td>1902-03 &amp; 04</td>
</tr>
</tbody>
</table>

**PERMITTED USE INFORMATION**

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>IN-PLANT PROCESS WATER, IRRIGATION, EMERGENCY BACKUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>0.500 mgd</td>
</tr>
<tr>
<td>Chloride Cap</td>
<td>1,000 mg/l</td>
</tr>
<tr>
<td>Location of water use</td>
<td></td>
</tr>
<tr>
<td>TMK #</td>
<td>9-1-13:7</td>
</tr>
<tr>
<td>Address</td>
<td>91-1501 GEIGER RD.</td>
</tr>
<tr>
<td>State land use classification</td>
<td>URBAN</td>
</tr>
<tr>
<td>County zoning classification</td>
<td>R-5</td>
</tr>
</tbody>
</table>

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

4. The ground water use here must not interfere with surface or other ground water rights or reservations.

5. The ground water use here must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and submittal, as amended, approved by the Commission at its April 15, 1998 meeting are incorporated into this permit by reference.

8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.

9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. Protect the water sources (quantity or quality);
   b. Meet other legal obligations including other correlative rights;
   c. Insure adequate conservation measures;
   d. Require efficiency of water uses;
   e. Reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
   f. Meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
   g. Carry out such other necessary and proper exercise of the State's and the Commission's police powers under law as may be required.

   Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

10. If the ground water source does not presently exist, the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

11. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis (attached).

12. This permit shall be subject to the Commission's periodic review of the PUULOA Aquifer System's sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the PUULOA Aquifer System, or relevant modified aquifer(a), is reduced.
13. A permit may be transferred, in whole or in part, from the permittee to another, if:
   a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of the use, remain the same; and
   b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit. A transfer which involves a change in any condition of the permit, including a change in use covered in HRS § 174C-57, is also invalid and constitutes a ground for revocation.

14. The use(s) authorized by law and by this permit do not constitute ownership rights.

15. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee's water use.

16. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservation, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period of forfeiture.

17. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the PUULOA Ground Water Management Area.

18. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-167-3(6). The final determination of the water use quantity shall be made within five years of the filing of the application.

19. The water use permit shall be subject to the Commission's establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.

20. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

21. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: [Signature] Date: AUG 14 1998

Printed Name: KENNETH E. SPRAGUE, DIRECTOR Firm or Title: 

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.

Attachment
Mr. Kenneth E. Sprague  
City and County of Honolulu  
650 South King Street  
Honolulu, HI 96813

Dear Mr. Sprague:

Approval of Water Use Permit for Well Nos. 1902-03 & 04  
Puuloa Ground Water Management Area, Oahu

This letter transmits your interim water use permit for Honouliuli STP 1 & 2 Wells (Well Nos. 1902-03 & 04) for use of 1,500 million gallons per day (mgd) of water on a 12-month moving average basis for washdown/processing and landscape irrigation use that was approved by the Commission on Water Resource Management (Commission) on April 15, 1998. As part of the Commission's approval, the following special conditions were added and are part of your permit under Standard Permit Condition 20:

Special Conditions

1. The duration of the permit shall be to July 30, 1998.
2. 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.
3. 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.

Enclosed with this letter of approval are the following:

1. Your water use permit
2. Your official monthly water use report form

Please be sure to read the conditions of your approved permit. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.

Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the PUULOA Ground Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

If you have any questions, please call the Commission staff at 587-0218.

Aloha,

[Signature]

for: MICHAEL D. WILSON  
Chairperson

Attachments
GROUND WATER USE PERMIT
WUP NO. 473

PERMITTEE

Applicant/ Water User

Address: DEPARTMENT OF WASTEWATER MANAGEMENT
650 SOUTH KING STREET
HONOLULU, HI  96813

Landowner of Source

Address: DEPARTMENT OF WASTEWATER MANAGEMENT
650 SOUTH KING STREET
HONOLULU, HI  96813

PERMITTED SOURCE INFORMATION

<table>
<thead>
<tr>
<th>Island</th>
<th>OAHU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>PUULEOA</td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>EWA CAPROCK</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>PUULEOA</td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>NA</td>
</tr>
<tr>
<td>Well Name</td>
<td>HONOULULEI STP 1 &amp; 2</td>
</tr>
<tr>
<td>State Well No.</td>
<td>1902-03 &amp; 04</td>
</tr>
</tbody>
</table>

PERMITTED USE INFORMATION

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>WASHDOWN/PROCESSING, IRRIGATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>1.500 mgd</td>
</tr>
<tr>
<td>Location of water use</td>
<td></td>
</tr>
<tr>
<td>TMK #</td>
<td>9-1-13 : 07</td>
</tr>
<tr>
<td>Address</td>
<td>91-1501 GEIGER ROAD</td>
</tr>
<tr>
<td>State land use classification</td>
<td>URBAN</td>
</tr>
<tr>
<td>County zoning classification</td>
<td>R-5</td>
</tr>
</tbody>
</table>

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
GROUND WATER USE PERMIT
Department of Wastewater Management, Well Nos. 1902-03 & 04, WUP No. 473

1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

4. The ground water use here must not interfere with surface or other ground water rights or reservations.

5. The ground water use here must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and submittal, as amended, approved by the Commission at its April 15, 1998 meeting are incorporated into this permit by reference.

8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.

9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. protect the water sources (quantity or quality);
   b. meet other legal obligations including other correlative rights;
   c. insure adequate conservation measures;
   d. require efficiency of water uses;
   e. reserve water for future uses, provided that all existing uses of water as of June, 1987 shall be protected;
   f. meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
   g. carry out such other necessary and proper exercise of the State's and the Commission's police powers under law as may be required.

Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

10. If the ground water source does not presently exist, the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

11. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis (attached).

12. This permit shall be subject to the Commission's periodic review of the PUULOA Aquifer System's sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the PUULOA Aquifer System, or relevant modified aquifer(s), is reduced.
13. A permit may be transferred, in whole or in part, from the permittee to another, if:
   a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of the use, remain the same; and
   b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit. A transfer which involves a change in any condition of the permit, including a change in use covered in HRS § 174C-57, is also invalid and constitutes a ground for revocation.

14. The use(s) authorized by law and by this permit do not constitute ownership rights.

15. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee's water use.

16. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservation, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period of forfeiture.

17. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the PUULOA Ground Water Management Area.

18. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-167-3(6). The final determination of the water use quantity shall be made within five years of the filing of the application.

19. The water use permit shall be subject to the Commission's establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.

20. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

21. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: [Signature]

Date: AUG 14 1998

Printed Name: KENNETH E. SPRAGUE, DIRECTOR

Firm or Title: 

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.
MONTHLY GROUND WATER USE REPORT

Department of Wastewater Management
650 South King St.
Honolulu, HI 96813

Month of ________, 19__

INSTRUCTIONS: Please TYPE OR PRINT CLEARLY. Complete this form to report total monthly ground water use, and, if required, other information from each of your well sources. Mail to: Commission on Water Resource Management, P.O. Box 621, Honolulu HI 96809. For assistance, please call (808) 587-0264.

<table>
<thead>
<tr>
<th>State Well No.</th>
<th>Well Name</th>
<th>Period Begin Date (mm/dd/yy)</th>
<th>Period End Date (mm/dd/yy)</th>
<th>Quantity Pumped (gallons)</th>
<th>Method* of Measurement</th>
<th>Chloride (mg/l)</th>
<th>Temp. (°F)</th>
<th>Non-Pumping Water Level (ft. above mean) **</th>
</tr>
</thead>
<tbody>
<tr>
<td>1902-03 &amp; 04</td>
<td>Honouliuli STP 1 &amp; 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* - Flow meter, electrical consumption, weir of flume, not metered (estimated).
** - Measurement should be taken while pump is NOT running just prior to a pumping cycle; if measurement is taken while pump is running, please indicate so.

Other comments or additional information (e.g. - date and method of chloride measurement; how pumpage amounts are estimated; etc...):

Submitted by (print) ___________________________ 
Title ___________________________ 
Signature ___________________________ 
Date ___________________________ 

Form mgwurf.frm (10/96)
STATE OF HAWAII
COMMISSION ON WATER RESOURCE MANAGEMENT
DEPARTMENT OF LAND AND NATURAL RESOURCES

MONTHLY GROUND WATER DELIVERY REPORT
(INFORMATION TO BE USED BY U.S. GEOLOGICAL SURVEY)

Department of Wastewater Management
650 South King Street
Honolulu, HI 96813

Month of _____, 19__

INSTRUCTIONS: Please TYPE OR PRINT CLEARLY. Complete this form to report total monthly ground water use and other information from each of your well sources. Mail to: Commission on Water Resource Management, P.O. Box 621, Honolulu HI 96809. For assistance, please call (808) 587-0264.

<table>
<thead>
<tr>
<th>State Well No.</th>
<th>Delivery Begin Date (mm/dd/yy)</th>
<th>Delivery End Date (mm/dd/yy)</th>
<th>Quantity Delivered (gallons)</th>
<th>Type of Use*</th>
<th>Field No(s)</th>
<th>Acres Irrigated</th>
<th>Crop Type</th>
<th>Method of Measurement**</th>
</tr>
</thead>
<tbody>
<tr>
<td>1902-03 &amp; 04</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Use of water code:
AQ: Aquaculture  A: Agriculture non-irrigation use (livestock, cane wash, etc.)
C: Commercial   I: Industrial-manufacturing, construction, etc.
D: Domestic     H: Hydroelectric power generation - indicate KWH of power generated
ID: Irrigation - Drip F: Fuel power generation - cooling
IF: Irrigation - Furrow
IS: Irrigation - Sprinkle

** For estimated values use code:
P: Power consumption
T: Total time of operation
D: Comparison with past data
X: Other means - (indicate method)

Other comments or additional information:

Submitted by (print) ___________________________  Title ___________________________
Signature ____________________________________  Date ___________________________
<table>
<thead>
<tr>
<th>TO:</th>
<th>INIT.</th>
<th>TO:</th>
<th>INIT.</th>
<th>FOR:</th>
<th>PLEASE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAUER, G.</td>
<td></td>
<td>LUM, A.</td>
<td></td>
<td>Approval</td>
<td>See Me</td>
</tr>
<tr>
<td>CHING, F.</td>
<td></td>
<td>NAKAMA, L.</td>
<td></td>
<td>Signature</td>
<td>Review &amp; Comment</td>
</tr>
<tr>
<td>FUJII, N.</td>
<td></td>
<td>NAKANO, D.</td>
<td></td>
<td>Information</td>
<td>Take Action</td>
</tr>
<tr>
<td>HARDY, R.</td>
<td></td>
<td>OHYE, M.</td>
<td></td>
<td></td>
<td>Type Draft</td>
</tr>
<tr>
<td>HIGA, D.</td>
<td></td>
<td>SAKODA, E.</td>
<td></td>
<td></td>
<td>Type Final</td>
</tr>
<tr>
<td>HIRANO, E.</td>
<td></td>
<td>SUBIA, S.</td>
<td></td>
<td></td>
<td>File</td>
</tr>
<tr>
<td>ICE, C.</td>
<td></td>
<td>SWANSON, S.</td>
<td></td>
<td></td>
<td>Xerox</td>
</tr>
<tr>
<td>IMATA, R.</td>
<td></td>
<td>UWAINI, J.</td>
<td></td>
<td></td>
<td>10 copies</td>
</tr>
<tr>
<td>JINNAI, R.</td>
<td></td>
<td>UYENO, D.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JOHNS, T.</td>
<td></td>
<td>YODA, K.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KUNIMURA, I.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

pes. record.
July 16, 1998

Mr. Edwin Sakoda, Acting Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
P.O. BOX 621
Honolulu, Hawaii 96809

Dear Mr. Sakoda:

Subject: Monthly Ground Water Use Report for Well Nos. 1902-03 & 04

Submitted for your information is the Monthly Ground Water Use Report for June 1998. Every month, ground water is used only for in-plant operations at the Honolulu Wastewater Treatment Plant.

Starting on July 1, 1998 and thereafter, we will be using about 2.1 mgd of reuse water for in-plant operations and we will also be implementing the Water Shortage Plan for groundwater use permit No. 160 (letter no. WMC 98-296 dated March 25, 1998). The brackish water system from the groundwater wells has been disconnected, but can be reconnected for future use if required.

If you have any questions, please contact Keith Sugihara from the Division of Environmental Quality at 523-4938.

Sincerely,

KENNETH E. SPRAGUE
Director

Attachment
## Monthly Ground Water Use Report

City and County of Honolulu, Dept. of Wastewater Management
650 S. King St.
Honolulu, Hawaii 96813

Month of June, 1998

### INSTRUCTIONS: Please TYPE OR PRINT CLEARLY.
Complete this form to report total monthly ground water use, and, if required, other information from each of your well sources. Mail to: Commission on Water Resource Management, P.O. Box 621, Honolulu HI 96809. For assistance, please call (808) 587-0264.

<table>
<thead>
<tr>
<th>State Well No.</th>
<th>Well Name</th>
<th>Period Begin Date</th>
<th>Period End Date</th>
<th>Quantity Pumped (gallons)</th>
<th>Method of Measurement</th>
<th>Chloride (mg/l)</th>
<th>Temp (°F)</th>
<th>Non-Pumping Water Level (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1902-03 &amp; 04</td>
<td>Honolulii STP 1 &amp; 2</td>
<td>6/1/98</td>
<td>6/30/98</td>
<td>12,005,300</td>
<td>meter</td>
<td>530 (pump#1)</td>
<td>69.5</td>
<td>42.5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>385 (pump#2)</td>
<td>61.7</td>
<td>36.5</td>
<td></td>
</tr>
</tbody>
</table>

* Flow meter, electrical consumption, weir of flume, not metered (estimated).
* Measurement should be taken while pump is NOT running just prior to a pumping cycle; if measurement is taken while pump is running, please indicate so.

Other comments or additional information (e.g. - date and method of chloride measurement; how pumping amounts are estimated; etc...):

Chloride measurements taken on 6/1/98.

Submitted by (print)  Keith Sugihara  
Title  ENV-Division of Environmental Quality  
Signature  Keith Sugihara  
Date  7/7/98
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King St.  
Honolulu, HI 96813

Dear Mr. Sprague:

NOTICE OF ACTION
REQUEST TO WITHDRAW NOTICE OF ACTION, OVERPUMPAGE VIOLATION OF WATER USE PERMIT WUP NO. 160 (WELL NOS. 1902-03 & 04) PUULOA GROUND WATER MANAGEMENT AREA, OAHU

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on your request to withdraw the Notice of Action, Overpumpage Violation of WUP No. 160. The following was approved by a unanimous vote of the Commission at its meeting of May 20, 1998:

Based upon subsequent discussions with counsel, the staff is satisfied with the City's representation of the impact of the Notice of Violation (NOV) on wastewater reclamation efforts as stated in their letter of May 12, 1998 (Exhibit 14). This is a unique situation in that a NOV could constitute a hindrance to the larger resource management goal of successfully reusing wastewater. The Commission has the discretion to set terms of penalties and withdrawals, and the withdrawal of this NOV is not intended to impact any future NOVs. The staff's major concerns are: 1) reaffirming that a violation did occur, and 2) the precedence that reversing an earlier CWRM decision would set. Staff recognizes that the actual violation and NOV are separate and withdrawing the NOV does not change the Commission's original finding that a violation occurred. As such, pursuant to the settlement agreement and in the interests of our working relationship with DWM and the furtherance of wastewater reuse in the Ewa Plain, the staff recommends that the Commission:

1. Reaffirm the finding of violation of WUP No. 160 for pumping above the allocation limit.
2. Withdraw without prejudice the Notice of Violation, according to the terms for withdrawal without prejudice as outlined in Exhibit 14, as follows:

   a. If any quarterly report is not provided to the Commission within five working days after such report is provided to the DOH, the Commission may send a written demand for such report to DWM. If DWM does not provide the Commission with either such report or an adequate justification for withholding the report, within five working days after receipt of the written demand, the Commission may, at a Commission meeting or public hearing at which the matter is scheduled for disposition, reinstate the Notice of Violation, including the original fine of $174,000. The Notice of Violation may not be reinstated for any other cause.

   b. On April 20, 1999, the Notice of Violation will be deemed withdrawn with prejudice without further action by the Commission.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

TIMOTHY E. JOHNS
Deputy Director

LN:ss
(Handed out at the 5/20/98 CWRM meeting)

STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

May 20, 1998
Honolulu, Hawaii

REQUEST TO WITHDRAW NOTICE OF ACTION,
OVERPUMPAGE VIOLATION OF
WATER USE PERMIT WUP NO. 160 (WELL NOS. 1902-03 & 04)
PUUOLA GROUND WATER MANAGEMENT AREA, OAHU

AMENDED RECOMMENDATION:

Based upon subsequent discussions with counsel, the staff is satisfied with the City's representation of the impact of the Notice of Violation (NOV) on wastewater reclamation efforts as stated in their letter of May 12, 1998 (Exhibit 14). This is a unique situation in that a NOV could constitute a hindrance to the larger resource management goal of successfully reusing wastewater. The Commission has the discretion to set terms of penalties and withdrawals, and the withdrawal of this NOV is not intended to impact any future NOVs. The staff's major concerns are: 1) reaffirming that a violation did occur, and 2) the precedence that reversing an earlier CWRCM decision would set. Staff recognizes that the actual violation and NOV are separate and withdrawing the NOV does not change the Commission's original finding that a violation occurred. As such, pursuant to the settlement agreement and in the interests of our working relationship with DWM and the furtherance of wastewater reuse in the Ewa Plain, the staff recommends that the Commission:

1. Reaffirm the finding of violation of WUP No. 160 for pumping above the allocation limit.

2. Withdraw without prejudice the Notice of Violation, according to the terms for withdrawal without prejudice as outlined in Exhibit 14, as follows:

   a. If any quarterly report is not provided to the Commission within five working days after such report is provided to the DOH, the Commission may send a written demand for such report to DWM. If DWM does not provide the Commission with either such report or an adequate justification for withholding the report, within five working days after receipt of the written demand, the Commission may, at a Commission meeting or public hearing at which the matter is scheduled for disposition, reinstate the Notice of Violation, including the original fine of $174,000. The Notice of Violation may not be reinstated for any other cause.

   b. On April 20, 1999, the Notice of Violation will be deemed withdrawn with prejudice without further action by the Commission.
REQUEST TO WITHDRAW NOTICE OF ACTION,
OVERPUMPAGE VIOLATION OF
WATER USE PERMIT WUP NO. 160 (WELL NOS. 1902-03 & 04)
PULUOA GROUND WATER MANAGEMENT AREA, OAHU

REQUESTOR:

Kenneth E. Sprague, Director
Department of Wastewater Management (DWM)
650 South King Street
Honolulu, HI 96813

BACKGROUND:

On March 15, 1990, the Commission on Water Resource Management (Commission) approved a water use permit and well construction permit for Well No. 1902-03 for in-plant process water for the Honouliuli Wastewater Treatment Plant (WWTP) for 0.5 million gallons per day (mgd) based on a 12 month moving average (12-MAV).

On December 8, 1993, the Commission voted to approve an administrative amendment of the water use permit to include Well No. 1902-04 as a backup source.

On June 20, 1996, the Commission staff informed the DWM that reported pumpage showed the 12-MAV was in excess of the 0.5 mgd allocation that was approved for the source. The staff requested that DWM provide an explanation for the overpumpage and an estimate for the length of time needed to come into compliance with the water use permit allocation by July 15, 1996 (Exhibit 1).

On July 19, 1996, DWM submitted their response, outlining some major expansion and process changes at the WWTP over the last two (2) years that had caused water usage to increase. DWM's letter stated that their planned construction of an effluent reuse facility would greatly reduce water usage at the plant, and in the interim, DWM would be submitting a request to the Commission for an addition 0.5 mgd to meet the plant's then-current water needs (Exhibit 2).
On July 30, 1996, the Commission staff sent a water use permit application form to DWM for the increase in water use according to DWM's July 19, 1996 letter, requesting that the application form be completed and returned within thirty (30) days (Exhibit 3).

On February 21, 1997, the Commission staff sent a second notice of the overpumpage violation and requested that DWM respond to the Commission's July 30, 1996 letter (Exhibit 4).

On March 12, 1997, DWM submitted their response, dated March 10, 1997, to the Commission's first notice of overpumpage violation, indicating that as of October 4, 1996, daily withdrawals were reduced to less than 0.5 mgd by supplementing WWTP needs with potable water and by reducing or eliminating treatment processes that were not then considered critical. DWM stated that they made a request for an additional 0.5 mgd in August, 1996. DWM acknowledged that, because the method of compliance incorporates the 12-MAV, DWM would remain noncompliant to at least October, 1997. However, DWM stated their belief that they were now in compliance with their 0.5 mgd allocation because current monthly total withdrawals were being limited to less than 0.5 mgd (Exhibit 5).

On April 7, 1997, the Commission staff clarified that no application to increase water use had been submitted, contrary to the statement made in DWM's letter of March 10, 1997, and that, if DWM still wished to increase water usage by an additional 0.5 mgd, the application form that was previously transmitted on July 30, 1996 should be completed and returned (Exhibit 6).

On May 9, 1997, the Commission staff faxxed Item 5 of the May 14, 1997 Commission agenda to Kenneth Sprague, DWM Director and Mark Morita, Deputy Corporation Counsel. Item 5 included recommendations that the Commission:

a. Find DWM in violation of WUP No. 160 for exceeding their allocation limit.

b. Impose a fine of $500 per day for the overpumpage violation for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000). In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by July 30, 1999.

At a regular meeting on May 14, 1997, the Commission voted unanimously to approve the above staff recommendations.

On June 5, 1997, the Commission staff notified DWM of the May 14, 1997 Commission action. The Notice of Action requested that DWM either inform us within thirty (30) days of a reasonable timeframe for submittal of construction plans and schedule if the alternative to paying the fine was chosen, or pay the fine within thirty (30) days (Exhibit 7).

On July 8, 1997, the Commission received a Motion for Reconsideration of the May 14, 1997 action. (Three other actions were also filed: 1) Notice of Appeal (Hawaii Supreme Court) received July 7, 1997; 2) Notice of Appeal (First Circuit Court) filed July 7, 1997; and 3) Complaint; Summons (First Circuit Court) filed July 7, 1997).
On July 16, 1997, the water use permit document was issued to DWM (Exhibit 8).

On July 23, 1997, the Commission received a Petition for Contested Case Hearing.

On October 22, 1997, the Commission voted to approve the following:

1. Dismissal of the Motion for Reconsideration because the Administrative Rules of the State Water Code do not provide for reconsideration except where there already has been a contested case.
2. Dismissal of the Petition for Contested Case Hearing as untimely.
3. Direct the Commission staff to work with the Department of Wastewater Management to look at different methods for determining the amount of the fine.

The Commission requested the staff to work with DWM to negotiate a settlement of the fine and report back to them at their next regular meeting on Oahu.

In a letter dated October 30, 1997, the Commission notified DWM of the October 22, 1997 action.

On November 26, 1997, DWM filed an appeal to the Supreme Court from the dismissal of the Motion for Reconsideration and Petition for Contested Case Hearing.

On December 23, 1997, the Commission staff met with Maile Chun, Deputy Corporation Counsel (DCC), and Nic Musico of DWM staff to discuss the settlement of the fine. Staff's understanding of the terms of the negotiated agreement are set forth in a letter dated January 9, 1998 from the Commission staff to DWM (Exhibit 9).

On January 8, 1998, staff reported to the Commission that a negotiated settlement had been reached.

In a letter dated January 22, 1998, DWM submitted their understanding of the discussion and the agreement that was reached on December 23, 1997 (Exhibit 10). The Commission staff did not concur with DWM's understanding of the meeting discussion nor agreement as outlined in Exhibit 10. Rather than responding, the matter was then handled between counsel for each agency.

On February 20, 1998, pursuant to discussions between the DCC and the Commission's Deputy Attorney General (DAG), DCC submitted a follow-up letter to further clarify their understanding of the agreement (Exhibit 11) to DAG. A draft of this letter had been reviewed by staff but our comments were not incorporated into the final letter. Therefore, Commission staff did not concur with DCC's understanding of the agreement as outlined in Exhibit 11. The Commission staff opined that the alternative had met the terms of sanctions for the violations and, further, Commission action was required to withdraw the notice of violation.

In a letter dated February 23, 1998 and received by staff on February 26, 1998, the DAG concurred with DWM's understanding as outlined in Exhibit 11 (Exhibit 12). Staff did not realize that our comments had not been incorporated into the DCC letter to DAG.

On March 17, 1998, the Commission received a stipulation for dismissal with prejudice of all claims and parties related to the appeal from the dismissal of the motion for reconsideration and petition for contested case hearing.
On March 19, 1998, the Commission received a stipulation for dismissal with prejudice of all claims and parties related to the Supreme Court appeal from the May 14, 1997 decision.

In a letter dated March 24, 1998 to the DAG, DCC requested that the CWRM withdraw the notice of violation at the next regularly scheduled meeting or Executive Session, pursuant to the agreement reached between the DCC and DAG (Exhibit 13).

In a letter dated May 12, 1998, DWM submitted a request that the Commission take action at the May 20, 1998 meeting to withdraw the Notice of Action Overpumpage Violation, with no fine or penalty being assessed against the DWM (Exhibit 14).

ANALYSIS/ISSUES:

The staff finds and has repeatedly held that the penalty for the overpumpage violation has been satisfied by 1) DWM's submittal on December 23, 1997 of detailed construction plans and schedule for R-1 water and 2) the submittal of the Department of Health quarterly reports. As such, no further Commission action is necessary. This matter has been discussed at length with counsel and the DWM. However, DWM has insisted that the Commission notice of violation be withdrawn, which was never agreed to by staff nor is it possible for staff to rescind a Commission decision. Staff requested DWM to provide new information to show why the violation should be withdrawn which would show hardship or impediment towards implementing wastewater reuse before the matter went back to the Commission.

DWM has submitted new information regarding the implication of the violation on current reuse efforts (Exhibit 14). DWM has stated that the Notice of Violation must be withdrawn in order that there will be no cloud on the title.

According to DWM, "The City must obtain clear title to the Honouliuli Wastewater Treatment Plant property to undertake its beneficial effluent reuse project in order to permit a non-governmental contractor to develop, finance, design, construct, test, operate, and maintain a wastewater reclamation facility."

Staff believes more information should be provided before the Commission reverses its prior decision on the violation. Specifically, this information should clearly show that the Notice of Violation will hinder wastewater reuse efforts.

RECOMMENDATION:

In the interests of furthering wastewater reuse in the Ewa Plain, the staff recommends that the Commission agree to the terms of withdrawal as stated on Page 2 of Exhibit 14, provided that the following questions and concerns are adequately addressed by DWM:

1. For the record, DWM should cite the specific law, rule, or contract language wherein the requirement for clear title is made and the Notice of Violation hinders this requirement.

2. DWM should identify the specific consequence to DWM's reuse efforts if the Notice of Violation is not withdrawn.
3. The specific date when the title must be cleared. (It appears that a withdrawal without prejudice until April 20, 1999 would still constitute a cloud on the title.)

4. The proposed agreement be amended to specify that DWM waives their right to object or request a contested case hearing should a recommendation to reinstate the Notice of Violation be submitted because of DWM's failure to provide timely quarterly reports.

Respectfully submitted,

EDWIN T. SAKODA
Acting Deputy Director

Exhibit(s): 1 (June 20, 1996 Letter from Rae M. Loui to Felix Limtiaco)
2 (July 18, 1996 Letter from Felix B. Limtiaco to Rae M. Loui)
3 (July 30, 1996 Letter from Rae M. Loui to Felix Limtiaco)
4 (February 21, 1997 Letter from Rae M. Loui to Ken Sprague)
5 (March 10, 1997 Letter from Kenneth E. Sprague to Rae Loui)
6 (April 7, 1997 Letter from Rae M. Loui to Kenneth E. Sprague)
7 (June 5, 1997 Letter from Rae M. Loui to Kenneth E. Sprague)
8 (Ground Water Use Permit No. 160)
9 (January 9, 1998 Letter from Rae M. Loui to Kenneth E. Sprague)
10 (January 22, 1998 Letter from Kenneth E. Sprague to Rae M. Loui)
11 (February 20, 1998 Letter from Maile R. Chun to Dawn N.S. Chang)
12 (February 23, 1998 Letter from Dawn N.S. Chang to Maile R. Chun)
13 (March 24, 1998 Letter from Maile R. Chun to Dawn N.S. Chang)
14 (May 12, 1998 Letter from Kenneth E. Sprague to Michael D. Wilson)
Mr. Felix Limtiaco  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King Street, 3rd Floor  
Honolulu, Hawaii 96813

Dear Mr. Limtiaco:

Notice of Water Use Permit Violation  
Well Nos. 1902-03 & 04 (WUP No. 160)  
Ewa Caprock Ground Water Management Area, Oahu

Reported monthly pumpage at Well Nos. 1902-03 & 04 show that the current twelve-month moving average withdrawal is in excess of the 0.5 mgd allocation that was approved by the Commission on Water Resource Management at its meeting of March 15, 1990.

Please provide an explanation for the overpumpage and an estimate for the length of time that you will need to come into compliance with the terms of the permit. We request that you submit a written response to this letter by July 15, 1996.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

LN: ss
July 18, 1996

Ms. Rae M. Loui
Deputy Director
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Notice of Water Use Permit Violation
Well Nos. 1902-3 and 4 (WUP No. 160)
Ewa Caprock Ground Water Management Area

We respectfully submit the following response to your June 20, 1996 Notice of Water Use Permit Violation.

Over the past two years the Honouliuli Wastewater Treatment Plant has undergone some major expansion and process changes that have increased its demand for ground water.

The following is a summary of the major changes:

1. A polymer system that uses approximately 100,000 gallons per day was installed to help the plant meet its National Pollutant Discharge Elimination System Permit Limitations.

2. One of the treatment plant's preaeration basins was converted to an activated sludge basin requiring the use of approximately 50,000 gallons per day of water.

3. Water demands for irrigation have sharply increased due to the landscaping that was added for plant beautification of the expanded plant.
The Department of Wastewater Management is currently planning to build an effluent re-use facility that will greatly reduce the plant's ground water usage. In the interim, we will be submitting a request to the Commission on Water Resource Management for an additional 500,000 gallons per day to meet the plant's current water demands.

Please be assured that we are making every effort to conserve this valuable resource. Should you have any further questions, please contact Mr. Allen Perry at 681-3347, extension 106.

Sincerely,

[Signature]

FELIX B. LIMTIACO
Director
Mr. Felix Limtiaco  
City and County of Honolulu  
Department of Wastewater Management  
91-1501 Geiger Road  
Ewa Beach, HI 96706

Dear Mr. Limtiaco:

Water Use Permit Violation  
Well Nos. 1902-03 & 04 (WUP No. 160)  
Ewa Caprock Ground Water Management Area, Oahu

Thank you for your letter of July 18, 1996, informing us of your plans to submit a request for additional allocation to meet the Honouliuli Wastewater Treatment Plant's current water demands.

We have enclosed a water use permit application form for your use. Please complete the application form and return it to our office within thirty (30) days.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

Enclosure
February 21, 1997

Mr. Ken Sprague
City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

Dear Mr. Sprague:

Thank you for meeting with the Commission on Water Resource Management (Commission) staff on February 12, 1997. Again, we appreciate the group’s efforts to work towards a plan that is mutually agreeable to all users. Your work has allowed us to identify key elements for a plan that addresses users needs, while meeting the statutory objectives set forth in Chapter 174C, HRS.

As discussed at the meeting, we are planning to recommend that the Commission adopt the management approach outlined in the attached draft plan (Exhibit 1). If you find that certain aspects of the plan do not/should not apply to your current use(s) and/or proposed future use(s), you may request a variance to the proposed plan. Please provide appropriate justification and any hydrologic or other data to support your requested variance.

In order to implement the proposed management plan, the following required information and actions are needed from the Department of Wastewater Management (DWM):

1. Your response to our letter of July 30, 1996 (Exhibit 2). We understood, from your letter of July 18, 1996, that DWM was planning to apply for additional water use (Exhibit 3). From a subsequent telephone conversation with Tim Steinberger, we understood that the Wastewater Treatment Plant was going to cease recently-implemented treatment process(es) that caused water usage to double. Attached is a graph of usage at Well Nos. 1902-03 & 04 (Exhibit 4) that shows the latest 12-month moving average withdrawal is still in excess of the allocation for the wells. We reiterate the request made in our letter of June 20, 1996 (Exhibit 5) to provide an estimate for the length of time that you will need to come into compliance with the terms of your permit.
2. A water shortage plan for WUP No. 160 that outlines how water usage will be reduced in the event of a shortage. We request that you quantify the reduction in water use that may be sustained during a declared water shortage and provide a brief description of how you plan to effect such reduction. (The State Water Code requires the Commission to formulate a comprehensive area-wide water shortage plan that will be implemented during periods of water shortage. We appreciate any input you may provide towards deriving some plan for a water shortage situation that shall be adopted by the Commission.)

3. Your response to our January 12, 1997 review comments relating to the City's permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water (Exhibit 6).

We are planning to submit recommendations to the Commission at the March 12, 1997 meeting to adopt the Pearl, Kapolei, and Malakole Aquifer System boundaries (Exhibit 7) and to adopt a 1,000 mg/l chloride cap for individual wells instead of a sustainable yield number. We plan to recommend that the Commission require that any new permit adhere to the attached chloride sampling protocol (Exhibit 8). Recommendations on an allocation plan will be made at a following meeting.

We ask that you submit the items and information requested above by March 10, 1997. Your comments on the proposed management plan are encouraged.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director

LN:ju
Attachments

EXHIBIT 4
1. Reclaimed water is the only way to address the overall allocation problem. In addition, reclaimed water must supply some future needs since the forecasted usage of nonpotable water by users in the Puuloa Aquifer System will be at least 10 mgd by 2001, exceeding the caprock availability. We assume that there is a commitment by the users to utilize reclaimed water to meet some of these needs. We are also assuming 2.0 mgd of R-1 will come in to supplement the caprock by July 1, 1998, and 4.0 mgd by July 1999. The situation will be reevaluated at that time.

2. Boundaries for three aquifer systems will be adopted.

3. Instead of a sustainable yield number, protection and management of caprock water quality will be by chloride standards for individual wells based on pump test or historic data.

4. Applicants for new usage can apply for well construction permits first. Based on the pump test, set the pump size and chloride cap and check reasonable-beneficial quantity. The Pump Installation and Water Use Permits can be applied for after that.

5. Agricultural permit holders will be asked to provide information on remaining agricultural acreage and to conduct a pump test according to a protocol established by the Commission.

6. Permit amounts for four years of non-use will be revoked.

7. Unused one-year interim Water Use Permits will not be renewed. Applicants can reapply when the usage is imminent.

8. Permits will be issued for remaining one-year interim Water Use Permits for a term to expire upon completion of the R-1 facility in July 1998 or soon thereafter. A condition of the permits will be that Gentry, Haseko, HPGC, and EBIGC negotiate and enter into further definite agreements regarding the purchase of reclaimed water according to the table on page 27 of the FCUOG Report.

9. The Commission will formulate a water shortage plan for implementation during periods of water shortage. The plan will be prepared by aquifer system and propose restrictions on one or more classes of permits.

10. The City WWM will provide to the Commission, as a means to track the progress of the R-1 facility, the quarterly reports that are submitted to the Dept. of Health.
Mr. Felix Limtiaco
City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

Dear Mr. Limtiaco:

Water Use Permit Violation
Well Nos. 1902-03 & 04 (WUP No. 160)
Ewa Caprock Ground Water Management Area, Oahu

Thank you for your letter of July 18, 1996, informing us of your plans to submit a request for additional allocation to meet the Honouliuli Wastewater Treatment Plant's current water demands.

We have enclosed a water use permit application form for your use. Please complete the application form and return it to our office within thirty (30) days.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI
Deputy Director

LN:ss
Enclosure
Ms. Rae M. Loui  
Deputy Director  
State of Hawaii  
Department of Land and Natural Resources  
Commission on Water Resource Management  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Notice of Water Use Permit Violation  
Well Nos. 1902-3 and 4 (WUP No. 160)  
Ewa Caprock Ground Water Management Area

We respectfully submit the following response to your June 20, 1996 Notice of Water Use Permit Violation.

Over the past two years the Honolulu Wastewater Treatment Plant has undergone some major expansion and process changes that have increased its demand for ground water.

The following is a summary of the major changes:

1. A polymer system that uses approximately 100,000 gallons per day was installed to help the plant meet its National Pollutant Discharge Elimination System Permit Limitations.

2. One of the treatment plant’s preaeration basins was converted to an activated sludge basin requiring the use of approximately 50,000 gallons per day of water.

3. Water demands for irrigation have sharply increased due to the landscaping that was added for plant beautification of the expanded plant.

EXHIBIT 3  
EXHIBIT 4
The Department of Wastewater Management is currently planning to build an effluent re-use facility that will greatly reduce the plant's ground water usage. In the interim, we will be submitting a request to the Commission on Water Resource Management for an additional 500,000 gallons per day to meet the plant's current water demands.

Please be assured that we are making every effort to conserve this valuable resource. Should you have any further questions, please contact Mr. Allen Perry at 681-3347, extension 106.

Sincerely,

FELIX A. LIMBAICO
Director
Mr. Felix Limtiaco  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King Street, 3rd Floor  
Honolulu, Hawaii 96813

Dear Mr. Limtiaco:

Notice of Water Use Permit Violation  
Well Nos. 1902-03 & 04 (WUP No. 160)  
Ewa Caprock Ground Water Management Area, Oahu

Reported monthly pumpage at Well Nos. 1902-03 & 04 show that the current twelve-month moving average withdrawal is in excess of the 0.5 mgd allocation that was approved by the Commission on Water Resource Management at its meeting of March 15, 1990.

Please provide an explanation for the overpumpage and an estimate for the length of time that you will need to come into compliance with the terms of the permit. We request that you submit a written response to this letter by July 15, 1996.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI  
Deputy Director

LN: ss  

EXHIBIT 5  
EXHIBIT 4
TO: PCUG Members

FROM: Rae M. Lou, Deputy Director
Commission on Water Resource Management

SUBJECT: Comments on the Draft Puuloa Nonpotable Water Master Plan, January 22, 1997

Based on a preliminary review of the subject report, we have the following comments:

- Pg. 2, para 3 - refers to development projects which have immediate need but no necessary water use permits. It would be helpful to list and quantify these unmet specific project water needs.

- Pg. 4 - The list of PCUG members doesn't include the State, yet the signature page shows HFDC. On Table 1, only the State's Puuloa Mauka lands are represented, what about the rest of the State's interests in Puuloa?

- Pg. 5 - Users/potential users who are NOT part of PCUG include Ewa Villages, West Loch Golf Courses, and Campbell Estate but:

  How can PCUG commit to conversion of the City Golf Courses (1.8 mgd) by 7/99 (pg. 1) if the City golf courses aren't part of PCUG?

  How can the plan state that Table 1 is comprehensive in terms of demand projections (pg. 3) if Campbell Estate, which owns considerable undeveloped lands, is not participating? How was the demand for Campbell lands estimated?

- Pg. 5 - What is the basis for excluding all Gentry wells & the USFWS from the commitment? What are they exempted from, the sharing in the cost of reclaimed water? We need a rational basis for the exemptions because other users may also want to be exempt. Pg. 28 states that 9 Gentry wells are excluded from the requirements of R-1 water delivery, but must comply & conform to all other requirements of the Master Plan. Then shouldn't these users be part of PCUG?

- Pg. 7, Exhibit B (well location), & Table 2 - the FGE & BC monitor well locations are described but not shown on map (exhibit 2).

- Pg. 21 - Was the Notice to Proceed issued in 12/96?

- Pg. 21 - If the capital costs for the R-1/R-2 facility upgrade will be financed through DWM's CIP, should this information be included as an appendix?
Pg. 19 - states small scale demonstration projects for both direct and indirect use will proceed, but the last sentence on pg. 22 states that a demonstration aquifer recharge will be "evaluated to serve as an alternative to the R-1/R-2 facility".

Pg. 26, 3rd paragraph - A correct statement would be that "the CWRM has indicated that a commitment to reclaimed water is the only means by which the over-allocation problem may be resolved, short of ratcheting back allocations in the caprock".

Pg. 27, 2nd table:

Which Gentry wells will be converting to R-1 (so we can specify the duration of these interim permits to coincide with the availability of R-1 water)?

Gentry shows a commitment to convert to 0.72 mgd by 2001, yet Table 1 shows 2001 projected need for 1.6 mgd; does this mean that the difference, 0.88 mgd (an increase of 0.278 mgd over current allocation) will be supplied from the caprock? from which wells?

Haseko shows commitment to convert to 0.80 mgd by 2001, while Table 1 shows an ultimate demand for 2.0 mgd in the caprock, does that mean that 2.96 mgd (4.16 - 1.2) can be revoked in 2001? and 2.16 can be revoked immediately?

For HPGC & EBIGC, is it reasonable to use this table as a schedule for caprock allocation reductions? Which EBIGC allocation to reduce?

Pg. 28, 2nd paragraph - How will Gentry manage transfers in the future if the Homeowners Associations are not part of this plan or group? Also, are commitments permanent or temporary?

Pg. 28, 3rd paragraph - We have concerns regarding this disclaimer, which holds the City to the financing and construction schedule.

Pg. 28, B. "commits" the City Golf Courses to using R-1 in 2000-2001, but pg. 5 stated that the City Golf Courses are not part of PCUG.

Pg. 29, Table:

There is a discrepancy in the City golf course conversion: pg. 1 states both courses will convert (1.8 mgd) by 7/99, but the table on pg. 29 shows only 1.5 mgd conversion by 7/99 (is this 1.0 for WWTP and only 0.5 for golf courses?)

Also, the total City usage is 2.8 mgd (1.0 for WWTP & 1.8 for courses), yet there is only a commitment for 2.0 mgd.

Pg. 29, Navy lands:

BPNAS is still in negotiations. If they commit to 0.7 mgd R-1, then a statement to the effect that the allocation for Barbers Pt. shaft be reduced by 0.7 mgd should also amend this plan.

Since Solenberger's lease went through, does this mean the Navy's Ag lands won't be using any reclaimed water?
USFWS exemption is further clarified, i.e., no commitment to R-1 delivery, but what about cost-sharing for the recharged caprock aquifers? Also, if water needs are NOT salinity dependant can the USFWS use west loch ocean water or modify the existing caprock source to lessen impact on brackish lens?

- Pg. 30, para 3 - What does 'all caprock users' mean for those sharing in the reclaimed water cost - non-PCUG members too? Future caprock users?

- Pg. 32 para 5 - It should be made clear that managing at the well head (i.e., pumped water from caprock alone) is subject to any standard chloride limit and NOT some mix of caprock water and reclaimed water.

- Pg. 33 - There is still no clear resolution of the over-allocation. The plan suggests that the CWRM must continually juggle (via written agreements?) the 15 mgd permitted use with individual users actual needs. We find this proposal to be unduly burdensome. In addition, we are concerned that the current group members may change over time.

- Pg. 34 - states "all nonpotable users in the Puuloa sector" (whether they are part of PCUG or not?) shall contribute to the balance of the development cost if the total development cost of the R-1 effluent pipeline distribution system exceeds available Consent Decree funds. Are nonmembers of PCUG, the Navy (pg. 36), Gentry Homeowners, and USFS exempt from this provision also?

- Pg. 34 - Gentry plans to increase usage by 1 mgd in two years, but given their past record (actual use is only 0.3 mgd), is it possible to juggle Gentry's current allocations (0.602 mgd) to cover the next 2 years? We reiterate listing projects which do not have necessary water use permits.

- Pg. 35 - The agreements not to pump will have to specify no pumpage until re-use replaces caprock allocations.

- Pg. 36 - Didn't Solenberger's lease go through? If so, the plan needs to be amended already (proposing a 7 mgd pumping limit?).

- Pg. 37 - The allocation plan (Table 8) is only looking to ending of 1998. There is still no clear resolution of the over-allocation situation.

- Pg. 39 - Has Campbell agreed to the phasing out of R's agricultural allocation?

- Doesn't look like the 309 consent decree will be met.

- City signature - who is ultimately responsible, the mayor?

- Need to clarify Gentry's option to purchase Campbell land.
GUIDELINES FOR CHLORIDE CONCENTRATION SAMPLING FOR EWA CAPROCK

1. Sample Collection

• Sampling Schedule

The sampling schedule depends upon your pump capacity:

<table>
<thead>
<tr>
<th>Pump Capacity (gpm)</th>
<th>Sampling Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 50</td>
<td>Once a month</td>
</tr>
<tr>
<td>Greater than 50</td>
<td>Once a week</td>
</tr>
</tbody>
</table>

• When to Sample

Before taking a sample, allow a minimum length of time to elapse after turning on the pump. This minimum time can be read off the attached table for your well casing diameter and your pump capacity. If you sample 20 minutes after the minimum time, you should consistently sample 20 minutes after the minimum time each time you take samples.

• Sample Bottle

Use a plastic container and cap that holds a volume of about a pint. Rinse the container three times with the water to be sampled before taking the sample. Also rinse the cap with sample water.

• Labeling

On the sample bottle, affix a label that contains the following information:

- Well No.
- Date
- Time Sampled
- Elapsed Time after pump on
- Sampler's Name
- Water Temperature (if available)
- Pumping Rate (prior to sampling)
2. Determination of Chloride Concentration

- Private Laboratories

If the sample is sent to a private laboratory, then prepare the water sample and label the bottle in the manner described above.

Private laboratories will use methods that are more accurate than field methods described below.

- Hach Kit (Drop Count Titrator)

Be aware of the approximate chloride concentration range in your well. Use the appropriate sample bottle for titration. Be consistent with the end-point color change.

For low chloride concentrations (5-100 mg/l) each drop will equal 5 mg/l. For higher concentrations (20-400 mg/l) each drop equals 20 mg/l. Other kits for concentrations greater than 400 mg/l (500-10,000 mg/l) each drop is equal to 500 mg/l. Obviously, for water greater than 400 mg/l, a "drop-count" Hach Kit is not appropriate, and a digital titrator, described below, should be used.

- Hach Kit (Digital Titrator)

A digital titrator is the appropriate method for water with greater than 400 mg/l chloride. A digital titrator using silver nitrate is accurate to within 10 mg/l for a chloride range from 10-10,000 mg/l, and for a titrator using mercuric nitrate accuracy varies from 0.1-20 mg/l for a chloride range of 10-8,000 mg/l.

Note: Be consistent with the end-point color. Silver nitrate ages and needs to be replenished within the recommended guidelines of the Hach Company.

- Other Methods

An ion-selective probe for chloride is available, and can measure concentration from 1.8-35,500 mg/l.
3. Reporting Results

- How to Report

The following information should be entered on the "Monthly Ground Water Use Report" form provided by the Commission on Water Resource Management:

1. Chloride concentration (mg/l) and temperature (°F) in the columns provided.

Under "Notes" Section of the Monthly Water Use Report:

2. Method used for chloride analysis:

3. Total elapsed time before sampling:

If there are any questions, please call the Commission on Water Resource Management staff at 587-0265 on Oahu or toll free from the neighbor islands 1-800-468-4644 ext. 70265.
<table>
<thead>
<tr>
<th>Casing Diameter (in.)</th>
<th>Pump Capacity (gpm)</th>
<th>Minimum Time (min.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>10-20</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>110</td>
</tr>
<tr>
<td>8</td>
<td>10-20</td>
<td>190</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>125</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>85</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>&gt;250</td>
<td>75</td>
</tr>
<tr>
<td>12</td>
<td>10-20</td>
<td>360</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>210</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>68</td>
</tr>
<tr>
<td>16</td>
<td>10-20</td>
<td>560</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>310</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>160</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>110</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>70</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>65</td>
</tr>
<tr>
<td>20</td>
<td>50-100</td>
<td>220</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>95</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>72</td>
</tr>
</tbody>
</table>

1 Assumes saturated well depth of 100 feet.

2 Five well volumes is a standard guideline recommended by EPA.
March 10, 1997

Ms. Rae Loui
Deputy Director
Department of Land and Natural Resources
Commission On Water Resource Management
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Proposed Ewa Caprock Management Plan

Thank you for your February 21, 1997 letter, providing us an opportunity to respond to the proposed Ewa Caprock Management Plan. We have currently reorganized our reuse program so that we can expeditiously meet our consent decree requirements. Because of our new organization, we may not be in a position at this time to comment fully on all issues contained in your February 21, 1997 letter. Our response follows.

Item 1 of the February 21, 1997 letter:
As of October 4, 1996, we have reduced our daily withdrawal to less than 0.5 mgd. We are supplementing our needs with potable water and have made efforts to reduce or eliminate treatment processes not considered critical at this time. In August 1996, we submitted a request for an additional 0.5 mgd, and we are also planning to take full advantage of our water reclamation capability.

Regarding our estimate of when we will be in compliance with the specified allocation, we will continue to withdrawal less than 0.5 mgd. Because the method of compliance determination incorporates a running average method, we will remain noncompliant at least until October 1997. We can accelerate the time to comply with the 0.5 mgd, 12 month running average by eliminating all well withdrawals and using potable water for our in plant processes. However, this seems contradictory to our intent of saving our valued resources. We do believe, however, that we are in compliance with our existing withdrawal permit for 500,000 gallons per day.

Item 2 of the February 21, 1997 Letter:
Because we are formulating our reuse program, we request a one month extension so that we can incorporate our reuse capabilities in our water shortage plan for WUP No. 160.

Item 3 of the February 21, 1997 Letter:
As mentioned above, we are requesting a one month extension so that we can adequately respond to all comments.

Exhibit 1: Draft Ewa Caprock Management Plan, dated February 12, 1997:
Item 1 of the subject plan: Our goal is to meet our 2 mgd (R-1 quality) Consent Decree requirement by July 1, 1998 through demonstration projects. These projects consist of a combination of in-plant applications as distribution to interested parties. By June 30, 1999, we will have an additional 3 mgd of R-1 quality reclaimed water available.
Item 3 of the subject plan: We have no objections at this time to institute a chloride and flow provision for the purposes of managing the caprock water quality for individuals well.

Item 8 of the subject plan: As mentioned above, we are proposing to meet our Consent Decree requirements through demonstration projects. We suggest that expiration dates of interim permits be changed to June 30, 1999, or soon thereafter. This extension will provide us the opportunity to initiate a fee structure and to ensure we can consistently deliver R-1 quality water.

Item 10 of the subject plan: The current quarterly report sent to the Department of Health (and EPA) is required under our 309 Consent Decree. We do not believe it is necessary to forward the entire report for the Ewa Caprock Management Plan. We suggest that we submit, at the same frequency as our current Consent Decree submittals, a brief status report of our effluent reuse efforts in the Ewa area.

Exhibits 8: Chloride Sampling Protocol:
We accept your chloride concentration sampling protocol for Ewa Caprock.

Again, thank you for the opportunity to enter our comments. We are aware that our reclamation facility will no doubt be an integral factor in managing the Ewa Caprock. We are pleased to be a part of this effort. If there are any questions, please send electronic mail (email) to Ross Tanimoto of the Division of Water Quality at mba0026@co.honolulu.hi.us or contact him at 527-6754.

Sincerely,

KENNETH E. SPRAGUE
Acting Director

cc: Department of Health, Clean Water Branch
Mr. Kenneth E. Sprague
City and County of Honolulu
Department of Wastewater Management
650 South King Street
Honolulu, HI 96813

Dear Mr. Sprague:

Thank you for your letter of March 10, 1997, responding to our request for comments and information needed to implement the staff's proposed management plan for the Ewa Caprock Aquifer. We appreciate the information regarding the Department of Wastewater Management's (DWM) projected water needs and water reclamation effort. We also have the following comments:

• We understand that you are currently limiting pumpage at Well Nos. 1902-03 & 04 to 0.5 mgd and expect to be in compliance with the 0.5 mgd allocation by October 1997. You need not accelerate the time to comply with your current allocation by using potable water for plant processes, as we agree that nonpotable water should be used for nonpotable needs, wherever possible. We wish to clarify that, to date, we have not received an application for a water use permit modification from DWM. If you still wish to increase usage of the wells by an additional 0.5 mgd, please complete and return the water use permit application form that was transmitted to you with our letter of July 30, 1996.

• We are planning to submit recommendations on Ewa Caprock actions at the next Oahu meeting of the Commission on Water Resource Management which is scheduled for May 14, 1997. As such, we are asking that you submit a water shortage plan and your response to our January 12, 1997 review comments (relating to the City's permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water) within twenty (20) days, if at all possible, so that this information can be incorporated into the staff's submittal.

We appreciate your continued cooperation and assistance in matters related to water resource management. If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI
Deputy Director

LN:ss

EXHIBIT 6
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King Street  
Honolulu, HI 96813  

Dear Mr. Sprague:

Notice Of Action  
Overpumpage Violation of WUP No.160 (Well Nos. 1902-03, 04)  
Puuloa Ground Water Management Area, Oahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the overpumpage violation of WUP No. 160.

By a unanimous vote of the Commission at their regular meeting of May 14, 1997, the Commission found the City and County of Honolulu, Department of Wastewater Management (DWM) in violation of the water use permit for Well Nos. 1902-03,04 (WUP No. 160) for exceeding the allocation limit.

According to pumpage records provided by DWM, DWM has been pumping ground water from Well Nos. 1902-03,04 in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years (see Exhibit 1). By January, 1996, DWM was pumping Well Nos. 1902-03,04 at about twice the amount authorized under WUP No. 160 (1.0 mgd pumped v. 0.5 mgd authorized).

The Commission also imposed a fine of $500 per day for the overpumpage violation, for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000).

In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by June 30, 1999. This alternative to paying the $174,000 fine may be satisfied by your submittal of detailed construction plans and schedule and market analysis that shows that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999. The June 30, 1999 date coincides with DWM's latest estimate of R-1 availability.

In the event that you choose the alternative to paying a fine, please inform us within thirty (30) days of a reasonable timeframe for submittal of your construction plans and schedule. If you intend to pay the fine, please pay the fine within thirty (30) days.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

Rae M. Loui  
Deputy Director

LN:ss  
Attachment

EXHIBIT 7
Dear Mr. Sprague:

Issuance of Water Use Permit for Well Nos. 1902-03 & 04
Puuoloa Ground Water Management Area, Oahu

This letter transmits your water use permit for Honolulu STP 1 Well (Well No. 1902-03) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on March 15, 1995.0 Honolulu STP 2 Well (Well No. 1902-04) was administratively added to the water use permit as a backup source on December 8, 1993. We apologize for this late issuance of your official permit document.

Please be sure to read the conditions of your approved permit. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

Be advised that, pursuant to Hawaii Administrative Rule 13-168-7, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report forms. You should make copies of the enclosed report forms as needed.

Second, Hawaii Administrative Rule 13-13-171-42 requires you to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Puuoloa Ground Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission’s overall Water Shortage Plan.

If you have any questions, please call the Commission staff at 587-0218.

Aloha,

Michael D. Wilson
Chairperson

Attachments

Exhibit 8
GROUND WATER USE PERMIT
WUP NO. 160

PERMITTEE

<table>
<thead>
<tr>
<th>Applicant/Water User</th>
<th>Landowner of Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Address</td>
</tr>
<tr>
<td>DEPARTMENT OF WASTEWATER MANAGEMENT</td>
<td>DEPARTMENT OF WASTEWATER MANAGEMENT</td>
</tr>
<tr>
<td>650 S. KING ST.</td>
<td>650 S. KING ST.</td>
</tr>
<tr>
<td>HONOLULU, HI 96813</td>
<td>HONOLULU, HI 96813</td>
</tr>
</tbody>
</table>

PERMITTED SOURCE INFORMATION

<table>
<thead>
<tr>
<th>Island</th>
<th>OAHU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>PUULOA</td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>EWA CAPROCK</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>PUULOA</td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>NA</td>
</tr>
<tr>
<td>Well Name</td>
<td>HONOLULU STP 1 &amp; 2</td>
</tr>
<tr>
<td>State Well No.</td>
<td>1902-03 &amp; 04</td>
</tr>
</tbody>
</table>

PERMITTED USE INFORMATION

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>0.500 mgd</td>
</tr>
<tr>
<td>Chloride Cap</td>
<td>1.000 mg/l</td>
</tr>
<tr>
<td>Location of water use</td>
<td></td>
</tr>
<tr>
<td>TMK #</td>
<td>9-1-13-7</td>
</tr>
<tr>
<td>Address</td>
<td>91-1501 GEIGER RD.</td>
</tr>
<tr>
<td>State land use classification</td>
<td>NA</td>
</tr>
<tr>
<td>County zoning classification</td>
<td>NA</td>
</tr>
</tbody>
</table>

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:

EXHIBIT 8
GROUND WATER USE PERMIT
C&C DWWM, Well Nos. 1902-03 & 04, WUP No. 160

GENERAL CONDITIONS
1. The water use authorized by the permit must be for the reasonable-beneficial use described in the permit.
2. The use must not interfere with any existing legal use of water.
3. Modification of any permit condition must be approved by the Commission.
4. The applicant must comply with all other applicable laws, rules, and ordinances.

ADDITIONAL CONDITIONS
1. The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Caprock Aquifer and establish courses of action to prevent the aquifer from becoming too saline to use. The applicant must comply with the approved plan.
2. An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.
3. The development of the ground water source shall be completed within 24 months from the date of permit issuance.

MICHAEL D. WILSON, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: ___________________________ Date: __________________
Printed Name: ___________________________ Firm or Title: ___________________________

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.

Attachment
GROUND WATER USE PERMIT
WUP NO. 160

**PERMITTEE**

<table>
<thead>
<tr>
<th>Applicant/Water User</th>
<th>Landowner of Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Address</td>
</tr>
<tr>
<td>DEPARTMENT OF WASTEWATER MANAGEMENT</td>
<td>DEPARTMENT OF WASTEWATER MANAGEMENT</td>
</tr>
<tr>
<td>650 S. KING ST.</td>
<td>650 S. KING ST.</td>
</tr>
<tr>
<td>HONOLULU HI 96813</td>
<td>HONOLULU HI 96813</td>
</tr>
</tbody>
</table>

**PERMITTED SOURCE INFORMATION**

<table>
<thead>
<tr>
<th>Island</th>
<th>OAHU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>PU'U OLA</td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>EWA CAPROCK</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>PU'U OLA</td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>NA</td>
</tr>
<tr>
<td>Well Name</td>
<td>HONOLULU STP 1 &amp; 2</td>
</tr>
<tr>
<td>State Well No.</td>
<td>1902-03 &amp; 04</td>
</tr>
</tbody>
</table>

**PERMITTED USE INFORMATION**

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>0.500 gpd</td>
</tr>
<tr>
<td>Chloride Cap</td>
<td>1.000 gpd</td>
</tr>
<tr>
<td>Location of water use</td>
<td>9-1-13-7</td>
</tr>
<tr>
<td>TMK #</td>
<td>91-1501 GEGER RD.</td>
</tr>
<tr>
<td>Address</td>
<td>NA</td>
</tr>
<tr>
<td>State land use classification</td>
<td>NA</td>
</tr>
<tr>
<td>County zoning classification</td>
<td>NA</td>
</tr>
</tbody>
</table>

Pursuant to Hawaii's State Constitution, Article XII, Section 7, Hawaii Revised Statutes Chapter 174C, Hawaii Administrative Rules, Chapters 13-167 through 13-171, and Hawaii decennial law and custom, the applicant is hereby authorized to use ground water from the source and in the amount and form and upon the locations described above, subject however, to the requirements of laws including but not limited to the following conditions:

EXHIBIT 8
GENERAL CONDITIONS

1. The water use authorized by the permit must be for the reasonable-or-medical use described in the permit.
2. The use must not interfere with any existing legal use of water.
3. Modification of any permit condition must be approved by the Commission.
4. The applicant must comply with all other applicable laws, rules, and ordinances.

ADDITIONAL CONDITIONS

1. The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Caprock Aquifer and establish courses of action to prevent the aquifer from becoming saline, and a record of the withdrawals must be kept and reported.
2. The development of the ground water source shall be completed within 24 months from the date of permit issuance.

MIchael D. Wilson, Chairperson
Commissioner of Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: __________________________ Date: ________________
Printed Name: ____________________________ Firm or Title: __________________________

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.

Attachment

EXHIBIT 8
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King Street  
Honolulu, HI 96813

Dear Mr. Sprague:

This follows a December 23, 1997 meeting with Maile Chun, Deputy Corporation Counsel, and Nic Musico of your staff, regarding the overpumpage violation for Well Nos. 1902-03, 04.

We understand that the City has accepted the alternative to paying the fine imposed by the Commission on Water Resource Management (Commission) at its meeting on May 14, 1997. The documentation that was submitted to our office in lieu of the cash settlement is consistent with the provisions set forth by the Commission for the overpumping of the subject wells. The documentation received indicates that your reuse plans include:

- **Pilot Trench Project** - Reuse of 2 million gallons per day (mgd) by June 1, 1998 for aquifer recharge to provide additional knowledge on the feasibility of a subsurface percolation trench to recharge the caprock aquifer.

- **R-1 Facility** - Reuse of an additional 3 mgd by June 30, 1999 for in-plant processing at the proposed R-1 reclamation facility and at the existing Honouliuli Wastewater Treatment Plant.

The requirement for "milestones" may be met by your submittal of the pertinent section of the quarterly reports that are submitted to the Department of Health.

Lastly, as part of the agreed to settlement, we understand that the City will initiate a stipulation to dismiss the complaint (CIV NO. 97-2779-07) and withdraw the four (4) appeals that have been filed against the Commission’s actions on May 14, 1997 and October 22, 1997.

Your confirmation of our mutual understanding in the matter will be appreciated.

We are very pleased to be working with you toward our common goals to preserve our island's potable water supply through greater reuse of reclaimed water. We will look forward to receiving the quarterly reports.

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ss

c: Maile Chun, Deputy Corporation Counsel  
Dawn Chang, Attorney General
January 22, 1998

Ms. Rae M. Loui, Deputy Director
State of Hawaii
Commission on Water Resource Management
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Meeting held on December 23, 1997 between the Commission on Water Resource Management and the City and County of Honolulu; Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) dated June 5, 1997

This is a follow-up letter to our December 23, 1997 meeting in the above-reference action between our Departments, and responds to your recent letter. As indicated at this meeting, with regards to wastewater reclamation, the City has the sole authority and is not subject to the oversight or control by the Commission on Water Resource Management (CWRM).

The City understands that the information requested by CWRM regarding our reclamation program would be useful in its determination of well user permit applications for the Ewa area. The City's development in reclamation would: 1) in the future, eliminate the possibility of overpumpage of the Honoluluiui Treatment Plant from its well and assist other well users in the area by providing this alternative water source; and 2) provide a method of protecting the sustainability of the caprock. The documents requested are public documents and are being transmitted in that regard.

EXHIBIT 10
Ms. Rae M. Loui  
Page 2  
January 22, 1998  

With the understanding provided herein, we are agreeable as follows: by reducing the fine in this subject matter to zero (0), the City can thereby dismiss the lawsuit and appeals filled in this matter.

Should there be any questions, please contact Cheryl Okuma-Sepe, Deputy Director, Department of Wastewater Management, at 527-6664.

Sincerely,

KENNETH E. SPRAGUE  
Director  

EXHIBIT 10
February 20, 1998

Dawn W.S. Chang, Esq.
Deputy Attorney General
465 South King Street, Room 300
Honolulu, Hawaii 96813

Dear Ms. Chang:

Re: Notice of Action Overpumpage Violation of
WUP No. 160 (Well Nos. 1902-03, 04) dated
June 5, 1997

This letter serves as a follow-up letter to the
letter dated January 22, 1998 from Kenneth F. Sprague
to Rae M. Loui.

The City understands the settlement terms to be
the following:

1. The Commission on Water Resource Management
   is to be given a copy of the contract documents for
   both the Pilot Trench Demonstration Project and the
   Honolulu Effluent Reclamation Facility. This was
done at the December 23, 1997 meeting.

2. The Notice of Action - Overpumpage Violation
dated June 5, 1997 will be withdrawn and no fine will
be assessed against the City, provided that the City
sends a courtesy copy of the quarterly reports which
are already being sent to the Department of Health
(DOH) to the Commission on Water Resource Management.
These reports update DOH on the status of the City's
projects which are intended to meet the Consent Decree
requirements on effluent reuse.

3. That all currently pending appeals and the
Complaint filed in this matter shall be withdrawn or
dismissed.
Although we realize that the issue was not discussed at our December 23, 1997 meeting, the City must reiterate that the City does not recognize CWEM's authority with regards to the City's wastewater reclamation project. Nevertheless, the City is willing to provide the information requested by CWEM regarding the City's wastewater reclamation project, since this information will be useful in CWEM's determination of well user permit applications for the Ewa area.

Please confirm by letter that you are in agreement with the foregoing. If there are any questions or concerns, you may reach me at 527-5351. Thank you for your cooperation in this matter.

Very truly yours,

[Signature]

[Name]
Deputy Corporation Counsel

EXHIBIT 11
February 23, 1998

Maile R. Chun
Deputy Corporation Counsel
Department of the Corporation Counsel
City and County of Honolulu
530 S. King Street, Room 110
Honolulu, Hawaii 96813

Dear Maile:

RE: Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) dated June 5, 1997

Thank you for your February 20, 1998 letter regarding the above referenced matter. We concur with your understanding. Accordingly, once the current appeals and complaint have been withdrawn or dismissed, we will so advise the Commission on Water Resource Management.

Your cooperation in amicably resolving this matter is greatly appreciated. Should you have any questions, please call me at 587-2988.

Very truly yours,

Dawn N.S. Chang,
Deputy Attorney General

C: Lenore Nakama

EXHIBIT 12
March 24, 1998

VIA FACSIMILE AND U.S. MAIL

Dawn M.S. Chang, Esq.
Deputy Attorney General
465 South King Street, Room 300
Honolulu, Hawaii 96813

Dear Ms. Chang:

Re: Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) dated June 5, 1997

This letter is to reiterate the City's understanding regarding the Notice of Violation in the above referenced action. The settlement agreement between the City and the State was that the City would provide a copy to the Commission on Water Resource Management ("CMRM") of the quarterly reports given to DOH that update DOH on the status of the City's projects intended to meet the Consent Decree requirements on effluent reuse. I have confirmed with the Department of Wastewater Management that CMRM is to be sent a copy of these quarterly reports, the first of which is due on April 10, 1998. Also, CMRM was to be given a copy of the contract documents for both the Pilot Trench Demonstration Project and the Honolulu Effluent Reclamation Facility. This was done at the December 23, 1997 meeting. Additionally, the City agreed to dismiss all pending appeals and the Complaint filed in this case. This has already been done. In exchange, the Notice of Violation was to be withdrawn immediately.

Pursuant to my conversation with Lenore Nakama at CMRM, I was informed that the Notice of Violation would remain in effect and would not be withdrawn until the City actually starts to provide reclaimed water to users. This was not the intention of the parties in
Dawn W.G. Chang, Esq.
March 24, 1998
Page 2

settling this matter. The City hereby requests that CNRM withdraw the Notice of Violation at its next regularly scheduled meeting or Executive Session.

Please confirm that CNRM will immediately withdraw the Notice of Violation. You may reach me at 527-5351. Thank you for your continued cooperation in this matter.

Very truly yours,

MARCH 24, 1998

Deputy Corporation Counsel
May 12, 1998

Michael D. Wilson, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Chair Wilson:

Re: Notice of Action Overpumpage Violation of
WUP No. 160 (Well Nos. 1902-03, 04) dated
June 5, 1997

This letter is to request that the Commission on Water Resource Management ("CWRM") take action at its meeting on May 20, 1998 to withdraw the above-referenced Notice of Action Overpumpage Violation, with no fine or penalty being assessed against the Department of Wastewater Management ("WWM"). Withdrawal of the Notice of Violation is consistent with the agreement reached on this matter between the Deputy Corporation Counsel representing the WWM and the Deputy Attorney General representing CWRM. A copy of this agreement, consisting of an exchange of letters between counsel, is enclosed.

Additionally, the City must obtain clear title to the Honouliuli Wastewater Treatment Plant property to undertake its beneficial effluent reuse project in order to permit a non-governmental contractor to develop, finance, design, construct, test, operate and maintain a wastewater reclamation facility. As such, the Notice of Violation must be withdrawn in order that there will be no cloud on the title.
Our original understanding was that the Notice of Violation would be withdrawn with prejudice. However, we understand that CWRM staff have expressed concerns about a withdrawal with prejudice. Accordingly, despite our earlier agreement, we are willing to accept a withdrawal without prejudice. The following terms for withdrawal without prejudice have been discussed between counsel and are acceptable to WWM.

1. If any quarterly report is not provided to the CWRM within five working days after such report is provided to the DOH, the CWRM may send a written demand for such report to WWM. If WWM does not provide the CWRM with either such report or an adequate justification for withholding the report, within five working days after receipt of the written demand, the CWRM may, at a commission meeting or public hearing at which the matter is scheduled for disposition, reinstate the Notice of Violation, including the original fine of $174,000. The Notice of Violation may not be reinstated for any other cause.

2. On April 20, 1999, the Notice of Violation will be deemed withdrawn with prejudice without further action by the CWRM.

If you have any questions or concerns, please call me at 527-6663. Thank you for your attention to this matter.

Sincerely,

KENNETH E. SPRAGUE
Director

EXHIBIT 14
February 20, 1998

VIA FACSIMILE AND U.S. MAIL

Dawn N.S. Chang, Esq.
Deputy Attorney General
465 South King Street, Room 300
Honolulu, Hawaii 96813

Dear Ms. Chang:

Re: Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) dated June 5, 1997

This letter serves as a follow-up letter to the letter dated January 22, 1998 from Kenneth E. Sprague to Rae M. Loui.

The City understands the settlement terms to be the following:

1. The Commission on Water Resource Management is to be given a copy of the contract documents for both the Pilot Trench Demonstration Project and the Honouliuli Effluent Reclamation Facility. This was done at the December 23, 1997 meeting.

2. The Notice of Action - Overpumpage Violation dated June 5, 1997 will be withdrawn and no fine will be assessed against the City, provided that the City sends a courtesy copy of the quarterly reports which are already being sent to the Department of Health (DOH) to the Commission on Water Resource Management. These reports update DOH on the status of the City's projects which are intended to meet the Consent Decree requirements on effluent reuse.

3. That all currently pending appeals and the Complaint filed in this matter shall be withdrawn or dismissed.

EXHIBIT 14
Dawn N.S. Chang, Esq.
February 20, 1998
Page 2

Although we realize that the issue was not
discussed at our December 23, 1997 meeting, the City
must reiterate that the City does not recognize CWRM's
authority with regards to the City's wastewater
reclamation project. Nevertheless, the City is willing
to provide the information requested by CWRM regarding
the City's wastewater reclamation project, since this
information will be useful in CWRM's determination of
well user permit applications for the Ewa area.

Please confirm by letter that you are in agreement
with the foregoing. If there are any questions or
concerns, you may reach me at 527-5351. Thank you for
your cooperation in this matter.

Very truly yours,

[Signature]

MAILE R. CHUN
Deputy Corporation Counsel

MRC:ey

LAC

EXHIBIT 14
February 23, 1998

Maile R. Chun
Deputy Corporation Counsel
Department of the Corporation Counsel
City and County of Honolulu
530 S. King Street, Room 110
Honolulu, Hawaii 96813

Dear Maile:

RE: Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) dated June 5, 1997

Thank you for your February 20, 1998 letter regarding the above referenced matter. We concur with your understanding. Accordingly, once the current appeals and complaint have been withdrawn or dismissed, we will so advise the Commission on Water Resource Management.

Your cooperation in amicably resolving this matter is greatly appreciated. Should you have any questions, please call me at 587-2988.

Very truly yours,

Dawn N.S. Chang,
Deputy Attorney General

c: Lenore Nakama

EXHIBIT 14
May 11, 1998

Honorable Michael D. Wilson, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Wilson:

Water Use Permit Application for
City and County of Honolulu Department of
Wastewater Management, Well Nos. 1902-03 and 04

Enclosed are comments from the Board of Water Supply (BWS) on the subject application. They were received after we transmitted Planning Department comments to you on February 25, 1998.

Should you have any questions, please call Eugene Takahashi of our staff at 527-6022.

Yours very truly,

[Signature]

PTO: lh

Attachment
April 24, 1998

TO: PATRICK T. ONISHI, CHIEF PLANNING OFFICER
   PLANNING DEPARTMENT

FROM: BROOKS H. M. YUEN, ACTING MANAGER AND CHIEF ENGINEER
   BOARD OF WATER SUPPLY

SUBJECT: WATER USE PERMIT FOR DEPARTMENT OF WASTEWATER
   MANAGEMENT EW AN MANAGEMENT EWA CAPROCK WELL NOS. 1902-03, 04

Thank you for the opportunity to comment on this permit application. We have no objection to increasing the permitted use for these caprock wells by an additional 0.5 mgd.

If you have any questions, please contact Barry Usagawa at 527-5235.
May 12, 1998

Michael D. Wilson, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Chair Wilson:

Re: Notice of Action Overpumpage Violation of
WUP No. 160 (Well Nos. 1902-03, 04) dated
June 5, 1997

This letter is to request that the Commission on
Water Resource Management ("CWRM") take action at its
meeting on May 20, 1998 to withdraw the above-
referenced Notice of Action Overpumpage Violation, with
no fine or penalty being assessed against the
Department of Wastewater Management ("WWM"). Withdrawal
of the Notice of Violation is consistent with the
agreement reached on this matter between the Deputy
Corporation Counsel representing the WWM and the Deputy
Attorney General representing CWRM. A copy of this
agreement, consisting of an exchange of letters between
counsel, is enclosed.

Additionally, the City must obtain clear title to
the Honouliuli Wastewater Treatment Plant property to
undertake its beneficial effluent reuse project in
order to permit a non-governmental contractor to
develop, finance, design, construct, test, operate and
maintain a wastewater reclamation facility. As such,
the Notice of Violation must be withdrawn in order that
there will be no cloud on the title.
Our original understanding was that the Notice of Violation would be withdrawn with prejudice. However, we understand that CWRM staff have expressed concerns about a withdrawal with prejudice. Accordingly, despite our earlier agreement, we are willing to accept a withdrawal without prejudice. The following terms for withdrawal without prejudice have been discussed between counsel and are acceptable to WWM.

1. If any quarterly report is not provided to the CWRM within five working days after such report is provided to the DOH, the CWRM may send a written demand for such report to WWM. If WWM does not provide the CWRM with either such report or an adequate justification for withholding the report, within five working days after receipt of the written demand, the CWRM may, at a commission meeting or public hearing at which the matter is scheduled for disposition, reinstate the Notice of Violation, including the original fine of $174,000. The Notice of Violation may not be reinstated for any other cause.

2. On April 20, 1999, the Notice of Violation will be deemed withdrawn with prejudice without further action by the CWRM.

If you have any questions or concerns, please call me at 527-6663. Thank you for your attention to this matter.

Sincerely,

KENNETH E. SPRAGUE
Director

KES:km
Enclosures
February 20, 1998

VIA FACSIMILE AND U.S. MAIL

Dawn N. S. Chang, Esq.
Deputy Attorney General
465 South King Street, Room 300
Honolulu, Hawaii 96813

Dear Ms. Chang:

Re: Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) dated June 5, 1997

This letter serves as a follow-up letter to the letter dated January 22, 1998 from Kenneth E. Sprague to Rae M. Loui.

The City understands the settlement terms to be the following:

1. The Commission on Water Resource Management is to be given a copy of the contract documents for both the Pilot Trench Demonstration Project and the Honolulu Effluent Reclamation Facility. This was done at the December 23, 1997 meeting.

2. The Notice of Action - Overpumpage Violation dated June 5, 1997 will be withdrawn and no fine will be assessed against the City, provided that the City sends a courtesy copy of the quarterly reports which are already being sent to the Department of Health (DOH) to the Commission on Water Resource Management. These reports update DOH on the status of the City's projects which are intended to meet the Consent Decree requirements on effluent reuse.

3. That all currently pending appeals and the Complaint filed in this matter shall be withdrawn or dismissed.
Although we realize that the issue was not discussed at our December 23, 1997 meeting, the City must reiterate that the City does not recognize CWRM's authority with regards to the City's wastewater reclamation project. Nevertheless, the City is willing to provide the information requested by CWRM regarding the City's wastewater reclamation project, since this information will be useful in CWRM's determination of well user permit applications for the Ewa area.

Please confirm by letter that you are in agreement with the foregoing. If there are any questions or concerns, you may reach me at 527-5351. Thank you for your cooperation in this matter.

Very truly yours,

[Signature]

MAILE R. CHUN
Deputy Corporation Counsel

MRC:ey

LAC
Maile R. Chun
Deputy Corporation Counsel
Department of the Corporation Counsel
City and County of Honolulu
530 S. King Street, Room 110
Honolulu, Hawaii 96813

Dear Maile:

RE: Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) dated June 5, 1997

Thank you for your February 20, 1998 letter regarding the above referenced matter. We concur with your understanding. Accordingly, once the current appeals and complaint have been withdrawn or dismissed, we will so advise the Commission on Water Resource Management.

Your cooperation in amicably resolving this matter is greatly appreciated. Should you have any questions, please call me at 587-2988.

Very truly yours,

Dawn N.S. Chang,
Deputy Attorney General

C: Lenore Nakama
April 28, 1998

Mr. Edwin Sakoda, Acting Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Edwin Sakoda:

Subject: Reuse Agreements Between the City and County of Honolulu and Gentry, Ltd.; Haseko, Inc./Coral Creek Golf Course; and Hawaii Prince Golf Course

This is to inform you that the City and County of Honolulu has issued an award to U.S. Filter Corporation (USF) for a contract to design, build, and operate a 13 mgd wastewater reclamation facility for beneficial reuse of the secondary effluent from the Honolulu Wastewater Treatment Plant.

The project will be implemented in two phases. Phase 1 will treat 8 mgd of secondary effluent to R-1 quality standards: 2 mgd will undergo further treatment for use as industrial service water for Campbell Industrial Park; 2 mgd is for Honolulu in-plant uses; 2 mgd is for irrigation of City owned golf courses West Loch and Ewa Villages and 2 mgd is available for customers between the Honolulu plant and the City of Kapolei. In Phase 2 of the project USF will expand the capacity of the plant to 13 mgd by July 1, 2001. The remaining 5 mgd will be available to non-potable users in the Ewa Plain for landscape and golf course irrigation.

We are aware that our reclamation facility is an integral factor in managing the Ewa Caprock and are pleased to be part of this effort. We have continued to meet with Gentry, Haseko, Hawaii Prince Golf Course, Coral Creek Golf Course and New Ewa Beach Golf Course and keep them informed of the City’s progress for the R-1 facility. The City, however, will not be able to enter into formal agreements regarding the purchase of reclaimed water in accordance with the timetable established for these permit users in their interim permits.

We suggest that the date to enter into agreements to purchase the reclaimed water be extended to October 31, 1999, or soon thereafter. As Phase 2 of the reclamation facility is developed, we will have a more definite time frame for the availability and cost of the
reclaimed water. The City will then be able to obtain commitments from customers to buy reclaimed water. We do look forward to coordinating the City's efforts with the Water Commission to make this water available for those now using groundwater from the Ewa Caprock.

If there are any questions, please do not hesitate to contact me at 527-6663.

Sincerely,

KENNETH E. SPRAGUE
Director

cc: Gentry Homes, Ltd.; Attn.: Jeffrey C. Dinsmore  
560 N. Nimitz Highway, Suite 213  
Honolulu, Hawaii 96817

Hawaii Prince Golf Club; Attn.: Garrick Iwamuro  
91-1200 Fort Weaver Road  
Ewa Beach, Hawaii 96706

Haseko, Inc.; Attn.: Nelson Lee  
820 Mililani Street, Suite 820  
Honolulu, Hawaii 96813-2938
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King St.  
Honolulu, HI 96813

Dear Mr. Sprague:

Approval of Water Use Permit for Well Nos. 1902-03 & 04  
Puuloa Ground Water Management Area, Oahu

This letter transmits your modified permanent water use permit for Honolulu STP 1 & 2 Wells  
(Well Nos. 1902-03 & 04) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis for in-plant process water, landscape irrigation, and emergency backup use that was approved by the Commission on Water Resource Management (Commission) on April 15, 1998. As part of the Commission's approval, the following special conditions were added and are part of your permit under Standard Permit Condition 20:

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.

Enclosed with this letter of approval are the following:

1. Your water use permit

2. Your official monthly water use report form

Please be sure to read the conditions of your approved permit. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.

Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Puuloa Ground Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

If you have any questions, please call the Commission staff at 587-0218.

Aloha,

MICHAEL D. WILSON  
Chairperson

Attachments
GROUND WATER USE PERMIT
WUP NO. 160

PERMITTEE

Applicant/Water User
Address
DEPARTMENT OF WASTEWATER MANAGEMENT
650 SOUTH KING ST.
HONOLULU, HI 96813

Landowner of Source
Address
DEPARTMENT OF WASTEWATER MANAGEMENT
650 SOUTH KING ST.
HONOLULU, HI 96813

PERMITTED SOURCE INFORMATION

Island: OAHU
Water Management Area: PUULOA
Aquifer Sector: EWA CAPROCK
Aquifer System: PUULOA
System Sustainable Yield: NA
Well Name: HONOLULU STP 1 & 2
State Well No.: 1902-03 & 04

PERMITTED USE INFORMATION

Reasonable beneficial use: IN-PLANT PROCESS WATER, IRRIGATION, EMERGENCY BACKUP
Withdrawal (12 month moving ave.): 0.500 mgd
Chloride Cap: 1,000 mg/l
Location of water use
TMK #: 9-1-13:7
Address: 91-1501 GEIGER RD.
State land use classification: URBAN
County zoning classification: R-5

Pursuant to Hawaii’s State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
GROUND WATER USE PERMIT

Department of Westwater Management, Well Nos. 1902-03 & 04, WUP No. 160

1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-benificial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

4. The ground water use here must not interfere with surface or other ground water rights or reservations.

5. The ground water use here must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and submittal, as amended, approved by the Commission at its April 15, 1998 meeting are incorporated into this permit by reference.

8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.

9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. Protect the water sources (quantity or quality);
   b. Meet other legal obligations including other correlative rights;
   c. Insure adequate conservation measures;
   d. Require efficiency of water uses;
   e. Reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
   f. Meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
   g. Carry out such other necessary and proper exercise of the State's and the Commission's police powers under law as may be required.

Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

10. If the ground water source does not presently exist, the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

11. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis (attached).

12. This permit shall be subject to the Commission's periodic review of the PUULOA Aquifer System's sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the PUULOA Aquifer System, or relevant modified aquifer(s), is reduced.
13. A permit may be transferred, in whole or in part, from the permittee to another, if:
   a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of the use, remain the same; and
   b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit. A transfer which involves a change in any condition of the permit, including a change in use covered in HRS § 174C-57, is also invalid and constitutes a ground for revocation.

14. The use(s) authorized by law and by this permit do not constitute ownership rights.

15. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee's water use.

16. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservation, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period of forfeiture.

17. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the Pualoa Ground Water Management Area.

18. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-167-3(6). The final determination of the water use quantity shall be made within five years of the filing of the application.

19. The water use permit shall be subject to the Commission's establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.

20. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

21. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: ___________________________ Date: ______________

Printed Name: ___________________________ Firm or Title: ___________________________

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.

Attachment
Mr. Kenneth E. Sprague  
City and County of Honolulu  
650 South King Street  
Honolulu, HI 96813

Dear Mr. Sprague:

Approval of Water Use Permit for Well Nos. 1902-03 & 04  
Puuloa Ground Water Management Area, Oahu

This letter transmits your interim water use permit for Honouliuli STP 1 & 2 Wells (Well Nos. 1902-03 & 04) for use of 1,500 million gallons per day (mgd) of water on a 12-month moving average basis for washdown/processing and landscape irrigation use that was approved by the Commission on Water Resource Management (Commission) on April 15, 1998. As part of the Commission's approval, the following special conditions were added and are part of your permit under Standard Permit Condition 20:

**Special Conditions**

1. The duration of the permit shall be to July 30, 1998.
2. 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.
3. 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.

Enclosed with this letter of approval are the following:

1. Your water use permit
2. Your official monthly water use report form

Please be sure to read the conditions of your approved permit. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.

Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the PUULOA Ground Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

If you have any questions, please call the Commission staff at 587-0218.

Aloha,

[Signature]

Chairperson

Michael D. Wilson

Chairperson
GROUND WATER USE PERMIT
WUP NO. 473

PERMITTEE

Applicant/Water User
Address: DEPARTMENT OF WASTEWATER MANAGEMENT
650 SOUTH KING STREET
HONOLULU, HI 96813

Landowner of Source
Address: DEPARTMENT OF WASTEWATER MANAGEMENT
650 SOUTH KING STREET
HONOLULU, HI 96813

PERMITTED SOURCE INFORMATION

Island: OAHU
Water Management Area: PUUOLA
Aquifer Sector: EWA CAPROCK
Aquifer System: PUUOLA
System Sustainable Yield: NA
Well Name: HONOLULU STP 1 & 2
State Well No.: 1902-03 & 04

PERMITTED USE INFORMATION

Reasonable beneficial use: WASHDOWN/PROCESSING, IRRIGATION
Withdrawal (12 month moving ave.): 1.500 mgd

Location of water use
TMK #: 91-13-07
Address: 91-1501 GEIGER ROAD
State land use classification: URBAN
County zoning classification: R-5

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-157 through 13-171; and Hawaii decisional law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

4. The ground water use here must not interfere with surface or other ground water rights or reservations.

5. The ground water use here must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and submittal, as amended, approved by the Commission at its April 15, 1998 meeting are incorporated into this permit by reference.

8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.

9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. Protect the water sources (quantity or quality);
   b. Meet other legal obligations including other correlative rights;
   c. Insure adequate conservation measures;
   d. Require efficiency of water uses;
   e. Reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
   f. Meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
   g. Carry out such other necessary and proper exercise of the State's and the Commission's police powers under law as may be required.

Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

10. If the ground water source does not presently exist, the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

11. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis (attached).

12. This permit shall be subject to the Commission's periodic review of the PUULOA Aquifer System's sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the PUULOA Aquifer System, or relevant modified aquifer(s), is reduced.
13. A permit may be transferred, in whole or in part, from the permittee to another, if:
   a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of the use, remain the same; and
   b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit. A transfer which involves a change in any condition of the permit, including a change in use covered in HRS § 174C-57, is also invalid and constitutes a ground for revocation.

14. The use(s) authorized by law and by this permit do not constitute ownership rights.

15. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee's water use.

16. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservation, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period of forfeiture.

17. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the PUUOLA Ground Water Management Area.

18. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-167-3(6). The final determination of the water use quantity shall be made within five years of the filing of the application.

19. The water use permit shall be subject to the Commission's establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.

20. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

21. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: __________________________ Date: __________

Printed Name: ___________________________ Firm or Title: ___________________________

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.

Attachment
STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

April 15, 1998
Honolulu, Oahu

City and County of Honolulu, Department of Wastewater Management
APPLICATION FOR A WATER USE PERMIT (WUP No. 473)
MODIFICATION OF A WATER USE PERMIT (WUP No. 160)
Honouliuli STP 1 & 2 Wells (Well Nos. 1902-03 & 04), TMK 9-1-13:07
Future Landscape Irrigation, Washdown/Processing, and Emergency Backup Use for 2.0 mgd
Puuloa Ground Water Management Area, Oahu

APPLICANT: City and County of Honolulu
Department of Wastewater Management
650 South King Street
Honolulu, HI 96813

LANDOWNER: Same

LOCATION MAP: See Exhibit 1

BACKGROUND:

On March 15, 1990, the Commission on Water Resource Management (Commission) approved a water use permit for 0.5 million gallons per day (mgd) for Well No. 1902-03 for in-plant process water for the Honouliuli Wastewater Treatment Plant (WWTP).

On December 8, 1993, the Commission voted to approve an administrative amendment of the water use permit to include Well No. 1902-04 as a backup source.

On January 13, 1998, a completed water use permit application was received from the City and County of Honolulu, Department of Wastewater Management (DWM) to modify the permitted use quantity from 0.5 mgd to 2.0 mgd for emergency backup use for reclaimed water, which will be the primary source of nonpotable water requirements at the WWTP by July, 1998.

In a letter dated February 27, 1998, DWM clarified the current nonpotable water requirement for in-plant use is 2.0 mgd. DWM has been restricting its use of the brackish well water to comply with the 0.5 mgd permitted amount, but has found it necessary to supplement the well water with potable water from the municipal system to meet the current nonpotable water requirement. Expansions of the facility and landscaped area has created the need for additional nonpotable water.

Additional information regarding the source, use, notification, objections, and field investigation(s) is provided in Attachment A.

Item 7
ANALYSIS/ISSUES:

Section 174C-49(a) of the State Water Code establishes seven (7) criteria that must be met to obtain a water use permit. An analysis of the proposed permit in relation to these criteria follows:

(1) Water availability

Through the Hawaii Water Plan, the Commission has adopted 1,000 mg/l of chloride as the sustainable capacity for irrigation wells in the Puuloa Aquifer System. There is no aggregate sustainable yield number for the aquifer system. Individual existing water use permits in this aquifer system are shown in Exhibit 2. The only other pending application in Puuloa is for the Ewa Marina. An after-the-fact application by Coral Creek Golf Course was recently submitted and is still being reviewed for completeness.

Since 1994, expiration dates have been attached to water use permits in the Puuloa Aquifer System because there are concerns regarding the impacts of land and water use changes on the future viability of the aquifer as a dependable source of brackish irrigation water.

Although the Honouliuli STP Wells were not originally permitted for irrigation use, the wells are used for landscape irrigation at the WWTP, they are in relatively close proximity to other caprock irrigation wells in Puuloa, and the chlorides are about 400-500 ppm. As such, the wells are subject to the 1,000 mg/l chloride cap. DWM is planning to replace the use of the wells with reclaimed water from the Honouliuli WWTP in July, 1998. Thereafter, reclaimed water will be the primary source of nonpotable water requirements at the WWTP, with the wells to be used as emergency backup supply.

DWM is also proposing to experiment with ground-water recharge using reclaimed water in an effort to increase the overall yield of the aquifer. The project consists of constructing and operating a pilot scale recharge trench to percolate reclaimed water into the aquifer. In addition, DWM is planning to provide reclaimed water to nonpotable water users in the Ewa area.

(2) Reasonable-beneficial

Section 174C-3 HRS defines "reasonable-beneficial use" as

"...the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest".

DWM recently began constructing an R-1 reclamation facility at the existing Honouliuli WWTP. The additional requested water will be used during the construction, for the R-1 plant operations, and for landscaping the grounds surrounding the expanded facility. A graph of the 12-month moving average withdrawal is shown in Exhibit 3.

The application states that "... the proposed water use is a reasonable-beneficial use that is: not wasteful since brackish water will only be used as a backup supply and for every amount of brackish water withdrawn per day, there is an equivalent amount of savings with potable water; consistent with land use plans for WWTPs; within the public interest since it prevents disease and environmental harm; and is in a quantity necessary for economic and efficient use".

(3) Interference with other existing legal uses

The current pumping capacity of the wells is 1,008 mgd. The wells were tested at a combined 1100 gpm pumping capacity, or 1,584 mgd (3 hour test for Well No. 1902-03 at 600 gpm; 1 hour test for Well No. 1902-04 at 500 gpm). Chlorides were stable at 300 ppm at both wells.
A pump installation permit would need to be obtained to install larger capacity pumps and new pumping tests at the proposed 2 mgd would be required. The pumping tests should be conducted using nearby wells as observation wells to determine potential impacts to other pumping wells in the vicinity. DWM has indicated plans to submit applications to install larger pumps.

The staff is recommending that the Commission approve a new interim permit for the additional 1.5 mgd to expire in July, 1998, when DWM plans to switch to reclaimed water. To address the longer term need for emergency backup supply, the existing water use permit (WUP No. 160) should be modified to provide for emergency backup use; no change in the 0.5 mgd allocation is recommended.

Interim use of an additional 1.5 mgd is recommended because: 1) the proposed use is for nonpotable water from a brackish aquifer; 2) the need for the additional well water is only to July, 1998, and 3) there are long-term plans to use reclaimed water.

(4) **Public interest**

The application states that "[t]he proposed use of water is consistent with public interest because wastewater treatment and disposal benefits the public through aesthetics and prevention of disease". The public interest in wastewater reclamation is evidenced through the Consent Order (89-CW-EOW-6) with the Department of Health (DOH) to design and construct a 13 mgd capacity secondary treatment facility, and the 309 Consent Decree (Civ. No. 94-0076DAE) settlement with U.S. Environmental Protection Agency and DOH to implement a reuse program with agreed-upon time schedule and associated volumes.

(5) **State & county general plans and land use designations**

The proposed use is consistent with the state and county general plans and land use designations.

(6) **County land use plans and policies**

The proposed use is consistent with county land use plans and policies.

(7) **Interference with Hawaiian home lands rights**

All permits are subject to the prior rights of Hawaiian home lands. The Department of Hawaiian Home Lands (DHHL) and the Office of Hawaiian Affairs have reviewed this application. No objections or comments were received.

**RECOMMENDATION:**

Staff recommends that the Commission:

1. Approve the issuance of an interim water use permit (WUP No. 473) to the City and County of Honolulu, Department of Wastewater Management for the reasonable and beneficial use of 1.5 million gallons per day of brackish water for washdown/processing and landscape irrigation use for the Honouliuli STP 1 & 2 Wells (Well Nos. 1902-03 & 04), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:
   a. The duration of the permit shall be to July 30, 1998.
   b. 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.
c. 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.

2. Modify WUP No. 160 to allow for emergency backup use, subject to the Standard Conditions 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.

Respectfully submitted,

[Signature]
EDWIN T. SAKODA
Acting Deputy Director

Attachment(s): A (Water Use Permit Detailed Information)  
B (Water Use Permit Standard Conditions)

Exhibit(s):  1 (Location Map)  
2 (Existing Water Use Permits and 12-Month Moving Average Withdrawal)  
3 (Graph of Pumpage for Well Nos. 1902-03 & 04)
**WATER USE PERMIT DETAILED INFORMATION**

**Source Information**

**AQUIFER:**
- **Puuloa System, Ewa Caprock Sector, Oahu**
  - **Sustainable Yield:** 1,000 mg/l of chloride
  - **Existing Water Use Permits:** 15.069 mgd
  - **Available Allocation:** NA mgd
  - **Total of other pending allocations:** NA mgd

**WELL:**
- **Honouliuli STP 1 (Well No. 1902-03)**
  - **Location:** 91-1501 Geiger Rd., Ewa Beach, Oahu, TMK:9-1-13:07
  - **Year Drilled:** 1991
  - **Casing Diameter:** 12 in.
  - **Elevations (msl = 0 ft.)**
    - **Water Level:** 0.5 ft.
    - **Ground:** 36 ft.
    - **Bottom of Solid Casing:** 5 ft.
    - **Bottom of Perforated:** -15 ft.
    - **Bottom of Open Hole:** -15 ft.
  - **Total Depth:** 51 ft.
  - **Grouted Annulus Depth:** NA ft.
  - **Pump Capacity:** 350 gpm

**WELL:**
- **Honouliuli STP 2 (Well No. 1902-04)**
  - **Location:** 91-1501 Geiger Rd., Ewa Beach, Oahu, TMK:9-1-13:07
  - **Year Drilled:** 1991
  - **Casing Diameter:** 12 in.
  - **Elevations (msl = 0 ft.)**
    - **Water Level:** 1.2 ft.
    - **Ground:** 36 ft.
    - **Bottom of Solid Casing:** 5 ft.
    - **Bottom of Perforated:** -15 ft.
    - **Bottom of Open Hole:** -15 ft.
  - **Total Depth:** 51 ft.
  - **Grouted Annulus Depth:** NA ft.
  - **Pump Capacity:** 350 gpm
Use Information

Quantity Requested: 2,000,000 gallons per day.
Existing/Proposed Type of Water Use: Washdown/Processing, Landscape, and Emergency Back-up
Place of Water Use: 91-1501 Geiger Rd., Ewa Beach, Oahu at TMK: 9-1-13:07
Reported Water Usage: mgd
Puuloa Aquifer System
Current 12-Month Moving Average Withdrawal (See Exhibit 2): 3.028 mgd

Nearby Surrounding Wells

There are seventeen (17) other wells within a mile of the well (see Exhibit 1). Eleven (11) of the wells are either sealed or unused. Six (6) of these wells are currently being used for landscape irrigation. A pumping test to determine potential for interference and sustainable capacity would be required should the applicant desire to install larger capacity pumps to withdraw 2.0 mgd.

Public Notice

In accordance with HAR §13-171-17, a public notice was published in the Honolulu Advertiser on February 13 and 20, 1998 and a copy of the notice was sent to the Mayor's office. Copies of the completed application were sent to the Department/Board of Water Supply, Planning Department, Department of Land Utilization (Oahu only), Department of Health, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, the various divisions within the Department of Land and Natural Resources, and other interested parties for comments. Written comments and objections to the proposed permit were to be submitted to the Commission by March 6, 1998.
Objections

The public notice specifies that an objector meet the following requirements: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; (3) state all grounds for objections to the proposed permits, (4) provide a copy of the objection letter(s) to the applicant, and (5) submit objections meeting the previous requirements to the Commission by March 6, 1998. No objections were received.

Briefs in Support

Responses to objections, or briefs in support, regarding the application are required to be filed with the Commission ten (10) days after an objection is filed and, presumably, copies are served to the applicant. No briefs in support were filed with the Commission.

Field Investigation

The water source and proposed / existing use is visited on a regular monthly basis as part of the Commission’s caprock monitor well network. The expansion of the facility is underway.
STANDARD WATER USE PERMIT CONDITIONS

1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

4. The ground water use here must not interfere with surface or other ground water rights or reservations.

5. The ground water use here must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and submittal, as amended, approved by the Commission at its April 15, 1998 meeting are incorporated into this permit by reference.

8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.

9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. protect the water sources (quantity or quality);
   b. meet other legal obligations including other correlative rights;
   c. insure adequate conservation measures;
   d. require efficiency of water uses;
   e. reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
   f. meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
   g. carry out such other necessary and proper exercise of the State's and the Commission's police powers under law as may be required.

Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

ATTACHMENT B
10. If the ground water source does not presently exist, the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

11. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis (attached).

12. This permit shall be subject to the Commission's periodic review of the Puuloa Aquifer System's sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the Puuloa Aquifer System, or relevant modified aquifer(s), is reduced.

13. A permit may be transferred, in whole or in part, from the permittee to another, if:
   a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of the use, remain the same; and
   b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit. A transfer which involves a change in any condition of the permit, including a change in use covered in HRS § 174C-57, is also invalid and constitutes a ground for revocation.

14. The use(s) authorized by law and by this permit do not constitute ownership rights.

15. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee's water use.

16. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservation, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period of forfeiture.

17. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the Puuloa Ground Water Management Area.

18. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-167-3(6). The final determination of the water use quantity shall be made within five years.

19. The water use permit shall be subject to the Commission's establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.

20. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.

ATTACHMENT B
<table>
<thead>
<tr>
<th>WMA Aquifer System: PUUOAA</th>
<th>Sustainable Yield = 15 mgd</th>
</tr>
</thead>
<tbody>
<tr>
<td>WUW 12-MAV</td>
<td>Well No</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>152</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>203</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>203</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>203</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>152</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>203</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>203</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>203</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>152</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>182</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>182</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>160</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>160</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>357</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>188</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>80</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>167</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>302</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>345</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>157</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>34</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>344</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>395</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>249</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>188</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>437</td>
</tr>
<tr>
<td>WUW 12-MAV</td>
<td>247</td>
</tr>
</tbody>
</table>

EXHIBIT 2
Honouliuli WWTP Groundwater Withdrawal
Well Nos. 1902-03,04

Date (latest data 2/98)

Monthly withdrawal*

12-MAV

Permitted withdrawal

*Pumpage amounts pro-rated to reflect whole-month totals (until 6/97)
Honouliuli WWTP Groundwater Withdrawal
Well Nos. 1902-03,04

pumpage (mgd)

0.9
0.8
0.7
0.6
0.5
0.4
0.3
0.2
0.1

94 95 96 97 98

date (latest data 2/98)

--- monthly withdrawal
--- 12-MAV
--- permitted withdrawal

Lena
Here's corrected Honouliuli WWTP mostly.
DATE: 1/4/98

TELECOPY MESSAGE

TO: Lenore Nakano  FAX NO. 7-0219
FROM: DAWN N.S. CHANG, DEPUTY ATTORNEY GENERAL

SUBJECT: Sprague dismissals

COMMENTS: Enclosed is a copy of the 5 dismissals. This should be all of the cases.

Number of pages transmitted, including this transmittal: 15

If you do not receive any of the pages, please call 587-2988.

WARNING: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged or confidential. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original to us at the above address via the U.S. postal service. Thank you.
DAVID Z. ARAKAWA, 2908
Corporation Counsel
MAILE R. CHUN, 4906
Deputy Corporation Counsel
City and County of Honolulu
Honolulu, Hawaii 96813
Telephone: 527-5351
Attorneys for Appellant

THE COMMISSION ON WATER RESOURCE MANAGEMENT
OF THE STATE OF HAWAII

KENNETH E. SPRAGUE, Director
of the Department of
Wastewater Management, City
and County of Honolulu,
Appellant,

vs.

COMMISSION ON WATER RESOURCE
MANAGEMENT, DEPARTMENT OF
LAND AND NATURAL RESOURCES,
STATE OF HAWAII,
Appellee.

STIPULATION FOR DISMISSAL WITH
PREJUDICE OF ALL CLAIMS AND
ALL PARTIES

Pursuant to Rule 42(a) of the Hawaii Rules of Appellate
Procedure, the parties described hereinbelow, through their
respective counsel, hereby stipulate that the Notice of Appeal
filed on November 26, 1997 be dismissed with prejudice as to all
claims and all parties. Each party is to bear his/her own costs
and attorney's fees.
There are no remaining parties and/or issues. No motion for summary judgment has been served by any of the parties. This Stipulation is signed by or on behalf of all appearing parties hereunder described.

DATED: Honolulu, Hawaii, MAR 17 1998

DAVID Z. ARAKAWA
Corporation Counsel

By
MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
KENNETH E. SPRAGUE, Director
of the Department of Wastewater Management, City and County of Honolulu

MARGERY S. BRONSTER
Attorney General

By
DAWN N.S. CHANG
Deputy Attorney General
Attorney for Appellee
COMMISSION ON WATER RESOURCE MANAGEMENT

KENNETH E. SPRAGUE v. COMMISSION ON WATER RESOURCE MANAGEMENT - STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND ALL PARTIES

STIP-DIS
NO. 20937
IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, Appellant,

VS.

COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAI'I, Appellee.

CIVIL NO. 97-2778-07
APPEAL FROM THE DECISION OF THE COMMISSION ON WATER RESOURCE MANAGEMENT PUBLISHED ON MAY 14, 1997

STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND ALL PARTIES

DAVID Z. ARAKAWA, 2908 Corporation Counsel
MAILE R. CHUN, 4906 Deputy Corporation Counsel
City and County of Honolulu
Honolulu, Hawaii 96813
Telephone: 527-5351

Attorneys for Appellant
IN THE SUPREME COURT OF THE STATE OF HAWAII

KENNETH E. SPRAGUE, Director ) CIVIL NO. 97-2778-07
of the Department of ) APPEAL FROM THE DECISION OF
Wastewater Management, City ) THE COMMISSION ON WATER
and County of Honolulu, ) RESOURCE MANAGEMENT PUBLISHED
Appellant, ) ON MAY 14, 1997

VS.

COMMISSION ON WATER RESOURCE )
MANAGEMENT, DEPARTMENT OF )
LAND AND NATURAL RESOURCES, )
STATE OF HAWAII, )
Appellee.

STIPULATION FOR DISMISSAL WITH
PREJUDICE OF ALL CLAIMS AND ALL PARTIES

Pursuant to Rule 42(b) of the Hawaii Rules of Appellate
Procedure, the parties described hereinbelow, through their
respective counsel, hereby stipulate that the Notice of Appeal
filed on July 7, 1997 be dismissed with prejudice as to all
claims and all parties. Each party is to bear his/her own costs
and attorney’s fees.

There are no remaining parties and/or issues. No motion for
summary judgment has been served by any of the parties.

This Stipulation is signed by or on behalf of all appearing
parties hereunder described.
DATED: Honolulu, Hawaii,

MAR 17 1998

DAVID Z. ARAKAWA
Corporation Counsel

By

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
KENNETH E. SPRAGUE, Director
of the Department of
Wastewater Management, City
and County of Honolulu

MARGERY S. BRONSTER
Attorney General

By

DAWN N.S. CHANG
Deputy Attorney General
Attorney for Appellee
COMMISSION ON WATER RESOURCE
MANAGEMENT

APPROVED AND ALLOWED:

Paula A. Nakayama
Justice

Seal

STATE OF HAWAI'I

NO. 20937, KENNETH E. SPRAGUE v. COMMISSION ON WATER RESOURCE
MANAGEMENT - STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL
CLAIMS AND ALL PARTIES
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

KENNETH E. SPRAGUE, Director (Agency Appeal)
of the Department of
Wastewater Management, City (Civil No. 97-2778-07)
and County of Honolulu, (Stipulation for Dismissal with

Appellant, (Prejudice of All Claims and

vs.

COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF (All Parties)
LAND AND NATURAL RESOURCES, (All Parties)
STATE OF HAWAII, (All Parties)

Appellee.

STIPULATION FOR DISMISSAL WITH
PREJUDICE OF ALL CLAIMS AND ALL PARTIES

Pursuant to Rule 41(a)(1)(ii) and Rule 72 of the Hawaii
Rules of Civil Procedure, the parties described hereinbelow,
through their respective counsel, hereby stipulate that the
Notice of Appeal filed on July 7, 1997 be dismissed with
prejudice as to all claims and all parties. Each party is to
bear his/her own costs and attorney's fees.

There are no remaining parties and/or issues. No motion for
summary judgment has been served by any of the parties.

[Signature]

I do hereby certify that this is a full, true and
correct copy of the original on file in this office.

[Signature]
This Stipulation is signed by or on behalf of all appearing parties hereunder described. No trial date has been set in this case.

DATED: Honolulu, Hawaii, MAR 17 1998

DAVID Z. ARAKAWA
Corporation Counsel

By
MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu

MARGERY S. BRONSTER
Attorney General

By
DAWN N.S. CHANG
Deputy Attorney General
Attorney for Appellee
COMMISSION ON WATER RESOURCE MANAGEMENT

CIVIL NO. 97-2778-07, KENNETH E. SPRAGUE v. COMMISSION ON WATER RESOURCE MANAGEMENT - STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND ALL PARTIES
STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND ALL PARTIES

Pursuant to Rule 41(a)(1)(ii) of the Hawaii Rules of Civil Procedure, the parties described hereinbelow, through their respective counsel, hereby stipulate that the Complaint filed herein be dismissed with prejudice as to all claims and all parties. Each party is to bear his/her own costs and attorney's fees.

There are no remaining parties and/or issues. No motion for summary judgment has been served by any of the parties.
This Stipulation is signed by or on behalf of all appearing parties hereunder described. No trial date has been set in this case.

DATED: Honolulu, Hawaii, MAR 17, 1998

DAVID Z. ARAKAWA
Corporation Counsel

By MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Plaintiff
KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu

MARGERY S. BRONSTER
Attorney General

By DAWN N.E. CHANG
Deputy Attorney General
Attorney for Defendant COMMISSION ON WATER RESOURCE MANAGEMENT

CIVIL NO. 97-2779-07, KENNETH E. SPRAGUE v. COMMISSION ON WATER RESOURCE MANAGEMENT - STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND ALL PARTIES

STIP-DIS

-2-
DAVID Z. ARAKAWA, 2908
Corporation Counsel
MAILE R. CHUN, 4906
Deputy Corporation Counsel
City and County of Honolulu
Honolulu, Hawaii 96813
Telephone: 527-5351

Attorneys for Appellant

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

KENNETH E. SPRAGUE, Director
of the Department of
Wastewater Management, City
and County of Honolulu,
Appellant,

VS.

COMMISSION ON WATER RESOURCE
MANAGEMENT, DEPARTMENT OF
LAND AND NATURAL RESOURCES,
STATE OF HAWAII,
Appellee.

STIPULATION FOR DISMISSAL WITH
PREJUDICE OF ALL CLAIMS AND
ALL PARTIES

Pursuant to Rule 41 (a)(1)(i) and Rule 72 of the Hawaii
Rules of Civil Procedure, the parties described hereinbelow,
through their respective counsel, hereby stipulate that the
Notice of Appeal filed on November 26, 1997 be dismissed with
prejudice as to all claims and all parties. Each party is to
bear his/her own costs and attorney's fees.

There are no remaining parties and/or issues. No motion for
summary judgment has been served by any of the parties.

I do hereby certify that this is a full, true and
correct copy of the original on file in this office.

[Signature]
Clerk, Circuit Court, First Circuit
This Stipulation is signed by or on behalf of all appearing parties hereunder described. No trial date has been set in this case.

DATED: Honolulu, Hawaii, MAR 17 1998

DAVID Z. ARAKAWA
Corporation Counsel

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu

MARGERY S. BRONSTER
Attorney General

DAWN N.E. CHANG
Deputy Attorney General
Attorney for Appellee
COMMISSION ON WATER RESOURCE MANAGEMENT

CIVIL NO. 97-4867-11, KENNETH E. SPRAGUE v. COMMISSION ON WATER RESOURCE MANAGEMENT - STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND ALL PARTIES

STIPULATED

-2-
NO. 20937

IN THE SUPREME COURT OF THE STATE OF HAWAII

KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, Appellant,

VS.

COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, Appellee.

CIVIL NO. 97-2778-07

APPEAL FROM THE DECISION OF THE COMMISSION ON WATER RESOURCE MANAGEMENT PUBLISHED ON MAY 14, 1997

STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND ALL PARTIES

DAVID Z. ARAKAWA, 2908 Corporation Counsel MAILE R. CHUN, 4906 Deputy Corporation Counsel City and County of Honolulu Honolulu, Hawaii 96813 Telephone: 527-5351

Attorneys for Appellant
IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KENNETH E. SPRAGUE, Director
of the Department of
Wastewater Management, City
and County of Honolulu,

Appellant,

VS.

COMMISSION ON WATER RESOURCE
MANAGEMENT, DEPARTMENT OF
LAND AND NATURAL RESOURCES,
STATE OF HAWAI'I,

Appellee.

CIVIL NO. 97-2778-07

APPEAL FROM THE DECISION OF
THE COMMISSION ON WATER
RESOURCE MANAGEMENT PUBLISHED
ON MAY 14, 1997

STIPULATION FOR DISMISSAL WITH
PREJUDICE OF ALL CLAIMS AND ALL PARTIES

Pursuant to Rule 42(b) of the Hawaii Rules of Appellate
Procedure, the parties described hereinbelow, through their
respective counsel, hereby stipulate that the Notice of Appeal
filed on July 7, 1997 be dismissed with prejudice as to all
claims and all parties. Each party is to bear his/her own costs
and attorney's fees.

There are no remaining parties and/or issues. No motion for
summary judgment has been served by any of the parties.

This Stipulation is signed by or on behalf of all appearing
parties hereunder described.
DATED: Honolulu, Hawaii, MAR 17 1998

DAVID Z. ARAKAWA
Corporation Counsel

By
MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
KENNETH E. SPRAGUE, Director
of the Department of
Wastewater Management, City
and County of Honolulu

MARGERY S. BRONSTER
Attorney General

By
DAWN N.S. CHANG
Deputy Attorney General
Attorney for Appellee
COMMISSION ON WATER RESOURCE
MANAGEMENT

APPROVED AND ALLOWED:
Paula A. Nakayama
Justice

Seal

NO. 20937, KENNETH E. SPRAGUE v. COMMISSION ON WATER RESOURCE
MANAGEMENT - STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL
CLAIMS AND ALL PARTIES

STIP-DIS
March 24, 1998

VIA FACSIMILE AND U.S. MAIL

Dawn N.S. Chang, Esq.
Deputy Attorney General
465 South King Street, Room 300
Honolulu, Hawaii 96813

Dear Ms. Chang:

Re: Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) dated June 5, 1997

This letter is to reiterate the City's understanding regarding the Notice of Violation in the above referenced action. The settlement agreement between the City and the State was that the City would provide a copy to the Commission on Water Resource Management ("CWRM") of the quarterly reports given to DOH that update DOH on the status of the City's projects intended to meet the Consent Decree requirements on effluent reuse. I have confirmed with the Department of Wastewater Management that CWRM is to be sent a copy of these quarterly reports, the first of which is due on April 20, 1998. Also, CWRM was to be given a copy of the contract documents for both the Pilot Trench Demonstration Project and the Honolulu Effluent Reclamation Facility. This was done at the December 23, 1997 meeting. Additionally, the City agreed to dismiss all pending appeals and the Complaint filed in this case. This has already been done. In exchange, the Notice of Violation was to be withdrawn immediately.

Pursuant to my conversation with Lenore Nakama at CWRM, I was informed that the Notice of Violation would remain in effect and would not be withdrawn until the City actually starts to provide reclaimed water to Ewa users. This was not the intention of the parties in
settling this matter. The City hereby requests that CWRM withdraw the Notice of Violation at its next regularly scheduled meeting or Executive Session.

Please confirm that CWRM will immediately withdraw the Notice of Violation. You may reach me at 527-5351. Thank you for your continued cooperation in this matter.

Very truly yours,

MAYLES R. CHUN
Deputy Corporation Counsel

MRC:cy

LaG
February 20, 1998

VIA FACSIMILE AND U.S. MAIL

Dawn N.S. Chang, Esq.
Deputy Attorney General
465 South King Street, Room 300
Honolulu, Hawaii 96813

Dear Ms. Chang:

Re: Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) dated June 5, 1997

This letter serves as a follow-up letter to the letter dated January 22, 1998 from Kenneth E. Sprague to Rae M. Loui.

The City understands the settlement terms to be the following:

1. The Commission on Water Resource Management is to be given a copy of the contract documents for both the Pilot Trench Demonstration Project and the Honolulu Effluent Reclamation Facility. This was done at the December 23, 1997 meeting.

2. The Notice of Action - Overpumpage Violation dated June 5, 1997 will be withdrawn and no fine will be assessed against the City, provided that the City sends a courtesy copy of the quarterly reports which are already being sent to the Department of Health (DOH) to the Commission on Water Resource Management. These reports update DOH on the status of the City’s projects which are intended to meet the Consent Decree requirements on effluent reuse.

3. That all currently pending appeals and the Complaint filed in this matter shall be withdrawn or dismissed.
Dawn N.S. Chang, Esq.
February 20, 1998
Page 2

Although we realize that the issue was not discussed at our December 23, 1997 meeting, the City must reiterate that the City does not recognize CWRM's authority with regards to the City's wastewater reclamation project. Nevertheless, the City is willing to provide the information requested by CWRM regarding the City’s wastewater reclamation project, since this information will be useful in CWRM’s determination of well user permit applications for the Ewa area.

Please confirm by letter that you are in agreement with the foregoing. If there are any questions or concerns, you may reach me at 527-5351. Thank you for your cooperation in this matter.

Very truly yours,

[Signature]

Deputy Corporation Counsel

MRC:ey

LAC
Mr. Edwin Sakoda, Acting Deputy Director  
Commission on Water Resource Management  
Department of Land and Natural Resources  
P.O. BOX 621  
Honolulu, Hawaii 96809  

Dear Mr. Sakoda:

Subject: Water Shortage Plan for Ground Water Use Permit No.160 (Well Nos. 1902-03 & 04)  
Puuolua Ground Water Management Area, Oahu

In response to your letter dated February 2, 1998, we are submitting a revised Water Shortage Plan as follows.

The City and County of Honolulu, Department of Wastewater Management (WWM) is committed to the use of reclaimed water. WWM plans to use 2 mgd of reclaimed water as the primary source for nonpotable water requirements at Honoaululi Wastewater Treatment Plant by July 1998.

While 2 mgd of reclaimed water is being used, no brackish water from Well Nos. 1902-03 & 04 will be withdrawn. However, 0.5 mgd of brackish water supplemented with 1.5 mgd of potable water will be used as a backup supply for the reclaimed water system. Should an emergency water shortage occur when the backup system is required, 2 mgd of potable water will be used as the backup supply. Brackish water will not be withdrawn at any time during an emergency water shortage situation.

In an effort to increase the overall sustainable yield of the Ewa Caprock Aquifer, WWM is proposing to experiment with groundwater recharge using reclaimed water. The project consists of constructing and operating a pilot scale recharge trench to percolate reclaimed water into the aquifer. In addition, WWM also plans to provide reclaimed water to nonpotable water users in the Ewa area.

If you have any questions, please contact Kristie Ching from the Division of Water Quality at 527-5165

Sincerely,

KENNETH E. SPRAGUE
Director
NO. 20937

IN THE SUPREME COURT OF THE STATE OF HAWAII

KENNETH E. SPRAGUE, Director
of the Department of
Wastewater Management, City
and County of Honolulu,

Appellant,

vs.

COMMISSION ON WATER RESOURCE
MANAGEMENT, DEPARTMENT OF
LAND AND NATURAL RESOURCES,
STATE OF HAWAI'I,

Appellee.

CIVIL NO. 97-2778-07
APPEAL FROM THE DECISION OF
THE COMMISSION ON WATER
RESOURCE MANAGEMENT PUBLISHED
ON MAY 14, 1997

STIPULATION FOR DISMISSAL WITH
PREJUDICE OF ALL CLAIMS AND ALL PARTIES

DAVID Z. ARAKAWA, 2908
Corporation Counsel
MAILE R. CHUN, 4906
Deputy Corporation Counsel
City and County of Honolulu
Honolulu, Hawaii 96813
Telephone: 527-5351

Attorneys for Appellant
STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND ALL PARTIES

Pursuant to Rule 42(b) of the Hawaii Rules of Appellate Procedure, the parties described hereinbelow, through their respective counsel, hereby stipulate that the Notice of Appeal filed on July 7, 1997 be dismissed with prejudice as to all claims and all parties. Each party is to bear his/her own costs and attorney's fees.

There are no remaining parties and/or issues. No motion for summary judgment has been served by any of the parties.

This Stipulation is signed by or on behalf of all appearing parties hereunder described.
DATED: Honolulu, Hawaii, MAR 17 1998

DAVID Z. ARAKAWA
Corporation Counsel

By MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
KENNETH E. SPRAGUE, Director
of the Department of
Wastewater Management, City
and County of Honolulu

MARGERY S. BRONSTER
Attorney General

By DAWN N.S. CHANG
Deputy Attorney General
Attorney for Appellee
COMMISSION ON WATER RESOURCE
MANAGEMENT

APPROVED AND ALLOWED:

Paula A. Nakayama
Justice

NO. 20937, KENNETH E. SPRAGUE v. COMMISSION ON WATER RESOURCE MANAGEMENT - STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND ALL PARTIES
STIP-DIS
DAVID Z. ARAKAWA, 2908 Corporation Counsel
MAILE R. CHUN, 4906 Deputy Corporation Counsel
City and County of Honolulu
Honolulu, Hawaii 96813
Telephone: 527-5351
Attorneys for Appellant

THE COMMISSION ON WATER RESOURCE MANAGEMENT
OF THE STATE OF HAWAII

KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, Appellant,

vs.

COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, Appellee.

STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND ALL PARTIES

Pursuant to Rule 42(a) of the Hawaii Rules of Appellate Procedure, the parties described hereinbelow, through their respective counsel, hereby stipulate that the Notice of Appeal filed on November 26, 1997 be dismissed with prejudice as to all claims and all parties. Each party is to bear his/her own costs and attorney’s fees.
There are no remaining parties and/or issues. No motion for summary judgment has been served by any of the parties.

This Stipulation is signed by or on behalf of all appearing parties hereunder described.

DATED: Honolulu, Hawaii, MAR 1 7 1998

DAVID Z. ARAKAWA
Corporation Counsel

By
MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
KENNETH E. SPRAGUE, Director
of the Department of
Wastewater Management, City
and County of Honolulu

MARGERY S. BRONSTER
Attorney General

By
DAWN N.S. CHANG
Deputy Attorney General
Attorney for Appellee
COMMISSION ON WATER RESOURCE MANAGEMENT

KENNETH E. SPRAGUE v. COMMISSION ON WATER RESOURCE MANAGEMENT - STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND ALL PARTIES

STIP-DIS
TO: Aquatic Resources
Forestry and Wildlife/Natural Area Reserve System
Historic Preservation
Land Division
State Parks

FROM: Edwin T. Sakoda, Acting Deputy Director
Commission on Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Puuloa Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for City and County of Honolulu, Department of Wastewater Management for Well Nos. 1902-03 & 04. Public notice of this application will be published in the Honolulu Advertiser issues of February 13 and 20, 1998. The application is to modify the existing water use permit to increase the allocation by 1.5 mgd to 2.0 mgd for back-up supply for in-plant service water for existing facilities and planned expansions at Honouliuli Wastewater Treatment Plant.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by March 6, 1998.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ss
Attachment(s)

Response:

( ) We have no comments
☒ We have no objections
( ) Comments attached

Contact Person: Elaine Jourdain
Phone: 587-0814
Signed: [Signature]
Date: 3/19/98
MEMORANDUM:

TO: Edwin T. Sakoda, Acting Deputy Director
Commission on Water Resource Management

FROM: Dean Y. Uchida, Administrator
Land Division

SUBJECT: Review: Application for Water Use Permit
Applicant: City and County of Honolulu, Department of Wastewater Management
Allocate: 2,000,000 gallons per day (inc 500,000 from WUP 160) of reclaimed water
Well Nos.: 1902-03 and 4
Purpose: In-plant service water for Honouliuli Wastewater Treatment Plant
Location: 91-1501 Geiger Road, Ewa Beach, Island of Oahu, Hawaii
TMK: 1st/9-1-13: 07

Thank you for allowing us the opportunity to review and comment on the subject water use permit application for City and County of Honolulu, Department of Wastewater Management.

The Land Division has no comments to offer on the subject matter.

Should you have any questions, please feel free to contact Nick Vaccaro at ext.: 7-0438.
What's the crop here? I thought ours plants vs. were made were 0.0 vs 0.5.
February 27, 1998

Mr. Edwin T. Sakoda, Acting Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
P.O. BOX 621
Honolulu, Hawaii 96809

Dear Mr. Sakoda:

Subject: Water Use Permit Application Modification (WUP No. 160)

This letter is being sent in response to your letter dated February 2, 1998 to clarify our current nonpotable water requirement at Honouliuli Wastewater Treatment Plant. The second paragraph of your letter incorrectly states that our "current need is for 0.5 mgd".

Our nonpotable water requirement for in-plant use is currently 2.0 mgd. We have been restricting our use of brackish water to 0.5 mgd because that is the amount permitted by WUP No. 160. The remainder of our nonpotable water requirement is being supplemented with potable water.

However, in order to conserve Oahu's potable water supply and to avoid further reprimands by the Board of Water Supply, we have been limiting our use of potable water. The resulting total amount of brackish/potable water at 0.67 mgd is not sufficient for our in-plant uses.

If you have any questions, please contact Kristie Ching from the Division of Water Quality at 527-5165.

Sincerely,

Kenneth E. Sprague
Director
February 25, 1998

Honorable Michael D. Wilson, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Wilson:

Water Use Permit Application for
City and County of Honolulu Department
of Wastewater Management, Well Nos. 1902-03 and 04

This is in response to your memorandum dated February 2, 1998. We have reviewed the subject application and provide the comments below on the subject application for your consideration.

- The existing and proposed expansion of the Honouliuli Wastewater Treatment Plant, and proposed effluent reuse project are consistent with the Ewa Development Plan.

- The Department of Land Utilization (DLU) commented that the current and proposed use is permitted under the current zoning designation. DLU also commented that the use is not within a Special Management Area. See attached comments.

Should you have any questions, please call Eugene Takahashi of our staff at 527-6022.

Yours very truly,

PATRICK T. ONISHI
Chief Planning Officer

PTO:lh

Attachment
February 17, 1998

MEMORANDUM

TO: PATRICK T. ONISHI, CHIEF PLANNING OFFICER
   PLANNING DEPARTMENT

FROM: JAN NAOE SULLIVAN, DIRECTOR
   DEPARTMENT OF LAND UTILIZATION

SUBJECT: WATER USE PERMIT APPLICATION

Applicant: City and County of Honolulu, Department of Wastewater Management
Tax Map Key(s): 9-1-13: 07
Type of Use(s): In-plant service water for Honouliuli Wastewater Treatment Plant
Well No(s): 1902-03, 1902-04

The proposed use on the above-referenced tax map key(s) has been reviewed. We find that the:

1. Current zoning designation is R-5 Residential District.
   [X] Proposed use(s) is/are permitted under current zoning.
   [ ] Proposed use(s) may be permitted if the following permit(s) is/are obtained:
   [ ] Proposed use(s) is/are not permitted under current zoning.

The Department of Land Utilization is currently processing a zone change application for the project, which if approved by the City Council, would result in the use being consistent with the proposed district zoning.

[ ] Yes
[ ] No
2. [ ] Use is within the Special Management Area.

[X] Use is not within the Special Management Area.

3. Additional Comments: __________________________________________

The proposed project has been reviewed for the purpose of providing the above information and does not imply a recommendation of approval by this Department. Should you have any questions, please contact the Environmental Review Branch at 523-4077.

JAN HAGHE SULLIVAN
Director of Land Utilization

JNS:am
g:ppd\9800805.djt
TO: Honorable Kali Watson, Chairperson
Department of Hawaiian Home Lands

Honorable Lawrence Miike, Director
Department of Health
Attn: Mr. Dennis Tulang
Attn: Mr. William Wong

Honorable Clayton H. W. Hee, Chairperson
Office of Hawaiian Affairs

Mr. Raymond Sato, Manager & Chief Engineer
Honolulu Board of Water Supply
Attn: Mr. Chester Lao
Attn: Mr. Barry Usugawa

Mr. Patrick Onishi, Chief Planning Officer
Planning Department

FROM: Michael D. Wilson, Chairperson
Commission on Water Resource Management

SUBJECT: Water Use Permit Application
Puuloa Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for City and County of Honolulu, Department of Wastewater Management for Well Nos. 1902-03 & 04. Public notice of this application will be published in the Honolulu Advertiser issues of February 13 and 20, 1998. The application is to modify the existing water use permit to increase the allocation by 1.5 mgd to 2.0 mgd for back-up supply for in-plant service water for existing facilities and planned expansions at Honolulu Wastewater Treatment Plant.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by March 6, 1998.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN: ss
Attachment(s)

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact Person: William Wong
Phone: 586-4258

Signed: William Wong
Date: Feb. 25, 1998
February 23, 1998

Maile R. Chun
Deputy Corporation Counsel
Department of the Corporation Counsel
City and County of Honolulu
530 S. King Street, Room 110
Honolulu, Hawaii 96813

Dear Maile:

RE: Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) dated June 5, 1997

Thank you for your February 20, 1998 letter regarding the above referenced matter. We concur with your understanding. Accordingly, once the current appeals and complaint have been withdrawn or dismissed, we will so advise the Commission on Water Resource Management.

Your cooperation in amicably resolving this matter is greatly appreciated. Should you have any questions, please call me at 587-2988.

Very truly yours,

Dawn N.S. Chang,
Deputy Attorney General

C: Lenore Nakama
TO: Lenore Nakama
FROM: DAWN N.S. CHANG, DEPUTY ATTORNEY GENERAL

SUBJECT: Sprague v. Water Commission

COMMENTS: For your files. Once the dismissals have been filed, then we will report to Water Commission.

Number of pages transmitted, including this transmittal: 3

If you do not receive any of the pages, please call 587-2988.

WARNING:
This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged or confidential. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original to us at the above address via the U.S. postal service. Thank you.
February 20, 1998

VIA FACSIMILE AND U.S. MAIL

Dawn N.S. Chang, Esq.
Deputy Attorney General
465 South King Street, Room 300
Honolulu, Hawaii 96813

Dear Ms. Chang:

Re: Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) dated June 5, 1997

This letter serves as a follow-up letter to the letter dated January 22, 1998 from Kenneth E. Sprague to Rae M. Loui.

The City understands the settlement terms to be the following:

1. The Commission on Water Resource Management is to be given a copy of the contract documents for both the Pilot Trench Demonstration Project and the Honolulu Ef fluent Reclamation Facility. This was done at the December 23, 1997 meeting.

2. The Notice of Action - Overpumpage Violation dated June 5, 1997 will be withdrawn and no fine will be assessed against the City, provided that the City sends a courtesy copy of the quarterly reports which are already being sent to the Department of Health (DOH) to the Commission on Water Resource Management. These reports update DOE on the status of the City's projects which are intended to meet the Consent Decree requirements on effluent reuse.

3. That all currently pending appeals and the Complaint filed in this matter shall be withdrawn or dismissed.
Dawn N.S. Chang, Esq.
February 20, 1998
Page 2

Although we realize that the issue was not discussed at our December 23, 1997 meeting, the City must reiterate that the City does not recognize CWRM's authority with regards to the City's wastewater reclamation project. Nevertheless, the City is willing to provide the information requested by CWRM regarding the City's wastewater reclamation project, since this information will be useful in CWRM's determination of well user permit applications for the Ewa area.

Please confirm by letter that you are in agreement with the foregoing. If there are any questions or concerns, you may reach me at 527-5351. Thank you for your cooperation in this matter.

Very truly yours,

[Signature]

MAILA K. CHIN
Deputy Corporation Counsel

MRC:ey

LAG
TO: Honorable Kali Watson, Chairperson
   Department of Hawaiian Home Lands
   Honorable Lawrence Miike, Director
   Department of Health
   Attn: Mr. Dennis Tulang
   Attn: Mr. William Wong
   Honorable Clayton H. W. Hee, Chairperson
   Office of Hawaiian Affairs
   Mr. Raymond Sato, Manager & Chief Engineer
   Honolulu Board of Water Supply
   Attn: Mr. Chester Lao
   Attn: Mr. Barry Usugawa
   Mr. Patrick Onishi, Chief Planning Officer
   Planning Department

FROM: Michael D. Wilson, Chairperson
   Commission on Water Resource Management

SUBJECT: Water Use Permit Application
   Puuloa Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for City
and County of Honolulu, Department of Wastewater Management for Well Nos. 1902-03 & 04.
Public notice of this application will be published in the Honolulu Advertiser issues of February 13
and 20, 1998. The application is to modify the existing water use permit to increase the allocation by
1.5 mgd to 2.0 mgd for back-up supply for in-plant service water for existing facilities and planned
expansions at Honolulu Wastewater Treatment Plant.

We would appreciate your review of the proposed use that is described in the attached
application for any conflicts or inconsistencies with the land use designations, plans, policies,
programs, or objectives specific to your organization or department only. Please respond by
returning this cover memo form by March 6, 1998.

If you have any questions, require additional information, or would like to request an
extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ss
Attachment(s)

Response:

We have no comments

We have no objections

Comments attached

Contact Person: Lori N. Kajiwara Phone: 586-4294
Signed: Lori N. Kajiwara Date: 2-10-98
FROM: Michael D. Wilson, Chairperson
Commission on Water Resource Management

SUBJECT: Water Use Permit Application
Puuloa Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for City and County of Honolulu, Department of Wastewater Management for Well Nos. 1902-03 & 04. Public notice of this application will be published in the Honolulu Advertiser issues of February 13 and 20, 1998. The application is to modify the existing water use permit to increase the allocation by 1.5 mgd to 2.0 mgd for back-up supply for in-plant service water for existing facilities and planned expansions at Honolulu Wastewater Treatment Plant.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by March 6, 1998.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact Person: Rebecca Alakai/Darrell Yagodich
Phone: 586-3836

Signed: Darrell Yagodich
Date: 2/9/98
TO: Ms. Esther Ueda, Executive Officer  
Land Use Commission  
FROM: Michael D. Wilson, Chairperson  
Commission on Water Resource Management  
SUBJECT: WATER USE PERMIT APPLICATION  
Puuloa Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for City and County of Honolulu, Department of Wastewater Management for Well Nos. 1902-03 & 04. Public notice of this application will be published in the Honolulu Advertiser issues of February 13 and 20, 1998. The application is to modify the existing water use permit to increase the allocation by 1.5 mgd to 2.0 mgd for back-up supply for in-plant service water for existing facilities and planned expansions at Honolulu Wastewater Treatment Plant.

We would appreciate your review of the proposed use that is described in the attached application (i.e. line item 6 or Table 1). Specifically, we request that you inform us of the current state land use designation for the TMK parcel, or portion thereof, for the proposed use area(s) and, secondly, whether the current state land use designation is appropriate for the proposed water use.

We have attached a TMK map(s) that covers the proposed use area(s). Where water is proposed for use on only a portion of a TMK parcel, or on parcels with multiple zoning, the proposed use area(s) has been clearly delineated on the attached map. Please respond by returning this cover memo along with your review comments by March 6, 1998.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ss  
Attachment(s)  
Response:

( ) The proposed water use(s) is consistent with the current zoning designation(s).  
(X) Comments attached

Contact Person: Esther Ueda  
Phone: 587-3822

Signed:  
Date: 2/6/98
Dear Mr. Wilson:

Subject: Water Use Permit Application
Puuloa Ground Water Management Area, Oahu
City and County of Honolulu, Department of Wastewater Management
Well Nos. 1902-03, 1902-04

We have reviewed the subject water use permit application, as transmitted by your memorandum dated February 2, 1998, and confirm that the location of Well Nos. 1902-03, 1902-04, and the location of the proposed water use, identified as TMK: 9-1-13:07, is within the State Land Use Urban District.

The parcel has been in the Urban District since the initial State Land Use District Boundaries were established, and was not subject to a land use district boundary amendment petition. Further, no conditions were imposed by the Commission upon the parcel.

In regards to your request as to whether the proposed water use is appropriate for the state land use district designation, pursuant to Chapter 205-2(b), Hawaii Revised Statutes, permitted activities or uses within the State Land Use Urban District are determined by the respective counties by ordinance or regulations. Therefore, the City and County of Honolulu should be requested to provide a response as to the appropriateness of the proposed water use in the Urban District.

We have no further comments to offer at this time.

Thank you for the opportunity to provide comments on the subject application.

As requested, please find enclosed the cover memorandum for the subject application.

If you have any questions in regards to this matter, please feel free to contact me or Leo Asuncion of my staff at 587-3822.

Sincerely,

ESTHER UEDA
Executive Officer
TO: Aquatic Resources
    Forestry and Wildlife/Natural Area Reserve System
    Historic Preservation
    Land Division
    State Parks
FROM: Edwin T. Sakoda, Acting Deputy Director
    Commission on Water Resource Management
SUBJECT: Request for Comments
    Water Use Permit Application
    Puuloa Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for City and County of Honolulu, Department of Wastewater Management for Well Nos. 1902-03 & 04. Public notice of this application will be published in the Honolulu Advertiser issues of February 13 and 20, 1998. The application is to modify the existing water use permit to increase the allocation by 1.5 mgd to 2.0 mgd for back-up supply for in-plant service water for existing facilities and planned expansions at Honouliuli Wastewater Treatment Plant.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by March 6, 1998.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN: ss
Attachment(s)
TO: Aquatic Resources  
   Forestry and Wildlife/Natural Area Reserve System  
   Historic Preservation  
   Land Division  
   State Parks

FROM: Edwin T. Sakoda, Acting Deputy Director  
Commission on Water Resource Management

SUBJECT: Request for Comments  
Water Use Permit Application  
Puulea Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for City and County of Honolulu, Department of Wastewater Management for Well Nos. 1902-03 & 04. Public notice of this application will be published in the Honolulu Advertiser issues of February 13 and 20, 1998. The application is to modify the existing water use permit to increase the allocation by 1.5 mgd to 2.0 mgd for back-up supply for in-plant service water for existing facilities and planned expansions at Honouliuli Wastewater Treatment Plant.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by March 6, 1998.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Response:

☐ We have no comments  
( ) We have no objections  
( ) Comments attached

Contact Person: [Signature]  
Phone: 587-0292

Signed: [Signature]  
Date: 2/3/98
PUBLIC NOTICE

Application for Water Use Permit
Puuleoa Ground Water Management Area, Oahu

The following application for water use permit has been received and is hereby made public in accordance with Department of Land and Natural Resources Administrative Rules 13-171, "Designation and Regulation of Water Management Areas."

Honouliuli STP 1 & 2 (Well Nos. 1902-03 & 04)
Applicant: City and County of Honolulu
Department of Wastewater Management
650 South King Street
Honolulu, HI 96813
Date Completed Application Received: January 13, 1998
Aquifer: Puuleoa System, Ewa Caprock Sector, Oahu
Water Source: Honouliuli STP 1 & 2 Wells (Well Nos. 1902-03 & 04) at 91-1501 Geiger Road, Ewa Beach, Oahu, Tax Map Key 9-1-13:07
Quantity Requested: 2,000,000 gallons per day.
Existing/New Water Use: Request to modify existing water use permit to increase allocation by 1.5 mgd to 2.0 mgd for back-up supply for in-plant service water for existing facilities and planned expansions at Honouliuli Wastewater Treatment Plant.
Place of Water Use: 91-1501 Geiger Rd., Ewa Beach, Oahu at Tax Map Key: 9-1-13:07

Written objections or comments on the above application may be filed by any person who has property interest in any land within the hydrologic unit of the source of water supply, any person who will be directly and immediately affected by the proposed water use, or any other interested person. Written objections shall: (1) state property or other interest in the matter (provide TMK information); (2) set forth questions of procedure, fact, law, or policy, to which objections are taken; and (3) state all grounds for objections to the proposed permit. Written objections must be received by March 6, 1998. Objections must be sent to 1) the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809 and 2) the applicant at the above address.

COMMISSION ON WATER RESOURCE MANAGEMENT

[Signature]
EDWIN T. SAKODA, Acting Deputy Director for
MICHAEL D. WILSON, Chairperson

Dated: FEB - 2 1998

Publish in: Honolulu Advertiser issues of February 13 and 20, 1998
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King Street  
Honolulu, HI 96813  

Dear Mr. Sprague:  

We acknowledge receipt, on January 13, 1998, of your completed water use permit application for the Honouliuli STP 1 & 2 Wells (Well Nos. 1902-03 & 04). You can expect your application to be processed within ninety (90) days from the date of receipt unless there are objections to your application.  

From telephone conversations on January 23 and 26, 1998 with Kristie Ching of your staff, we understand that the proposed use of 2.0 million gallons per day (mgd) from the caprock wells is for back-up purposes and that reclaimed water will be the primary source of nonpotable water for in-plant needs. We further understand that your current need is for 0.5 mgd and that the additional 1.5 mgd requested is back-up supply for your planned expansion of the Honouliuli Wastewater Treatment Plant.  

Enclosed is a copy of the public notice for your water use permit application which will be published in the Honolulu Advertiser issues of February 13 and 20, 1998.  

Please be aware that there may be objections to your application. If objections are made, the objector is required to file such objections with the Commission and is also required to send you a copy of the objections.  

You, or any other party, may respond to objections by filing a brief in support of your application with the Commission within ten (10) days of the filing of an objection. You, or the other party, must also send a copy of the response to the objector.  

If you have any questions, please contact Lenore Nakama at 587-0218.  

Sincerely,  

Edwin T. Sakoda  
Acting Deputy Director
Transmitted for your review and comment is a copy of a water use permit application for City and County of Honolulu, Department of Wastewater Management for Well Nos. 1902-03 & 04. Public notice of this application will be published in the Honolulu Advertiser issues of February 13 and 20, 1998. The application is to modify the existing water use permit to increase the allocation by 1.5 mgd to 2.0 mgd for back-up supply for in-plant service water for existing facilities and planned expansions at Honolulu Wastewater Treatment Plant.

We would appreciate your review of the attached application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your division only. Please respond by returning this cover memo form by March 6, 1998.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact Person: ___________________________ Phone: ___________________________

Signed: ___________________________ Date: ___________________________
TO: Other Interested Parties

FROM: Edwin T. Sakoda, Acting Deputy Director
Commission on Water Resource Management

SUBJECT: Request for Comments
Water Use Permit Application
Puuloa Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for City and County of Honolulu, Department of Wastewater Management for Well Nos. 1902-03 & 04. Public notice of this application will be published in the Honolulu Advertiser issues of February 13 and 20, 1998. The application is to modify the existing water use permit to increase the allocation by 1.5 mgd to 2.0 mgd for back-up supply for in-plant service water for existing facilities and planned expansions at Honouliuli Wastewater Treatment Plant.

We would appreciate your review of the attached application for any conflicts or interferences with the programs, plans, and objectives of the organization or agency that you represent. Written objections should be made in accordance with Section 13-171-18 of our Administrative Rules and must be filed by the March 6, 1998 deadline.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact Person: ___________________________ Phone: __________________

Signed: _________________________________ Date: ________________
Transmitted for your review and comment is a copy of a water use permit application for City and County of Honolulu, Department of Wastewater Management for Well Nos. 1902-03 & 04. Public notice of this application will be published in the Honolulu Advertiser issues of February 13 and 20, 1998. The application is to modify the existing water use permit to increase the allocation by 1.5 mgd to 2.0 mgd for back-up supply for in-plant service water for existing facilities and planned expansions at Honolulu Wastewater Treatment Plant.

We would appreciate your review of the proposed use that is described in the attached application for any conflicts or inconsistencies with the land use designations, plans, policies, programs, or objectives specific to your organization or department only. Please respond by returning this cover memo form by March 6, 1998.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ss
Attachment(s)

Response:

( ) We have no comments
( ) We have no objections
( ) Comments attached

Contact Person: ______________________ Phone: _______________
Signed: _____________________________ Date: _______________
TO: Ms. Jan Sullivan, Director  
Department of Land Utilization  

FROM: Michael D. Wilson, Chairperson  
Commission on Water Resource Management  

SUBJECT: WATER USE PERMIT APPLICATION  
Puulea Ground Water Management Area, Oahu  

Transmitted for your review and comment is a copy of a water use permit application for City and County of Honolulu, Department of Wastewater Management for Well Nos. 1902-03 & 04. Public notice of this application will be published in the Honolulu Advertiser issues of February 13 and 20, 1998. The application is to modify the existing water use permit to increase the allocation by 1.5 mgd to 2.0 mgd for back-up supply for in-plant service water for existing facilities and planned expansions at Honolulu Wastewater Treatment Plant.

We would appreciate your review of the proposed use that is described in the attached application (i.e. line item 6 or Table 1). Specifically, we request that you inform us of the current zoning designation for the TMK parcel, or portion thereof, for the proposed use area(s) and, secondly, whether the current zoning designation is appropriate for the proposed water use.

We have attached a TMK map(s) that covers the proposed use area(s). Where water is proposed for use on only a portion of a TMK parcel, or on parcels with multiple zoning, the proposed use area(s) has been clearly delineated on the attached map. Please respond by returning this cover memo along with your review comments by March 6, 1998.

If you have any questions, require additional information, or would like to request an extension of the review period for this application, please contact Lenore Nakama at 587-0218.

Response:

( ) The proposed water use(s) is consistent with the current zoning designation(s).  
( ) Comments attached  

Contact Person: ____________________________ Phone: ____________________  

Signed: ____________________________ Date: ____________________
TO:       Ms. Esther Ueda, Executive Officer
          Land Use Commission
FROM:    Michael D. Wilson, Chairperson
          Commission on Water Resource Management
SUBJECT: WATER USE PERMIT APPLICATION
          Pualoa Ground Water Management Area, Oahu

Transmitted for your review and comment is a copy of a water use permit application for City
and County of Honolulu, Department of Wastewater Management for Well Nos. 1902-03 & 04.
Public notice of this application will be published in the Honolulu Advertiser issues of February 13
and 20, 1998. The application is to modify the existing water use permit to increase the allocation by
1.5 mgd to 2.0 mgd for back-up supply for in-plant service water for existing facilities and planned
expansions at Honolulu Wastewater Treatment Plant.

We would appreciate your review of the proposed use that is described in the attached
application (i.e. line item 6 or Table 1). Specifically, we request that you inform us of the current
state land use designation for the TMK parcel, or portion thereof, for the proposed use area(s) and,
secondly, whether the current state land use designation is appropriate for the proposed water use.

We have attached a TMK map(s) that covers the proposed use area(s). Where water is
proposed for use on only a portion of a TMK parcel, or on parcels with multiple zoning, the
proposed use area(s) has been clearly delineated on the attached map. Please respond by returning
this cover memo along with your review comments by March 6, 1998.

If you have any questions, require additional information, or would like to request an
extension of the review period for this application, please contact Lenore Nakama at 587-0218.

LN:ss
Attachment(s)

Response:

( ) The proposed water use(s) is consistent with the current zoning designation(s).
( ) Comments attached

Contact Person: ___________________________ Phone: ___________________________
Signed: __________________________________ Date: _________________________
Notice of an Application for Water Use Permit
Puuloa Ground Water Management Area, Oahu

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-171-17(a), we are sending you a copy of the public notice and water use permit application for City and County of Honolulu, Department of Wastewater Management for Well Nos. 1902-03 & 04, which will be published in the Honolulu Advertiser. The application is to modify the existing water use permit to increase the allocation by 1.5 mgd to 2.0 mgd for back-up supply for in-plant service water for existing facilities and planned expansions at Honouliuli Wastewater Treatment Plant.

In addition, Section 13-171-13(b), of our Administrative Rules, states:

"Within sixty days after receipt of notice of a permit application, the county shall inform the commission if the proposed use is inconsistent with the county land use plans and policies."

We understand that the Planning Department is responsible for coordinating the review comments for City agencies. In accordance with the procedure that has been established by the Planning Department, we have also sent copies of the application and individual requests for comments to the Planning Department, the Department of Land Utilization, and the Board of Water Supply to facilitate and expedite City agencies review. We will look forward to receiving the review comments from the Planning Department within the next sixty (60) days, on whether this water use is consistent with county plans, policies, and land use designations.

Very truly yours,

Michael D. Wilson
Chairperson
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King Street  
Honolulu, HI 96813  

Dear Mr. Sprague:  

Water Shortage Plan  
WUP No. 160 (Well Nos. 1902-03 & 04)  
Puuloa Ground Water Management Area, Oahu  

This is in regards to the water shortage plan for WUP No. 160 that you submitted to us on January 9, 1998.  

As was discussed with Kristie Ching of your staff during a telephone conversation on January 29, 1998, we request that you quantify the reduction in water use from Well Nos. 1902-03 & 04 that may be sustained during an emergency water shortage and provide a brief description of how you plan to effect such a reduction.  

The State Water Code requires the Commission to formulate a comprehensive area-wide water shortage plan that will be implemented during periods of water shortage. This is your opportunity to provide input towards deriving some plan for a water shortage situation.  

If you have any questions, please contact Lenore Nakama at 587-0218.  

Sincerely,  

Edwin T. Sakoda  
Acting Deputy Director  

LN:ss
<table>
<thead>
<tr>
<th>F</th>
<th>YR</th>
<th>APP</th>
<th>D</th>
<th>OBJ</th>
<th>SRC/CTR</th>
<th>PROJECT</th>
<th>PH</th>
<th>ACT</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>G</td>
<td>98</td>
<td>044</td>
<td>01045</td>
<td>0752</td>
<td>Q000000</td>
<td>Q0</td>
<td>Q25</td>
<td>250.01</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL**: 250.01

**REMARKS**: LINE (1) Copy charges for transcripts

LINE (2) 

LINE (3) 

**NAME/DESCRIPTION (HAND INPUT)**

City & County of Honolulu

---

DEPARTMENT OF LAND AND NATURAL RESOURCES

UAC OR ATTACHED WORKSHEET

DATE: 1/30/98

---

DEPARTMENT OF FINANCE

CITY AND COUNTY OF HONOLULU

CITY HALL, HONOLULU, HAWAII 96813

PAYABLE THROUGH
FIRST HAWAIIAN BANK
HONOLULU, HAWAII

DATE: 01/20/98

PAY

**250 DOLLARS AND 01 CENTS**

TO THE ORDER OF

STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

SERIES

P.O. BOX 621
HONOLULU, HI

96809
Ms. Maile R. Chun
Deputy Corporation Counsel
Department of the Corporation Counsel
530 S. King St., Suite 110
Honolulu, Hawaii 96813

Dear Ms. Chun:


This is to request payment of $250.01 for the cost of the above transcript that was ordered in your letter of December 5, 1997 (attached). Please send your check or purchase order to Department of Land and Natural Resources, 1151 Punchbowl Street, Room 227, Honolulu, Hawaii 96813.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI
Deputy Director

LN:ss
Attachment
c: McManus Court Reporters
TRANSMITTAL MEMO

Date: 1-27
To: Glaser, Nakano - CWRM

Case/Subject: "Doctored" #16484

ORIGINAL DOCUMENT(S) FOR SIGNATURE:

[ ] Notice of Taking Deposition(s) Upon Oral Examination
[ ] Notice of Taking Deposition(s) Upon Written Interrogation
[ ] U.S. District Court Subpoena(s) at red "X"
[ ] Arbitration Subpoena(s)

Note: [ ] I have retained the original subpoenas.
[ ] The original subpoenas have been forwarded to the Arbitrator for signature.
[ ] No subpoenas required.

When documents are signed:
[ ] Call 538-0096 for pick-up
[ ] Mail in enclosed return envelope

FAX DATA: Number of pages transmitted: 2

MESSAGE:

________________________________________

________________________________________

________________________________________

________________________________________

Mahalo,
Ann Winfred.
McManus Court Reporters
735 Bishop Street
Suite 424
Honolulu, HI 96813
(808) 538-0096
TAX ID#: 99-0256727

DEPARTMENT OF LAND & NATURAL RESOURCES
Comm. on Water Resource Mgmt
1151 Punchbowl Street, Rm. 227
Honolulu, HI 96813

<table>
<thead>
<tr>
<th>Description</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tape transcription re. Water Resource Management</td>
<td>270.00</td>
</tr>
<tr>
<td>Hearing date: October 22, 1997</td>
<td></td>
</tr>
<tr>
<td>27 pages at $10.00 per page</td>
<td></td>
</tr>
<tr>
<td>Excise Tax</td>
<td>11.26</td>
</tr>
</tbody>
</table>

Invoice Total 281.26

Thank you for using McManus Court Reporters
Please return one copy with payment

Hackett 229.30
Are you wasting time keeping track of changing area codes?
Now you can have up-to-date area code information right at your finger tips!

"Oo-ee! My Area Code Finder™ map shows 902 right here in Green Bay!"

How many times have you been on a wild goose chase, going from operator to operator, searching for the right area code? Can you find 514 in a pinch? Is Evanston, Illinois now 773 or 708?

Not knowing the right area code is not simply an annoyance, but it's darn costly! Operator charges add up. The time wasted eats into your productivity. And to think it all could be avoided with a mere $2.95 Area Code Finder™.

The Area Code Finder is an 8 1/2 x 11 inch, four-color map with UV protective coating. Perfect for pinning to walls or filing close to the phone. The Area Code Finder shows up-to-date area codes for over 400 US cities. Search the reverse-side listings by area code or by city. It's the simplest way to get the right area code fast.

Yes! I want to keep on top of area code changes. Please rush me an Area Code Finder™ map today. I understand that my order is 100% refundable if I'm not completely satisfied.

(Qty) Area Code Finder™ @ $2.95 each $______

☐ I have enclosed a check payable to Time Savers™
☐ Bill me. P.O.# ____________ ☐ VISA / MC / AMEX ____________ / ____________

Credit Card #: ____________ / ____________

Your Name
Company Name
Street
City State Zip Code
Phone ( ) Fax ( )

Reply by FAX: 415-928-0900 Time Savers™
Phone: 415-284-6115
ORDER CODE: AC-007 One Daniel Burnham Ct., Suite 160c
San Francisco, CA 94109
January 22, 1998

Ms. Rae M. Loui, Deputy Director
State of Hawaii
Commission on Water Resource Management
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Meeting held on December 23, 1997 between the Commission on Water Resource Management and the City and County of Honolulu; Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) dated June 5, 1997

This is a follow-up letter to our December 23, 1997 meeting in the above-reference action between our Departments, and responds to your recent letter. As indicated at this meeting, with regards to wastewater reclamation, the City has the sole authority and is not subject to the oversight or control by the Commission on Water Resource Management (CWRM).

The City understands that the information requested by CWRM regarding our reclamation program would be useful in its determination of well user permit applications for the Ewa area. The City's development in reclamation would: 1) in the future, eliminate the possibility of overpumpage of the Hoomoluli Treatment Plant from its well and assist other well users in the area by providing this alternative water source; and 2) provide a method of protecting the sustainability of the caprock. The documents requested are public documents and are being transmitted in that regard.
With the understanding provided herein, we are agreeable as follows: by reducing the fine in this subject matter to zero (0), the City can thereby dismiss the lawsuit and appeals filled in this matter.

Should there be any questions, please contact Cheryl Okuma-Sepe, Deputy Director, Department of Wastewater Management, at 527-6664.

Sincerely,

KENNETH E. SPRAGUE
Director
January 12, 1998

Ms. Rae Loui, Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Application for Water Use Permit Modification
Water Use Permit (WUP) No. 160

Submitted for your approval is an Application for Water Use Permit Modification for WUP No. 160.

Per WUP No. 160, we are permitted to withdraw 0.5 mgd of ground water. We are requesting approval to withdraw an additional 1.5 mgd. The total 2.0 mgd of ground water will be used as a backup for reclaimed water which will be the primary source of nonpotable water requirements at Honouliuli Wastewater Treatment Plant by July 1998.

If you have any questions, please contact Kristie Ching from the Division of Water Quality at 527-5165.

Sincerely,

KENNETH E. SPRAGUE
Director

Attachment

cc: T&D
    P&SC
    E&C
    Corporation Counsel
APPLICATION FOR WATER USE PERMIT

PERMITTEE INFORMATION

1. (a) APPLICANT
   City & County of Honolulu
   Firm/Name: Dept. of Wastewater Management
   Contact Person: Mr. Kenneth E. Sprague
   Address: 650 So. King St.
   Phone: 527-6663 Fax 527-6675

2. SOURCE INFORMATION
   2. WATER MANAGEMENT AREA: Pearl Harbor
   3. (a) EXISTING WELL/DIVERSION NAME AND STATE NUMBER: 1902-03, 1902-04
   (b) PROPOSED (NEW) WELL/DIVERSION NAME: n/a
   (c) LOCATION: Address 91-1501 Geiger Rd., Ewa Beach, HI, 96706
   Tax Map Key: 9-1-13-07 (Attach a USGS map, scale 1:2000, and a property tax map showing source location referenced to established property boundaries)

3. USE INFORMATION
   6. LOCATION OF PROPOSED WATER USE: (If possible, show on same maps as source location. Otherwise, attach similar maps)
   (a) PUC-Regulated System
   (b) Non-PUC-Regulated Private System
   (c) Proposed use of water is: Existing New Both existing & new uses
   (d) Tax Map Key: 9-1-13-07 (If location of use is over multiple TMKs, please complete Table 1 on back of application)
   (e) Address: 91-1501 Geiger Rd., (Honouliuli WWTP)
   (f) Current State Land Use District(s): Urban Agriculture Conservation Rural
   (g) Current County Zoning District(s): R-5

7. QUANTITY OF WATER REQUESTED: 2,000,000 gallons per day (averaged over 1 year)

9. QUALITY OF WATER REQUESTED: Fresh Brackish Salt Potable Non-Potable

10. PROPOSED USE: Municipal (including hotels, stores, etc.) Industrial
    (a) Municipal Domestic
    (b) Individual Domestic
    (c) Military

11. TOTAL NUMBER OF RESIDENCES TO BE SERVED: n/a

12. TOTAL ACRES TO BE IRRIGATED AND TYPE OF CROP: n/a

13. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 24 hours per day

14. APPLICANT MUST ESTABLISH THAT THE PROPOSED USE OF WATER:
    (a) Can be accommodated with the available water source.
    (b) Is a reasonable-beneficial use as defined in section 13-171-2, HAR. (see backside of this application)
    (c) Will not interfere with any existing legal use.
    (d) Is consistent with the public interest.
    (e) Is consistent with state and county general plans and land use designations.
    (f) Is consistent with county land use plans and general policies.

15. REMARKS, EXPLANATIONS: (see backside of this application)

NOTE: Signing below indicates that the signatories understand and swear that: 1) The information provided on this application is accurate and true to the best of the their knowledge; 2) Item 14 is the responsibility of the applicant prior to Commission approval; 3) If necessary, further information may be required before the application is considered complete; 4) If a water use permit is granted by the Commission, this permit is subject to prior existing permitted uses, changes in sustainable yields and instream flow standards, reserved uses as defined by the Commission, and Hawaiian Home Lands future uses; and 5) Upon permit approval, a water shortage plan must be submitted by the applicant should the Commission require one.

Applicant (print) Kenneth E. Sprague
Signature Date 1/1/98

Landowner (print) Kenneth E. Sprague
Signature Date 1/1/98
"Reasonable-beneficial use" means the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is not wasteful and is both reasonable and consistent with the state and county land use plans and the public interest.

15. REMARKS, EXPLANATIONS (cont'd): Refer to attached sheet.

---

TABLE 1. MULTIPLE TMKs TO USE REQUESTED WATER

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
<th>TMK</th>
<th>CURRENT COUNTY ZONING CODE</th>
<th>UNITS or NET ACRES</th>
<th>GPD/UNIT or GPD/acre</th>
<th>TOTAL GPD</th>
<th>% OF TOTAL TO BE USED OVER NEXT 4 YEARS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For Official Use Only:

Date Received

Hydrologic Unit No.

Date Accepted

Application No.

Diversion Works No.

State Well No.

01/09/96 WUPA Form
15. REMARKS, EXPLANATIONS (cont'd):

The City and County of Honolulu Department of Wastewater Management (WWM) is committed to the use of reclaimed water. WWM plans to use 2 mgd of reclaimed water as the primary source for nonpotable water requirements at Honouliuli Wastewater Treatment Plant (WWTP) by July 1998. The 0.5 mgd (WUP No. 160) supplemented with potable water will serve as a backup to the reclaimed water system. An explanation of why WWM is requesting a Water Use Permit modification for an additional 1.5 mgd is provided in Section (a) below.

(a) WWM is currently proposing to investigate ground water recharge using reclaimed water to increase the overall sustainable yield of the Ewa Caprock Aquifer. The pilot project consists of constructing and operating a pilot scale recharge trench to percolate 2 mgd of reclaimed water into the aquifer. If the project proves successful in recharging the aquifer, WWM would like to withdraw 2 mgd from the brackish water wells. The withdrawn brackish/reclaimed water would be used for landscape irrigation and for washdown and processing in the existing primary treatment facility, secondary facility, and anticipated expansions for the primary, secondary, and reclaimed water systems at the Honouliuli WWTP.

Enclosed with this application, is a copy of the Draft Environmental Assessment for the Water Reclamation Facility and Demonstration Project (October 21, 1997). This document describes the objectives of the pilot project.

In addition to groundwater recharge and reuse at the WWTP, WWM plans to supply reclaimed water to nonpotable water users in the Ewa area. Three (3) mgd will be available to users by June 1999, 5 mgd will be available by October 2000, and 10 mgd will be available by July 2001.

(b) Pursuant to HAR 13-171-2, the proposed water use is a reasonable-beneficial use that is: not wasteful since brackish water will only be used as a backup supply and for every amount of brackish water withdrawn per day, there is an equivalent amount of savings with potable water; consistent with land use plans for WWTPs; within the public interest since it prevents disease and environmental harm; and is in a quantity necessary for economic and efficient use.

(c) The proposed water use will not interfere with any legal use.

(d) The proposed water use is consistent with public interest because wastewater treatment and disposal benefits the public through aesthetics and prevention of disease.

(e) The proposed water use is consistent with state and county general plans and land use designations because the water will be used for wastewater treatment to support development plans and land use throughout the tributary area.

(f) The proposed water use is also consistent with county land use plans and policies.

* 1/23/98 telecom w/Krista Ching 2 mgd allocation would be back-up, not primary source.
* 1/24/98 ... current need is for 0.5 mgd. Add 1.5 mgd is back-up for planned expansion of facilities.
UNITED STATES NAVAL RESERVATION
BARBERS POINT AIRPORT

PROJECT LOCATION

EXHIBIT 2
Ms. Maile R. Chun
Deputy Corporation Counsel
Department of the Corporation Counsel
530 S. King St., Suite 110
Honolulu, Hawaii 96813

RAE M. LOUI
Deputy Director

LN:ss
Attachment

c: McManus Court Reporters
February 22, 1998

Ms. Kow M. Looi, Deputy Director
State of Hawaii
Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 521
Honolulu, Hawaii 96809

Dear Ms. Looi:

Subject: Meeting held on December 23, 1997 between the Commission on Water Resource Management and the City and County of Honolulu; Notice of Action, Overpumpage Violation of WUP No. 160 (Well Nos. 1992-13, 04) dated June 5, 1977

This is a follow-up letter to our December 23, 1997 meeting in the above-reference action between our Departments, and responds to your recent letter. As indicated at this meeting, with regards to wastewater reclamation, the City has the sole authority and is not subject to the oversight or control by the Commission on Water Resource Management (CWRM).

The City understands that the information requested by CWRM regarding our reclamation program would be useful in its determination of well user permit applications for the Ewa area. The City's development in recreation would: 1) in the future, alleviate the possibility of overpumpage of the Honolulu Treatment Plant from its well and assist other well users in the area by providing this alternative water source; and 2) provide a method of protecting the sustainability of the caprock. The documents requested are public documents and are being transmitted in that regard.
Ms. Rae M. Loui
Page 2
January 22, 1998

With the understanding provided herein, we are agreeable as follows: by reducing the fine in this subject matter to zero (0), the City can thereby dismiss the lawsuit and appeals filed in this matter.

Should there be any questions, please contact Cheryl Olumma-Soep, Deputy Director, Department of Wastewater Management, at 527-6664.

Sincerely,

[Signature]

KENNETH R. SPRAGUE
Director
January 8, 1998

Ms. Rae Loui, Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
P.O. BOX 621
Honolulu, Hawaii  96809

Dear Ms. Loui:

Subject:  Water Shortage Plan for Ground Water Use Permit No.160

Pursuant to HAR 13-13-171-42, we hereby submit our Water Shortage Plan as follows.

The City and County of Honolulu’s Department of Wastewater Management (WWM) is committed to the use of reclaimed water. WWM plans to use 2 mgd of reclaimed water as the primary source for nonpotable water requirements at Honolulu Wastewater Treatment Plant by July 1998. Brackish water (WUP No. 160) supplemented with potable water will be used as a backup supply for the reclaimed water system. If the reclaimed water system should become inoperable during a water shortage situation in the Puuoloa Ground Water Management Area, WWM plans to use potable water only.

In an effort to increase the overall sustainable yield of the Ewa Caprock Aquifer, WWM is proposing to experiment with groundwater recharge using reclaimed water. The project consists of constructing and operating a pilot scale recharge trench to percolate reclaimed water into the aquifer.

In addition, WWM also plans to provide reclaimed water to nonpotable water users in the Ewa area. Five (5) mgd will be available to users by June 1999, 7 mgd will be available by October 2000, and 12 mgd will be available by July 2001.

If there are any questions, please contact Kristie Ching from the Division of Water Quality at 527-5165.

Sincerely,

KENNETH E. SPRAGUE
Director

cc:  T&D
     P&SC (Bill Liu)
     E&C (Guy Inouye)
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King Street  
Honolulu, HI 96813

Dear Mr. Sprague:

This follows a December 23, 1997 meeting with Maile Chun, Deputy Corporation Counsel, and Nic Musico of your staff, regarding the overpumpage violation for Well Nos. 1902-03, 04.

We understand that the City has accepted the alternative to paying the fine imposed by the Commission on Water Resource Management (Commission) at its meeting on May 14, 1997. The documentation that was submitted to our office in lieu of the cash settlement is consistent with the provisions set forth by the Commission for the overpumping of the subject wells. The documentation received indicates that your reuse plans include:

- **Pilot Trench Project** - Reuse of 2 million gallons per day (mgd) by June 1, 1998 for aquifer recharge to provide additional knowledge on the feasibility of a subsurface percolation trench to recharge the caprock aquifer.

- **R-1 Facility** - Reuse of an additional 3 mgd by June 30, 1999 for in-plant processing at the proposed R-1 reclamation facility and at the existing Honouliuli Wastewater Treatment Plant.

The requirement for "milestones" may be met by your submittal of the pertinent section of the quarterly reports that are submitted to the Department of Health.

Lastly, as part of the agreed to settlement, we understand that the City will initiate a stipulation to dismiss the complaint (CIV NO. 97-2779-07) and withdraw the four (4) appeals that have been filed against the Commission's actions on May 14, 1997 and October 22, 1997.

Your confirmation of our mutual understanding in the matter will be appreciated.

We are very pleased to be working with you toward our common goals to preserve our island's potable water supply through greater reuse of reclaimed water. We will look forward to receiving the quarterly reports.

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ss

c:  Maile Chun, Deputy Corporation Counsel  
Dawn Chang, Attorney General
Ms. Maile R. Chun  
Deputy Corporation Counsel  
Department of the Corporation Counsel  
530 S. King St., Suite 110  
Honolulu, Hawaii 96813  

Dear Ms. Chun:  


This is to request payment of $250.01 for the cost of the above transcript that was ordered in your letter of December 5, 1997 (attached). Please send your check or purchase order to Department of Land and Natural Resources, 1151 Punchbowl Street, Room 227, Honolulu, Hawaii 96813.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ss  
Attachment  
c: McManus Court Reporters
TO: Honorable Margery S. Bronster, Attorney General  
State of Hawaii

FROM: Michael D. Wilson, Chairperson  
Commission on Water Resource Management

SUBJECT: Index for the Record on Appeal  
(Appeal From The Dismissal Of 1) Motion For Reconsideration Of The  
Commission On Water Resource Management’s Final Decision In Its Notice of  
Action, Overpumpage Violation Of WUP No. 160 (Well Nos. 1902-03, 04),  
Puuloa Ground Water Management Area And 2) Petition For Contested Case  
Hearing In Relation To The Issuance of Water Use Permit WUP No. 160 (Well  
Nos. 1902-03, 04), Puuloa Ground Water Management Area)

This follows our December 9, 1997 memorandum, forwarding a copy of the above appeal. We had indicated that you were in receipt of a complete copy of the record on appeal, however, we realize that we have not yet provided you with the complete record for this latest appeal. Attached is a copy of the record that should be added to your set. We are also transmitting an updated index for the record on appeal.

Please inform us if there is anything else you need from our files or anything else we should do.

Attachment

c: Dawn Chang, Attorney General, Land/Transportation Division
December 5, 1997

VIA FACSIMILE AND U.S. MAIL

Mr. Michael D. Wilson, Chair
Ms. Rae M. Loui, Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Room 227
Honolulu, Hawaii 96813

Dear Chair Wilson and Ms. Loui:

Re: Notice of Action -

1. Motion for Reconsideration of the Commission on Water Resource Management's Final Decision in its Notice of Action, Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04), Puuloa Ground Water Management Area, Oahu, Dated June 5, 1997

2. Petition for Contested Case Hearing in Relation to the Issuance of Water Use Permit WUP No. 160 (Well Nos. 1902-03 & 04) Puuloa Ground Water Management Area, Oahu Notice of Appeal

Pursuant to Rule 10 of the Hawaii Rules of Appellate Procedure, the City, as appellant in the above mentioned case, shall order from the reporter, the transcript of the proceedings held on March 15, 1990, May 14, 1997, and October 22, 1997 in relation to the above.

Pursuant to Rule 11(b) of the Hawaii Rules of Appellate Procedure, upon receipt of an order for a transcript, the reporter shall acknowledge at the foot of the order the fact that he has received it and the date on which he expects to have the transcript completed and shall transmit the order, so endorsed, to
Mr. Michael D. Wilson, Chair  
Ms. Rae M. Loui, Deputy Director  
December 5, 1997  
Page 2

the clerk of the Supreme Court. If the transcript cannot be completed within 30 days of receipt of the order, the reporter shall request an extension of time from the clerk of the Supreme Court before the expiration of the 30 days. A failure to make such a request by the reporter may result in a fine from the Supreme Court. Please review Rule 11 for additional duties and responsibilities.

Please bill the city for the cost of the transcript. If you have any questions or concerns, please call me at 527-5351. Thank you for your attention to this matter.

Very truly yours,

MAILE R. CHUN  
Deputy Corporation Counsel

MRC:ey

cc: Kenneth E. Sprague, Director  
    Department of Wastewater Management  
    Cheryl K. Okuma-Sepe, Deputy Director  
    Department of Wastewater Management

LCWRM
## DEPARTMENT OF WASTEWATER MANAGEMENT
### ISSUANCE OF WATER USE PERMIT (WUP NO. 160)
#### FOLDER #: WATER USE PERMIT
##### (A)
###### INDEX
###### (As of December 10, 1997)

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description of Document</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>7-30-97 Letter from Rae M. Loui to Kenneth E. Sprague</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Appellee Commission on Water Resource Management's Counterstatement of the Case and Certificate of Service</td>
<td>2-11</td>
</tr>
<tr>
<td>3</td>
<td>9-2-97 Letter from Rae M. Loui to Clerk, Circuit Court of the First Circuit</td>
<td>12</td>
</tr>
<tr>
<td>4</td>
<td>9-2-97 Letter from Rae M. Loui to Clerk, Supreme Court of Hawaii</td>
<td>13</td>
</tr>
<tr>
<td>5</td>
<td>Supplemental Memorandum to the Petition for Contested Case Hearing in Relation to the Issuance of Water Use Permit for Well Nos. 1902-03 &amp; 04, Puuloa Ground Water Management Area, Oahu; Exhibits A-C</td>
<td>14-29</td>
</tr>
<tr>
<td>6</td>
<td>10-22-97 Staff Submittal (Petition for Contested Case Hearing)</td>
<td>30-78</td>
</tr>
<tr>
<td>7</td>
<td>10-22-97 Staff Submittal (Motion for Reconsideration)</td>
<td>79-113</td>
</tr>
<tr>
<td>8</td>
<td>10-30-97 Letter from Rae M. Loui to Kenneth E. Sprague</td>
<td>114</td>
</tr>
<tr>
<td>9</td>
<td>11-26-97 Notice of Appeal to Supreme Court</td>
<td>115-118</td>
</tr>
<tr>
<td>10</td>
<td>12-9-97 Memorandum from Rae M. Loui to Margery S. Bronster</td>
<td>119</td>
</tr>
<tr>
<td>11</td>
<td>12-8-97 Letter from Maile R. Chun to Rae M. Loui</td>
<td>120-121</td>
</tr>
</tbody>
</table>
December 5, 1997

VIA FACSIMILE AND U.S. MAIL

Mr. Michael D. Wilson, Chair
Ms. Rae M. Loui, Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Room 227
Honolulu, Hawaii 96813

Dear Chair Wilson and Ms. Loui:

Re: Notice of Action -

1. Motion for Reconsideration of the Commission on Water Resource Management's Final Decision in its Notice of Action, Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04), Puuloa Ground Water Management Area, Oahu, Dated June 5, 1997

2. Petition for Contested Case Hearing in Relation to the Issuance of Water Use Permit WUP No. 160 (Well Nos. 1902-03 & 04) Puuloa Ground Water Management Area, Oahu Notice of Appeal

Pursuant to Rule 10 of the Hawaii Rules of Appellate Procedure, the City, as appellant in the above mentioned case, shall order from the reporter, the transcript of the proceedings held on March 15, 1990, May 14, 1997, and October 22, 1997 in relation to the above.

Pursuant to Rule 11(b) of the Hawaii Rules of Appellate Procedure, upon receipt of an order for a transcript, the reporter shall acknowledge at the foot of the order the fact that he has received it and the date on which he expects to have the transcript completed and shall transmit the order, so endorsed, to...
the clerk of the Supreme Court. If the transcript cannot be completed within 30 days of receipt of the order, the reporter shall request an extension of time from the clerk of the Supreme Court before the expiration of the 30 days. A failure to make such a request by the reporter may result in a fine from the Supreme Court. Please review Rule 11 for additional duties and responsibilities.

Please bill the city for the cost of the transcript. If you have any questions or concerns, please call me at 527-5351. Thank you for your attention to this matter.

Very truly yours,

[Signature]

MAILE R. CHUN
Deputy Corporation Counsel

cc: Kenneth E. Sprague, Director
    Department of Wastewater Management
    Cheryl K. Okuma-Sepe, Deputy Director
    Department of Wastewater Management

L-CWRRM
TO: Honorable Margery S. Bronster, Attorney General  
State of Hawaii

FROM: Michael D. Wilson, Chairperson  
Commission on Water Resource Management

SUBJECT: Notice of Appeal  
(Appeal From The Dismissal Of 1) Motion For Reconsideration Of The  
Commission On Water Resource Management’s Final Decision In Its Notice of  
Action, Overpumpage Violation Of WUP No. 160 (Well Nos. 1902-03, 04),  
Puuloa Ground Water Management Area And 2) Petition For Contested Case  
Hearing In Relation To The Issuance of Water Use Permit WUP No. 160 (Well  
Nos. 1902-03, 04), Puuloa Ground Water Management Area)

We are forwarding a copy of the above appeal. This is in addition to: 1) Notice of Appeal  
(Hawaii Supreme Court), received July 7, 1997; 2) Notice of Appeal (First Circuit Court), filed  
July 7, 1997; and 3) Complaint; Summons (First Circuit Court), filed July 7, 1997.

A complete copy of the record on appeal has been submitted to your office. Please inform us if  
there is anything else you need from our files.

Enclosures

c: Dawn Chang, Attorney General, Land/Transportation Division
NOTICE OF APPEAL

Notice is hereby given that KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, Appellant above named (hereinafter "Appellant"), by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, City and County of Honolulu, appeals to the Supreme Court of the State of Hawaii from the final decision and order of the COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES,
STATE OF HAWAII to dismiss the following matters: 1) Motion for Reconsideration of the Commission on Water Resource Management’s Final Decision in its Notice of Action, Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04), Puuloa Ground Water Management Area, Oahu, Dated June 5, 1997, and 2) Petition for Contested Case Hearing in Relation to the Issuance of Water Use Permit WUP No. 160 (Well Nos. 1902-03 & 04) Puuloa Ground Water Management Area, Oahu, dated October 30, 1997, a true and correct copy of which is attached hereto as Exhibit A.

This appeal is brought pursuant to Section 91-14 of the Hawaii Revised Statutes and Rules 3 and 4 of the Hawaii Rules of Appellate Procedure.


DAVID Z. ARAKAWA
Corporation Counsel

By

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King Street  
Honolulu, Hawaii 96813

Dear Mr. Sprague:

NOTICE OF ACTION


2. Petition For Contested Case Hearing In Relation To The Issuance Of Water Use Permit WUP No. 160 (Well Nos. 1902-03 & 04) Puuloa Ground Water Management Area, Oahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the subject Motion for Reconsideration and Petition for Contested Case Hearing. The following was approved by a unanimous vote of the Commission at their meeting of October 22, 1997:

1. Dismissal of the Motion for Reconsideration because provisions of Chapter 13-167, HAR, do not provide for reconsideration except where there already has been a contested case.

2. Dismissal of the Petition for Contested Case Hearing due to the untimely filing of the subject petition.

3. Direct the Commission staff to meet with the Department of Wastewater Management so as to arrive at a final settlement of the penalty imposed as a result of the subject violation.

The Commission has requested that we work with you to negotiate a settlement of the fine and report back to them at their next regular meeting on Oahu, tentatively scheduled for December 17, 1997. We will be initiating discussions with you within a few weeks.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ss
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof was served upon the following by mailing the same, postage prepaid, on November 26, 1997:

DAWN N.S. CHANG, ESQ.
Deputy Attorney General
465 South King Street
Room 300
Honolulu, Hawaii 96813

Attorney for Appellee

MAILE R. CHUN
Deputy Corporation Counsel
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King Street  
Honolulu, Hawaii 96813

Dear Mr. Sprague:

NOTICE OF ACTION

1. Motion For Reconsideration Of The  
   Commission On Water Resource Management's  
   Final Decision In Its Notice Of Action,  
   Overpumpage Violation Of WUP No. 160 (Well Nos. 1902-03, 04),  
   Puuloa Ground Water Management Area, Oahu, Dated June 5, 1997

2. Petition For Contested Case Hearing In Relation To The  
   Issuance Of Water Use Permit WUP No. 160 (Well Nos. 1902-03 & 04)  
   Puuloa Ground Water Management Area, Oahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the subject Motion for Reconsideration and Petition for Contested Case Hearing. The following was approved by a unanimous vote of the Commission at their meeting of October 22, 1997:

1. Dismissal of the Motion for Reconsideration because provisions of Chapter 13-167, HAR, do not provide for reconsideration except where there already has been a contested case.

2. Dismissal of the Petition for Contested Case Hearing due to the untimely filing of the subject petition.

3. Direct the Commission staff to meet with the Department of Wastewater Management so as to arrive at a final settlement of the penalty imposed as a result of the subject violation.

The Commission has requested that we work with you to negotiate a settlement of the fine and report back to them at their next regular meeting on Oahu, tentatively scheduled for December 17, 1997. We will be initiating discussions with you within a few weeks.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI
Deputy Director

LN:ss
PETITIONER:
Department of Wastewater Management (DWM), Director
650 South King Street
Honolulu, HI 96813

BACKGROUND:
On March 15, 1990, the Commission on Water Resource Management (Commission) approved a water use permit and well construction permit for Well No. 1902-03 for in-plant process water for the Honouliuli Wastewater Treatment Plant (WWTP). The well construction permit was never issued. The water use permit was issued on July 16, 1997.

On or about February 3, 1992, Roscoe Moss Hawaii, Inc., the well drilling contractor for the Department of Wastewater Management (DWM), submitted well completion reports for Well Nos. 1902-03 and 1902-04 for the well construction and testing.

On July 15, 1993, the Commission staff called DWM to inquire about the permanent pump installation.

On July 19, 1993, the Commission staff called DWM to inform them that an after-the-fact well construction permit was needed for Well No. 1902-04, which was drilled without a permit as a backup source.

On September 16, 1993, DWM submitted an application for an after-the-fact pump installation permit for Well No. 1902-03 and for an after-the-fact well construction/pump installation permit for Well No. 1902-04. DWM also requested that the water use permit be amended to include Well No. 1902-04.
On December 8, 1993, the Commission voted to approve the following:
   b. Administrative amendment of the water use permit to include Well No. 1902-04 as a backup source.
   c. A $100 fine for drilling Well No. 1902-04 without a permit.
(No specific action was taken on the after-the-fact pump installation permit applications, although it was understood to be part of the water use permit application at the time.)

On December 29, 1993, pump installation permits were issued for Well Nos. 1902-03 and 1902-04, and an after-the-fact well construction permits was issued for Well No. 1902-03.

On February 22, 1994, DWM returned a signed copy of the after-the-fact well construction permit. Signed copies of the pump installation permits were never returned.

On June 20, 1996, the Commission staff informed the DWM that reported pumpage showed the twelve-month moving average withdrawal (12-MAV) was in excess of the 0.5 million gallon per day (mgd) allocation that was approved for the source. The staff requested that DWM provide an explanation for the overpumpage and an estimate for the length of time needed to come into compliance with the water use permit allocation by July 15, 1996 (Exhibit 1).

On July 19, 1996, DWM submitted their response, outlining some major expansion and process changes at the WWTP over the last two (2) years that had caused water usage to increase. DWM's letter stated that their planned construction of an effluent reuse facility would greatly reduce water usage at the plant, and in the interim, DWM would be submitting a request to the Commission for an addition 0.5 mgd to meet the plant's then-current water needs (Exhibit 2).

On July 30, 1996, the Commission staff sent a water use permit application form to DWM, requesting that the application form be completed and returned within thirty (30) days (Exhibit 3).

On February 21, 1997, the Commission staff sent a second notice of the overpumpage violation, requested that DWM respond to the Commission's July 30, 1996 letter (Exhibit 4).

On March 12, 1997, DWM submitted their response, dated March 10, 1997, to the Commission's first notice of overpumpage violation, indicating that as of October 4, 1996, daily withdrawals were reduced to less than 0.5 mgd. The reduction was effected by supplementing WWTP needs with potable water and by reducing or eliminating treatment processes that were not then considered critical. DWM stated that they made a request for an additional 0.5 mgd in August, 1996. DWM acknowledged that, because the method of compliance incorporates a running (12-month moving) average method, DWM would remain noncompliant to at least October, 1997. However, DWM stated their belief that they were now in compliance with their 0.5 mgd allocation because current monthly total withdrawals were being limited to less than 0.5 mgd (Exhibit 5).

On April 7, 1997, the Commission staff clarified that no application to increase water use had been submitted, contrary to the statement made in DWM's letter of March 10, 1997, and that, if DWM still wished to increase water usage by an additional 0.5 mgd, the application form that was previously transmitted on July 30, 1996 should be completed and returned (Exhibit 6).

On May 9, 1997, the Commission staff faxed Item 5 of the May 14, 1997 Commission agenda to Kenneth Sprague, DWM Director and Mark Morita, Corporation Counsel. Item 5 included recommendations that the Commission:
   a. Find DWM in violation of WUP No. 160 for exceeding their allocation limit.
b. Impose a fine of $500 per day for the overpumpage violation for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000). In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by July 30, 1999.

At a regular meeting on May 14, 1997, the Commission voted to approve the above staff recommendations.

On June 5, 1997, the Commission staff notified the Department of Wastewater Management of the May 14, 1997 Commission action. The Notice of Action requested that DWM either inform us within thirty (30) days of a reasonable timeframe for submittal of construction plans and schedule if the alternative to paying the fine was chosen, or pay the fine within thirty (30) days (Exhibit 7).

On July 8, 1997, the Commission received the subject Motion for Reconsideration (Exhibit 8; four other nearly identical actions were also filed).

On July 16, 1997, the water use permit document was issued to DWM (Exhibit 9).

ANALYSIS/ISSUES:

Hawaii Administrative Rule §13-167-64 only provides for reconsideration in a contested case hearing. There was no contested case hearing held in this case. The Administrative Rules do not provide for reconsideration in another situation. Absent such a rule, the Commission may not now separately reconsider its original action. The Commission may always monitor and review the terms of permits and its own enforcement action.

The Commission has taken no action to collect the fine because the Commission approved an alternative to paying the fine, which makes collection of the fine as yet not ripe.

RECOMMENDATION:

Staff recommends that the Commission dismiss the Motion for Reconsideration because the Administrative Rules of the State Water Code do not provide for reconsideration except where there already has been a contested case hearing.

Respectfully submitted,

RAE M. LOUI
Deputy Director

Exhibit(s):
1 (June 20, 1996 Letter from Rae M. Loui to Felix Limtiaco)
2 (July 18, 1996 Letter from Felix B. Limtiaco to Rae M. Loui)
3 (July 30, 1996 Letter from Rae M. Loui to Felix Limtiaco)
4 (February 21, 1997 Letter from Rae M. Loui to Kenneth E. Sprague)
5 (March 10, 1997 Letter from Kenneth E. Sprague to Rae M. Loui)
6 (April 7, 1997 Letter from Rae M. Loui to Kenneth E. Sprague)
7 (June 5, 1997 Letter from Rae M. Loui to Kenneth E. Sprague)
8 (Motion for Reconsideration)
9 (Ground Water Use Permit No. 160)
Mr. Felix Limtiaco  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King Street, 3rd Floor  
Honolulu, Hawaii 96813

Dear Mr. Limtiaco:

Notice of Water Use Permit Violation  
Well Nos. 1902-03 & 04 (WUP No. 160)  
Ewa Caprock Ground Water Management Area, Oahu

Reported monthly pumpage at Well Nos. 1902-03 & 04 show that the current twelve-month moving average withdrawal is in excess of the 0.5 mgd allocation that was approved by the Commission on Water Resource Management at its meeting of March 15, 1990.

Please provide an explanation for the overpumpage and an estimate for the length of time that you will need to come into compliance with the terms of the permit. We request that you submit a written response to this letter by July 15, 1996.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ss

EXHIBIT 1
July 18, 1996

Ms. Rae M. Loui
Deputy Director
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Notice of Water Use Permit Violation
Well Nos. 1902-3 and 4 (WUP No. 160)
Ewa Caprock Ground Water Management Area

We respectfully submit the following response to your June 20, 1996 Notice of Water Use Permit Violation.

Over the past two years the Honouliuli Wastewater Treatment Plant has undergone some major expansion and process changes that have increased its demand for ground water.

The following is a summary of the major changes:

1. A polymer system that uses approximately 100,000 gallons per day was installed to help the plant meet its National Pollutant Discharge Elimination System Permit Limitations.

2. One of the treatment plant’s preaeration basins was converted to an activated sludge basin requiring the use of approximately 50,000 gallons per day of water.

3. Water demands for irrigation have sharply increased due to the landscaping that was added for plant beautification of the expanded plant.
The Department of Wastewater Management is currently planning to build an effluent re-use facility that will greatly reduce the plant's ground water usage. In the interim, we will be submitting a request to the Commission on Water Resource Management for an additional 500,000 gallons per day to meet the plant's current water demands.

Please be assured that we are making every effort to conserve this valuable resource. Should you have any further questions, please contact Mr. Allen Perry at 681-3347, extension 106.

Sincerely,

[Signature]

FELIX B. LIMTIACO
Director
Mr. Felix Limtiaco  
City and County of Honolulu  
Department of Wastewater Management  
91-1501 Geiger Road  
Ewa Beach, HI 96706  

Dear Mr. Limtiaco:

Water Use Permit Violation  
Well Nos. 1902-03 & 04 (WUP No. 160)  
Ewa Caprock Ground Water Management Area, Oahu

Thank you for your letter of July 18, 1996, informing us of your plans to submit a request for additional allocation to meet the Honouliuli Wastewater Treatment Plant's current water demands.

We have enclosed a water use permit application form for your use. Please complete the application form and return it to our office within thirty (30) days.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI  
Deputy Director

LN:ss  
Enclosure
February 21, 1997

Mr. Ken Sprague
City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

Dear Mr. Sprague:

Thank you for meeting with the Commission on Water Resource Management (Commission) staff on February 12, 1997. Again, we appreciate the group's efforts to work towards a plan that is mutually agreeable to all users. Your work has allowed us to identify key elements for a plan that addresses users needs, while meeting the statutory objectives set forth in Chapter 174C, HRS.

As discussed at the meeting, we are planning to recommend that the Commission adopt the management approach outlined in the attached draft plan (Exhibit 1). If you find that certain aspects of the plan do not/should not apply to your current use(s) and/or proposed future use(s), you may request a variance to the proposed plan. Please provide appropriate justification and any hydrologic or other data to support your requested variance.

In order to implement the proposed management plan, the following required information and actions are needed from the Department of Wastewater Management (DWM):

1. Your response to our letter of July 30, 1996 (Exhibit 2). We understood, from your letter of July 18, 1996, that DWM was planning to apply for additional water use (Exhibit 3). From a subsequent telephone conversation with Tim Steinberger, we understood that the Wastewater Treatment Plant was going to cease recently-implemented treatment process(es) that caused water usage to double. Attached is a graph of usage at Well Nos. 1902-03 & 04 (Exhibit 4) that shows the latest 12-month moving average withdrawal is still in excess of the allocation for the wells. We reiterate the request made in our letter of June 20, 1996 (Exhibit 5) to provide an estimate for the length of time that you will need to come into compliance with the terms of your permit.
2. A water shortage plan for WUP No. 160 that outlines how water usage will be reduced in the event of a shortage. We request that you quantify the reduction in water use that may be sustained during a declared water shortage and provide a brief description of how you plan to effect such reduction. (The State Water Code requires the Commission to formulate a comprehensive area-wide water shortage plan that will be implemented during periods of water shortage. We appreciate any input you may provide towards deriving some plan for a water shortage situation that shall be adopted by the Commission.)

3. Your response to our January 12, 1997 review comments relating to the City's permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water (Exhibit 6).

We are planning to submit recommendations to the Commission at the March 12, 1997 meeting to adopt the Pualoa, Kapolei, and Malakole Aquifer System boundaries (Exhibit 7) and to adopt a 1,000 mg/l chloride cap for individual wells instead of a sustainable yield number. We plan to recommend that the Commission require that any new permit adhere to the attached chloride sampling protocol (Exhibit 8). Recommendations on an allocation plan will be made at a following meeting.

We ask that you submit the items and information requested above by March 10, 1997. Your comments on the proposed management plan are encouraged.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director

LN:ju
Attachments
1. Reclaimed water is the only way to address the overallocation problem. In addition, reclaimed water must supply some future needs since the forecasted usage of nonpotable water by users in the Pua losa Aquifer System will be at least 10 mgd by 2001, exceeding the caprock availability. We assume that there is a commitment by the users to utilize reclaimed water to meet some of these needs. We are also assuming 2.0 mgd of R-1 will come in to supplement the caprock by July 1, 1998, and 4.0 mgd by July 1999. The situation will be reevaluated at that time.

2. Boundaries for three aquifer systems will be adopted.

3. Instead of a sustainable yield number, protection and management of caprock water quality will be by chloride standards for individual wells based on pump test or historic data.

4. Applicants for new usage can apply for well construction permits first. Based on the pump test, set the pump size and chloride cap and check reasonable-beneficial quantity. The Pump Installation and Water Use Permits can be applied for after that.

5. Agricultural permit holders will be asked to provide information on remaining agricultural acreage and to conduct a pump test according to a protocol established by the Commission.

6. Permit amounts for four years of non-use will be revoked.

7. Unused one-year interim Water Use Permits will not be renewed. Applicants can reapply when the usage is imminent.

8. Permits will be issued for remaining one-year interim Water Use Permits for a term to expire upon completion of the R-1 facility in July 1998 or soon thereafter. A condition of the permits will be that Gentry, Haseko, HPGC, and EBIGC negotiate and enter into further definite agreements regarding the purchase of reclaimed water according to the table on page 27 of the PCUG Report.

9. The Commission will formulate a water shortage plan for implementation during periods of water shortage. The plan will be prepared by aquifer system and propose restrictions on one or more classes of permits.

10. The City WWM will provide to the Commission, as a means to track the progress of the R-1 facility, the quarterly reports that are submitted to the Dept. of Health.

EXHIBIT 1

EXHIBIT 4
Mr. Felix Limtiaco
City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

Dear Mr. Limtiaco:

Water Use Permit Violation
Well Nos. 1902-03 & 04 (WUP No. 160)
Ewa Caprock Ground Water Management Area, Oahu

Thank you for your letter of July 18, 1996, informing us of your plans to submit a request for additional allocation to meet the Honolulu Wastewater Treatment Plant’s current water demands.

We have enclosed a water use permit application form for your use. Please complete the application form and return it to our office within thirty (30) days.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director

LN:ss

Enclosure
Ms. Rae M. Loui  
Deputy Director  
State of Hawaii  
Department of Land and Natural Resources  
Commission on Water Resource Management  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Notice of Water Use Permit Violation  
Well Nos. 1902-3 and 4 (WUP No. 160)  
Ewa Caprock Ground Water Management Area

We respectfully submit the following response to your June 20, 1996 Notice of Water Use Permit Violation.

Over the past two years the Honouliuli Wastewater Treatment Plant has undergone some major expansion and process changes that have increased its demand for ground water.

The following is a summary of the major changes:

1. A polymer system that uses approximately 100,000 gallons per day was installed to help the plant meet its National Pollutant Discharge Elimination System Permit Limitations.

2. One of the treatment plant’s preaeration basins was converted to an activated sludge basin requiring the use of approximately 50,000 gallons per day of water.

3. Water demands for irrigation have sharply increased due to the landscaping that was added for plant beautification of the expanded plant.
The Department of Wastewater Management is currently planning to build an effluent re-use facility that will greatly reduce the plant's ground water usage. In the interim, we will be submitting a request to the Commission on Water Resource Management for an additional 500,000 gallons per day to meet the plant’s current water demands.

Please be assured that we are making every effort to conserve this valuable resource. Should you have any further questions, please contact Mr. Allen Perry at 681-3347, extension 106.

Sincerely,

[Signature]

FELIX V. LIMTIACO
Director

EXHIBIT 4
Mr. Felix Limtiaco
City and County of Honolulu
Department of Wastewater Management
650 S. King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Limtiaco:

Notice of Water Use Permit Violation
Well Nos. 1902-03 & 04 (WUP No. 160)
Ewa Caprock Ground Water Management Area, Oahu

Reported monthly pumpage at Well Nos. 1902-03 & 04 show that the current twelve-month moving average withdrawal is in excess of the 0.5 mgd allocation that was approved by the Commission on Water Resource Management at its meeting of March 15, 1990.

Please provide an explanation for the overpumpage and an estimate for the length of time that you will need to come into compliance with the terms of the permit. We request that you submit a written response to this letter by July 15, 1996.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI
Deputy Director

LN:ss
Honouliuli WWTP Groundwater Withdrawal
Well Nos. 1902-03,04

Date (latest data 12/96)

- monthly withdrawal
- 12-MAV
- permitted withdrawal
TO: PCUG Members
FROM: Rae M. Loui, Deputy Director
Commission on Water Resource Management

SUBJECT: Comments on the Draft Puuloa Nonpotable Water Master Plan, January 22, 1997

Based on a preliminary review of the subject report, we have the following comments:

- Pg. 2, para 3 - refers to development projects which have immediate need but no necessary water use permits. It would be helpful to list and quantify these unmet specific project water needs.

- Pg. 4 - The list of PCUG members doesn’t include the State, yet the signature page shows HFDC. On Table 1, only the State’s Puuloa Mauka lands are represented, what about the rest of the state’s interests in Puuloa?

- Pg. 5 - Users/potential users who are NOT part of PCUG include Ewa Villages, West Loch Golf Courses, and Campbell Estate but:

  How can PCUG commit to conversion of the City Golf Courses (1.8 mgd) by 7/99 (pg. 1) if the City golf courses aren’t part of PCUG?

  How can the plan state that Table 1 is comprehensive in terms of demand projections (pg. 3) if Campbell Estate, which owns considerable undeveloped lands, is not participating? How was the demand for Campbell lands estimated?

- Pg. 5 - What is the basis for excluding all Gentry wells & the USFWS from the commitment? What are they exempted from, the sharing in the cost of reclaimed water? We need a rational basis for the exemptions because other users may also want to be exempt. Pg. 28 states that 9 Gentry wells are excluded from the requirements of R-1 water delivery, but must comply & conform to all other requirements of the Master Plan. Then shouldn’t these users be part of PCUG?

- Pg. 7, Exhibit B (well location), & Table 2 - the FGE & BC monitor well locations are described but not shown on map (exhibit 2).

- Pg. 21 - Was the Notice to Proceed issued in 12/96?

- Pg. 21 - If the capital costs for the R-1/R-2 facility upgrade will be financed through DWM’s CIP, should this information be included as an appendix?
Memo to PCUG Members  
Page 2  
FEB 12 1997

- Pg. 19 - states small scale demonstration projects for both direct and indirect use will proceed, but the last sentence on pg. 22 states that a demonstration aquifer recharge will be "evaluated to serve as an alternative to the R-1/R-2 facility."

- Pg. 26, 3rd paragraph - A correct statement would be that "the CWRM has indicated that a commitment to reclaimed water is the only means by which the over-allocation problem may be resolved, short of ratcheting back allocations in the caprock."

- Pg. 27, 2nd table:
Which Gentry wells will be converting to R-1 (so we can specify the duration of these interim permits to coincide with the availability of R-1 water)?

Gentry shows a commitment to convert to 0.72 mgd by 2001, yet Table 1 shows 2001 projected need for 1.6 mgd; does this mean that the difference, 0.88 mgd (an increase of 0.278 mgd over current allocation) will be supplied from the caprock? from which wells?

Haseko shows commitment to convert to 0.80 mgd by 2001, while Table 1 shows an ultimate demand for 2.0 mgd in the caprock, does that mean that 2.96 mgd (4.16 - 1.2) can be revoked in 2001? and 2.16 can be revoked immediately?

For HPGC & EBIGC, is it reasonable to use this table as a schedule for caprock allocation reductions? Which EBIGC allocation to reduce?

- Pg. 28, 2nd paragraph - How will Gentry manage transfers in the future if the Homeowners Associations are not part of this plan or group? Also, are commitments permanent or temporary?

- Pg. 28, 3rd paragraph - We have concerns regarding this disclaimer, which holds the City to the financing and construction schedule.

- Pg. 28, B. - "commits" the City Golf Courses to using R-1 in 2000-2001, but pg. 5 stated that the City Golf Courses are not part of PCUG.

- Pg. 29, Table:
There is a discrepancy in the City golf course conversion: pg. 1 states both courses will convert (1.8 mgd) by 7/99, but the table on pg. 29 shows only 1.5 mgd conversion by 7/99 (is this 1.0 for WWTP and only 0.5 for golf courses?)

Also, the total City usage is 2.8 mgd (1.0 for WWTP & 1.8 for courses), yet there is only a commitment for 2.0 mgd.

- Pg. 29, Navy lands:
BPNAS is still in negotiations. If they commit to 0.7 mgd R-1, then a statement to the effect that the allocation for Barbers Pt. shaft be reduced by 0.7 mgd should also amend this plan.

Since Solenberger's lease went through, does this mean the Navy's Ag lands won't be using any reclaimed water?
USFWS exemption is further clarified, i.e., no commitment to R-1 delivery, but what about cost-sharing for the recharged caprock aquifer? Also, if water needs are NOT salinity dependant can the USFWS use west loch ocean water or modify the existing caprock source to lessen impact on brackish lens?

- Pg. 30, para 3 - What does 'all caprock users' mean for those sharing in the reclaimed water cost - non-PCUG members too? Future caprock users?

- Pg. 32 para. 5 - It should be made clear that managing at the well head (i.e. pumped water from caprock alone) is subject to any standard chloride limit and NOT some mix of caprock water and reclaimed water.

- Pg. 33 - There is still no clear resolution of the over-allocation. The plan suggests that the CWRM must continually juggle (via written agreements?) the 15 mgd permitted use with individual users actual needs. We find this proposal to be unduly burdensome. In addition, we are concerned that the current group members may change over time.

- Pg. 34 - states "all nonpotable users in the Puuoa sector" (whether they are part of PCUG or not?) shall contribute to the balance of the development cost if the total development cost of the R-1 effluent pipeline distribution system exceeds available Consent Decree funds. Are nonmembers of PCUG, the Navy (pg. 36), Gentry Homeowners, and USFS exempt from this provision also?

- Pg. 34 - Gentry plans to increase usage by 1 mgd in two years, but given their past record (actual use is only 0.3 mgd), is it possible to juggle Gentry's current allocations (0.602 mgd) to cover the next 2 years? We reiterate listing projects which do not have necessary water use permits.

- Pg. 35 - The agreements not to pump will have to specify no pumpage until re-use replaces caprock allocations.

- Pg. 36 - Didn't Solenberger's lease go through? If so, the plan needs to be amended already (proposing a 7 mgd pumping limit?).

- Pg. 37 - The allocation plan (Table 8) is only looking to ending of 1998. There is still no clear resolution of the over-allocation situation.

- Pg. 39 - Has Campbell agreed to the phasing out of it's agricultural allocation?

- Doesn't look like the 309 consent decree will be met.

- City signature - who is ultimately responsible, the mayor?

- Need to clarify Gentry's option to purchase Campbell land.

---

EXHIBIT 4
GUIDELINES FOR CHLORIDE CONCENTRATION SAMPLING FOR EWA CAPROCK

1. Sample Collection

- Sampling Schedule

The sampling schedule depends upon your pump capacity:

<table>
<thead>
<tr>
<th>Pump Capacity (gpm)</th>
<th>Sampling Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 50</td>
<td>Once a month</td>
</tr>
<tr>
<td>Greater than 50</td>
<td>Once a week</td>
</tr>
</tbody>
</table>

- When to Sample

Before taking a sample, allow a minimum length of time to elapse after turning on the pump. This minimum time can be read off the attached table for your well casing diameter and your pump capacity. If you sample 20 minutes after the minimum time, you should consistently sample 20 minutes after the minimum time each time you take samples.

- Sample Bottle

Use a plastic container and cap that holds a volume of about a pint. Rinse the container three times with the water to be sampled before taking the sample. Also rinse the cap with sample water.

- Labeling

On the sample bottle, affix a label that contains the following information:

Well No.
Date
Time Sampled
Elapsed Time after pump on
Sampler's Name
Water Temperature (if available)
Pumping Rate (prior to sampling)
2. Determination of Chloride Concentration

- Private Laboratories

If the sample is sent to a private laboratory, then prepare the water sample and label the bottle in the manner described above.

Private laboratories will use methods that are more accurate than field methods described below.

- Hach Kit (Drop Count Titrator)

Be aware of the approximate chloride concentration range in your well. Use the appropriate sample bottle for titration. Be consistent with the end-point color change.

For low chloride concentrations (5-100 mg/l) each drop will equal 5 mg/l. For higher concentrations (20-400 mg/l) each drop equals 20 mg/l. Other kits for concentrations greater than 400 mg/l (500-10,000 mg/l) each drop is equal to 500 mg/l. Obviously, for water greater than 400 mg/l, a "drop-count" Hach Kit is not appropriate, and a digital titrator, described below, should be used.

- Hach Kit (Digital Titrator)

A digital titrator is the appropriate method for water with greater than 400 mg/l chloride. A digital titrator using silver nitrate is accurate to within 10 mg/l for a chloride range from 10-10,000 mg/l, and for a titrator using mercuric nitrate accuracy varies from 0.1-20 mg/l for a chloride range of 10-8,000 mg/l.

Note: Be consistent with the end-point color. Silver nitrate ages and needs to be replenished within the recommended guidelines of the Hach Company.

- Other Methods

An ion-selective probe for chloride is available, and can measure concentration from 1.8-35,500 mg/l.
3. Reporting Results

- How to Report

The following information should be entered on the "Monthly Ground Water Use Report" form provided by the Commission on Water Resource Management:

1. Chloride concentration (mg/l) and temperature (°F) in the columns provided.

Under "Notes" Section of the Monthly Water Use Report:

2. Method used for chloride analysis: ______________

3. Total elapsed time before sampling: ______________

If there are any questions, please call the Commission on Water Resource Management staff at 587-0265 on Oahu or toll free from the neighbor islands 1-800-468-4644 ext. 70265.
<table>
<thead>
<tr>
<th>CASING DIAMETER (in.)</th>
<th>PUMP CAPACITY (gpm)</th>
<th>MINIMUM TIME (min.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>10-20</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>110</td>
</tr>
<tr>
<td>8</td>
<td>10-20</td>
<td>190</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>125</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>85</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>&gt;250</td>
<td>75</td>
</tr>
<tr>
<td>12</td>
<td>10-20</td>
<td>360</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>210</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>68</td>
</tr>
<tr>
<td>16</td>
<td>10-20</td>
<td>560</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>310</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>160</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>110</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>70</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>65</td>
</tr>
<tr>
<td>20</td>
<td>50-100</td>
<td>220</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>95</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>72</td>
</tr>
</tbody>
</table>

1 Assumes saturated well depth of 100 feet.

2 Five well volumes is a standard guideline recommended by EPA.
March 10, 1997

Ms. Rae Loui
Deputy Director
Department of Land and Natural Resources
Commission On Water Resource Management
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Proposed Ewa Caprock Management Plan

Thank you for your February 21, 1997 letter, providing us an opportunity to respond to the proposed Ewa Caprock Management Plan. We have currently reorganized our reuse program so that we can expeditiously meet our consent decree requirements. Because of our new organization, we may not be in a position at this time to comment fully on all issues contained in your February 21, 1997 letter. Our response follows.

Item 1 of the February 21, 1997 Letter:
As of October 4, 1996, we have reduced our daily withdrawal to less than 0.5 mgd. We are supplementing our needs with potable water and have made efforts to reduce or eliminate treatment processes not considered critical at this time. In August 1996, we submitted a request for an additional 0.5 mgd, and we are also planning to take full advantage of our water reclamation capability.

Regarding our estimate of when we will be in compliance with the specified allocation, we will continue to withdrawal less than 0.5 mgd. Because the method of compliance determination incorporates a running average method, we will remain noncompliant at least until October 1997. We can accelerate the time to comply with the 0.5 mgd, 12 month running average by eliminating all well withdrawals and using potable water for our in plant processes. However, this seems contradictory to our intent of saving our valued resources. We do believe, however, that we are in compliance with our existing withdrawal permit for 500,000 gallons per day.

Item 2 of the February 21, 1997 Letter:
Because we are formulating our reuse program, we request a one month extension so that we can incorporate our reuse capabilities in our water shortage plan for WUP No. 160.

Item 3 of the February 21, 1997 Letter:
As mentioned above, we are requesting a one month extension so that we can adequately respond to all comments.

Exhibit 1: Draft Ewa Caprock Management Plan, dated February 12, 1997:
Item 1 of the subject plan: Our goal is to meet our 2 mgd (R-1 quality) Consent Decree requirement by July 1, 1998 through demonstration projects. These projects consist of a combination of in-plant applications as distribution to interested parties. By June 30, 1999, we will have an additional 3 mgd of R-1 quality reclaimed water available.
Item 3 of the subject plan: We have no objections at this time to institute a chloride and flow provision for the purposes of managing the caprock water quality for individuals well.

Item 8 of the subject plan: As mentioned above, we are proposing to meet our Consent Decree requirements through demonstration projects. We suggest that expiration dates of interim permits be changed to June 30, 1999, or soon thereafter. This extension will provide us the opportunity to initiate a fee structure and to ensure we can consistently deliver R-1 quality water.

Item 10 of the subject plan: The current quarterly report sent to the Department of Health (and EPA) is required under our 309 Consent Decree. We do not believe it is necessary to forward the entire report for the Ewa Caprock Management Plan. We suggest that we submit, at the same frequency as our current Consent Decree submittals, a brief status report of our effluent reuse efforts in the Ewa area.

Exhibits B: Chloride Sampling Protocol:
We accept your chloride concentration sampling protocol for Ewa Caprock.

Again, thank you for the opportunity to enter our comments. We are aware that our reclamation facility will no doubt be an integral factor in managing the Ewa Caprock. We are pleased to be a part of this effort. If there are any questions, please send electronic mail (email) to Ross Tanimoto of the Division of Water Quality at mba0026@co.honolulu.hi.us or contact him at 527-6754.

Sincerely,

KENNETH E. SPRAGUE
Acting Director

cc: Department of Health, Clean Water Branch
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King Street  
Honolulu, HI 96813

Dear Mr. Sprague:

Thank you for your letter of March 10, 1997, responding to our request for comments and information needed to implement the staff's proposed management plan for the Ewa Caprock Aquifer. We appreciate the information regarding the Department of Wastewater Management's (DWM) projected water needs and water reclamation effort. We also have the following comments:

- We understand that you are currently limiting pumpage at Well Nos. 1902-03 & 04 to 0.5 mgd and expect to be in compliance with the 0.5 mgd allocation by October 1997. You need not accelerate the time to comply with your current allocation by using potable water for plant processes, as we agree that nonpotable water should be used for nonpotable needs, wherever possible. We wish to clarify that, to date, we have not received an application for a water use permit modification from DWM. If you still wish to increase usage of the wells by an additional 0.5 mgd, please complete and return the water use permit application form that was transmitted with our letter of July 30, 1996.

- We are planning to submit recommendations on Ewa Caprock actions at the next Oahu meeting of the Commission on Water Resource Management which is scheduled for May 14, 1997. As such, we are asking that you submit a water shortage plan and your response to our January 12, 1997 review comments (relating to the City's permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water) within twenty (20) days, if at all possible, so that this information can be incorporated into the staff's submittal.

We appreciate your continued cooperation and assistance in matters related to water resource management. If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ss
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King Street  
Honolulu, HI 96813

Dear Mr. Sprague:

Notice Of Action  
Overpumpage Violation of WUP No.160 (Well Nos. 1902-03, 04)  
Puuloa Ground Water Management Area, Oahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the overpumpage violation of WUP No. 160.

By a unanimous vote of the Commission at their regular meeting of May 14, 1997, the Commission found the City and County of Honolulu, Department of Wastewater Management (DWM) in violation of the water use permit for Well Nos. 1902-03,04 (WUP No. 160) for exceeding the allocation limit.

According to pumpage records provided by DWM, DWM has been pumping ground water from Well Nos. 1902-03,04 in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years (see Exhibit 1). By January, 1996, DWM was pumping Well Nos. 1902-03,04 at about twice the amount authorized under WUP No. 160 (1.0 mgd pumped v. 0.5 mgd authorized).

The Commission also imposed a fine of $500 per day for the overpumpage violation, for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000).

In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by June 30, 1999. This alternative to paying the $174,000 fine may be satisfied by your submittal of detailed construction plans and schedule and market analysis that shows that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999. The June 30, 1999 date coincides with DWM’s latest estimate of R-1 availability.

In the event that you choose the alternative to paying a fine, please inform us within thirty (30) days of a reasonable timeframe for submittal of your construction plans and schedule. If you intend to pay the fine, please pay the fine within thirty (30) days.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ss  
Attachment

EXHIBIT Z
DAVID Z. ARAKAWA, 2908
Corporation Counsel
MAILE R. CHUN, 4906
Deputy Corporation Counsel
City and County of Honolulu
Honolulu, Hawaii 96813
Telephone: 527-5351
Attorneys for Appellant

THE COMMISSION ON WATER RESOURCE MANAGEMENT
OF THE STATE OF HAWAII

KENNETH E. SPRAGUE, Director
of the Department of
Wastewater Management, City
and County of Honolulu,

Appellant,

vs.

COMMISSION ON WATER RESOURCE
MANAGEMENT, DEPARTMENT OF
LAND AND NATURAL RESOURCES,
STATE OF HAWAII,

Appellee.

DIRECTOR OF THE DEPARTMENT OF WASTEWATER MANAGEMENT'S MOTION FOR RECONSIDERATION OF THE COMMISSION ON WATER RESOURCE MANAGEMENT'S FINAL DECISION IN ITS NOTICE OF ACTION, OVERPUMPAGE VIOLATION OF WUP NO. 160 (WELL NOS. 1902-03, 04), PUULOAA GROUND WATER MANAGEMENT AREA, OAHU, DATED JUNE 5, 1997; EXHIBIT A

DIRECTOR OF THE DEPARTMENT OF WASTEWATER MANAGEMENT'S MOTION FOR RECONSIDERATION OF THE COMMISSION ON WATER RESOURCE MANAGEMENT'S FINAL DECISION IN ITS NOTICE OF ACTION, OVERPUMPAGE VIOLATION OF WUP NO. 160 (WELL NOS. 1902-03, 04), PUULOAA GROUND WATER MANAGEMENT AREA, OAHU, DATED JUNE 5, 1997

Comes now Appellant KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu (hereinafter "WWM Director"), by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, and respectfully moves the COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, to reconsider its Final Decision in its Notice of Action, Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04), Puuloa Ground Water Management Area, Oahu, dated June 5, 1997.

CERTIFICATE OF SERVICE ATTACHED

EXHIBIT 8
RESOURCES, STATE OF HAWAII (hereinafter "CWRM") to reconsider its final decision and order in its Notice of Action, Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04), Puuloa Ground Water Management Area, Oahu, dated June 5, 1997, a true and correct copy of which is attached hereto as Exhibit A.

The WWM Director is requesting that the CWRM reconsider its final decision and order based on the substantial injustice that would be placed on the Department of Wastewater Management (hereinafter "WWM") in this case.

WWM bases its motion on the following:

1. The 12-month moving average that CWRM employs to determine compliance with water use allocation has not been adopted by statute or by rule and, therefore, violates Chapter 91, Hawaii Revised Statutes (hereinafter "HRS").

2. HRS Section 174C-15 enables CWRM to impose a fine for each day that a violation occurs. On May 14, 1997, CWRM voted to assess WWM a fine of $500 per day for the period beginning June 20, 1996 to May 14, 1997. WWM asserts and the record of pumpage for WUP 160 confirms that WWM was in compliance with its allocation limits after October 4, 1996. WWM did not violate its allocation during the period October 5, 1996 to May 14, 1997, but yet CWRM assessed WWM a $500 fine for each of those days.

3. CWRM justifies its levy of a fine for the period October 5, 1996 to May 14, 1997 by way of the 12-month moving average. There is no authority for the 12-month moving average in the statute or the rules. This policy of CWRM has not been
adopted as a rule pursuant to HRS Chapter 91, and its application to the instant case is illegal and imposes a substantial injustice upon WWM.

4. The agenda for CWRM's May 14, 1997 meeting did not list CWRM's intent to address the alleged overpumping violation by WWM's pertaining to WUP No. 160. The improper notice was in violation of HRS Chapters 91 and/or 92.


DAVID Z. ARAKAWA
Corporation Counsel

By

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
Mr. Kenneth R. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King Street  
Honolulu, HI 96813  

Dear Mr. Sprague:

Notice Of Action  
Overpumpage Violation of WUP No.160 (Well Nos. 1902-03, 04)  
Papiloa Ground Water Management Area, Kahului

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the overpumpage violation of WUP No. 160.

By a unanimous vote of the Commission at their regular meeting of May 14, 1997, the Commission found the City and County of Honolulu, Department of Wastewater Management (DWM) in violation of the water use permit for Well Nos. 1902-03,04 (WUP No. 160) for exceeding the allocation limit.

According to pumpage records provided by DWM, DWM has been pumping ground water from Well Nos. 1902-03,04 in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years (see Exhibit 1). By January, 1996, DWM was pumping Well Nos. 1902-03,04 at about twice the amount authorized under WUP No. 160 (1.0 mgd pumped v. 0.5 mgd authorized).

The Commission also imposed a fine of $500 per day for the overpumpage violation, for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000).

In the alternative, DWM may adhere to inflations, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by June 30, 1999, This alternative to paying the $174,000 fine may be satisfied by your submission of detailed construction plans and schedule and market analysis that shows that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999. The June 30, 1999 date coincides with DWM's latest estimate of R-1 availability.

In the event that you choose the alternative to paying a fine, please inform us within thirty (30) days of a reasonable timeframe for submission of your construction plans and schedule. If you intend to pay the fine, please pay the fine within thirty (30) days.

If you have any questions, please contact Lenora Nakama at 587-0218.

Sincerely,

[Signature]

Rae M. Loui  
Deputy Director

EXHIBIT 8
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof was served upon the
following by mailing the same, postage prepaid, on July 8, 1997:

WILLIAM M. TAM, ESQ.
Deputy Attorney General
465 South King Street
Room 300
Honolulu, Hawaii  96813

Attorney for Appellee

MAILE R. CHUN
Deputy Corporation Counsel
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King St.  
Honolulu, HI 96813

Dear Mr. Sprague:

Issuance of Water Use Permit for Well Nos. 1902-03 & 04  
Puuleoa Ground Water Management Area, Oahu

This letter transmits your water use permit for Honouliuli STP 1 Well (Well No. 1902-03) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on March 15, 1997.  
Honouliuli STP 2 Well (Well No. 1902-04) was administratively added to the water use permit as a backup source on December 8, 1993. We apologize for this late issuance of your official permit document.

Please be sure to read the conditions of your approved permit. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

Be advised that, pursuant to Hawaii Administrative Rule 13-168-7, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report forms. You should make copies of the enclosed report forms as needed.

Second, Hawaii Administrative Rule 13-13-171-42 requires you to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Puuleoa Ground Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

If you have any questions, please call the Commission staff at 587-0218.

Aloha,

[Signature]

MICHAEL D. WILSON  
Chairperson

Attachments

EXHIBIT 9
GROUND WATER USE PERMIT
WUP NO. 160

PERMITTEE

Applicant/Water User
Address  DEPARTMENT OF WASTEWATER MANAGEMENT
         650 S. KING ST.
         HONOLULU, HI 96813

Landowner of Source
Address  DEPARTMENT OF WASTEWATER MANAGEMENT
         650 S. KING ST.
         HONOLULU, HI 96813

PERMITTED SOURCE INFORMATION

Island                         OAHU
Water Management Area          PUULOA
    Aquifer Sector              EWA CAPROCK
    Aquifer System              PUULOA
    System Sustainable Yield    NA
Well Name                      HONOULULI STP 1 & 2
State Well No.                 1902-03 & 04

PERMITTED USE INFORMATION

Reasonable beneficial use      INDUSTRIAL
Withdrawal (12 month moving ave.) 0.500 mgd
Chloride Cap                    1.000 mg/l
Location of water use
    TMK #                      9-1-13-7
    Address                    91-1901 GEIGER RD.
    State land use classification NA
    County zoning classification NA

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:

EXHIBIT 9
GROUND WATER USE PERMIT
C&C DWWM, Well Nos. 1902-03 & 04, WUP No. 160

GENERAL CONDITIONS

1. The water use authorized by the permit must be for the reasonable-beneficial use described in the permit.
2. The use must not interfere with any existing legal use of water.
3. Modification of any permit condition must be approved by the Commission.
4. The applicant must comply with all other applicable laws, rules, and ordinances.

ADDITIONAL CONDITIONS

1. The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Caprock Aquifer and establish courses of action to prevent the aquifer from becoming too saline to use. The applicant must comply with the approved plan.
2. An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.
3. The development of the ground water source shall be completed within 24 months from the date of permit issuance.

I have read the conditions and terms of this permit, and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: ____________________________ Date: ____________________________

Printed Name: ____________________________ Firm or Title: ____________________________

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.

Attachment
PETITION FOR CONTESTED CASE HEARING IN RELATION TO THE
ISSUANCE OF WATER USE PERMIT WUP No. 160 (WELL NOS. 1902-03 & 04)
PUULOA GROUND WATER MANAGEMENT AREA, OAHU

PETITIONER:

Department of Wastewater Management (DWM), Director
650 South King Street
Honolulu, HI 96813

BACKGROUND:

On March 15, 1990, the Commission on Water Resource Management (Commission) approved a
water use permit and well construction permit for Well No. 1902-03 for in-plant process water
for the Honouliuli Wastewater Treatment Plant (WWTP). The well construction permit was
never issued. The water use permit was issued on July 16, 1997.

On or about February 3, 1992, Roscoe Moss Hawaii, Inc., the well drilling contractor for
DWM, submitted well completion reports for Well Nos. 1902-03 and 1902-04 for the well
construction and testing.

On July 15, 1993, the Commission staff called DWM to inquire about the permanent pump
installation.

On July 19, 1993, the Commission staff called DWM to inform them that an after-the-fact well
construction permit was needed for Well No. 1902-04, which was drilled without a permit as a
backup source.

On September 16, 1993, DWM submitted an application for an after-the-fact pump installation
permit for Well No. 1902-03 and for an after-the-fact well construction/pump installation permit
for Well No. 1902-04. DWM also requested that the water use permit be amended to include
Well No. 1902-04.
On December 8, 1993, the Commission voted to approve the following:

b. Administrative amendment of the water use permit to include Well No. 1902-04 as a backup source.
c. A $100 fine for drilling Well No. 1902-04 without a permit.

(No specific action was taken on the after-the-fact pump installation permit applications, although it was understood to be part of the water use permit application at the time.)

On December 29, 1993, pump installation permits were issued for Well Nos. 1902-03 and 1902-04, and an after-the-fact well construction permits was issued for Well No. 1902-03.

On February 22, 1994, DWM returned a signed copy of the after-the-fact well construction permit. Signed copies of the pump installation permits were never returned.

On June 20, 1996, the Commission staff informed the DWM that the twelve-month moving average withdrawal (12-MAV) was in excess of the 0.5 million gallon per day (mgd) allocation that was approved for the source. The staff requested that DWM provide an explanation for the overpumpage and an estimate for the length of time needed to come into compliance with the water use permit allocation by July 15, 1996 (Exhibit 1).

On July 19, 1996, DWM submitted their response, outlining some major expansion and process changes at the WWTP over the last two (2) years that had caused water usage to increase. DWM's letter stated that their planned construction of an effluent reuse facility would greatly reduce water usage at the plant, and in the interim, DWM would be submitting a request to the Commission for an addition 0.5 mgd to meet the plant's then-current water needs (Exhibit 2).

On July 30, 1996, the Commission staff sent a water use permit application form to DWM, requesting that the application form be completed and returned within thirty (30) days (Exhibit 3).

On February 21, 1997, the Commission staff sent a second notice of the overpumpage violation and requested that DWM respond to the Commission's July 30, 1996 letter (Exhibit 4).

On March 12, 1997, DWM submitted their response, dated March 10, 1997, to the Commission's first notice of overpumpage violation, indicating that as of October 4, 1996, daily withdrawals were reduced to less than 0.5 mgd. The reduction was effected by supplementing WWTP needs with potable water and by reducing or eliminating treatment processes that were not then considered critical. DWM stated that they made a request for an additional 0.5 mgd in August, 1996. DWM acknowledged that, because the method of compliance incorporates a running (12-month moving) average method, DWM would remain noncompliant to at least October, 1997. However, DWM stated their belief that they were now in compliance with their 0.5 mgd allocation because current monthly total withdrawals were being limited to less than 0.5 mgd (Exhibit 5).
On April 7, 1997, the Commission staff clarified that no application to increase water use had been submitted, contrary to the statement made in DWM's letter of March 10, 1997, and that, if DWM still wished to increase water usage by an additional 0.5 mgd, the application form that was previously transmitted on July 30, 1996 should be completed and returned (Exhibit 6).

On May 9, 1997, the Commission staff faxed Item 5 of the May 14, 1997 Commission agenda to Kenneth Sprague, DWM Director and Mark Morita, Corporation Counsel. Item 5 included recommendations that the Commission:
   a. Find DWM in violation of WUP No. 160 for exceeding their allocation limit.
   b. Impose a fine of $500 per day for the overpumpage violation for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000). In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by July 30, 1999.

At a regular meeting on May 14, 1997, the Commission voted to approve the above staff recommendations.

On June 5, 1997, the Commission staff notified the Department of Wastewater Management of the May 14, 1997 Commission action. The Notice of Action requested that DWM either inform us within thirty (30) days of a reasonable timeframe for submittal of construction plans and schedule if the alternative to paying the fine was chosen, or pay the fine within thirty (30) days (Exhibit 7).

On July 16, 1997, the water use permit document was issued to DWM (Exhibit 9).

On July 23, 1997, the Commission received the subject Petition for Contested Case Hearing (Exhibit 8; four other nearly identical actions were also filed).

**ANALYSIS/ISSUES:**

Administrative Rule 13-167-52(a) states:

"...An oral or written request for a contested case hearing must be made by the close of the public hearing (if one is required) or the commission meeting at which the matter is scheduled for disposition (if no public hearing is required)...."

The deadline for requesting a contested case hearing is the meeting at which the matter is scheduled for Commission decision making. The Commission-approved minutes for the March 15, 1990 Commission meeting do not indicate that any such request was made prior to the close of the March 15, 1990 meeting.

The Commission has taken no action to collect the fine because the Commission approved an alternative to paying the fine. In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by July 30, 1999. The June 5, 1997 Notice of Action (Exhibit 7) requested that DWM inform the
Commission within thirty (30) days of a reasonable timeframe for submittal of construction plans and schedule if the alternative to paying the fine was selected. DWM instead opted to contest the action. Collection of the fine is not yet ripe. Staff is currently working with DWM through an Integrated Resource Planning process to address as a possible alternative to the construction plans and schedule.

RECOMMENDATION:

Staff recommends that the Commission dismiss the Petition for Contested Case Hearing as untimely.

Respectfully submitted,

[Signature]

RAE M. LOUI
Deputy Director

Exhibit(s):

1  (June 20, 1996 Letter from Rae M. Loui to Felix Limtiaco)
2  (July 18, 1996 Letter from Felix B. Limtiaco to Rae M. Loui)
3  (July 30, 1996 Letter from Rae M. Loui to Felix Limtiaco)
4  (February 21, 1997 Letter from Rae M. Loui to Ken Sprague)
5  (March 10, 1997 Letter from Kenneth E. Sprague to Rae Loui)
6  (April 7, 1997 Letter from Rae M. Loui to Kenneth E. Sprague)
7  (June 5, 1997 Letter from Rae M. Loui to Kenneth E. Sprague)
8  (Petition for Contested Case Hearing)
9  (Ground Water Use Permit No. 160)
Mr. Felix Limtiaco  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King Street, 3rd Floor  
Honolulu, Hawaii 96813

Dear Mr. Limtiaco:

Notice of Water Use Permit Violation  
Well Nos. 1902-03 & 04 (WUP No. 160)  
Ewa Caprock Ground Water Management Area, Oahu

Reported monthly pumpage at Well Nos. 1902-03 & 04 show that the current twelve-month moving average withdrawal is in excess of the 0.5 mgd allocation that was approved by the Commission on Water Resource Management at its meeting of March 15, 1990.

Please provide an explanation for the overpumpage and an estimate for the length of time that you will need to come into compliance with the terms of the permit. We request that you submit a written response to this letter by July 15, 1996.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ss
July 18, 1996

Ms. Rae M. Loui  
Deputy Director  
State of Hawaii  
Department of Land and Natural Resources  
Commission on Water Resource Management  
P. O. Box 621  
Honolulu, Hawaii 96809  

Dear Ms. Loui:

Subject: Notice of Water Use Permit Violation  
Well Nos. 1902-3 and 4 (WUP No. 160)  
Ewa Caprock Ground Water Management Area

We respectfully submit the following response to your June 20, 1996 Notice of Water Use Permit Violation.

Over the past two years the Honouliuli Wastewater Treatment Plant has undergone some major expansion and process changes that have increased its demand for ground water.

The following is a summary of the major changes:

1. A polymer system that uses approximately 100,000 gallons per day was installed to help the plant meet its National Pollutant Discharge Elimination System Permit Limitations.

2. One of the treatment plant’s preaeration basins was converted to an activated sludge basin requiring the use of approximately 50,000 gallons per day of water.

3. Water demands for irrigation have sharply increased due to the landscaping that was added for plant beautification of the expanded plant.
The Department of Wastewater Management is currently planning to build an effluent re-use facility that will greatly reduce the plant's ground water usage. In the interim, we will be submitting a request to the Commission on Water Resource Management for an additional 500,000 gallons per day to meet the plant’s current water demands.

Please be assured that we are making every effort to conserve this valuable resource. Should you have any further questions, please contact Mr. Allen Perry at 681-3347, extension 106.

Sincerely,

[Signature]

FELIX S. LIMTIACO
Director
Mr. Felix Limtiaco  
City and County of Honolulu  
Department of Wastewater Management  
91-1501 Geiger Road  
Ewa Beach, HI 96706

Dear Mr. Limtiaco:

Water Use Permit Violation
Well Nos. 1902-03 & 04 (WUP No. 160)  
Ewa Caprock Ground Water Management Area, Oahu

Thank you for your letter of July 18, 1996, informing us of your plans to submit a request for additional allocation to meet the Honouliuli Wastewater Treatment Plant's current water demands.

We have enclosed a water use permit application form for your use. Please complete the application form and return it to our office within thirty (30) days.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ss

Enclosure
Mr. Ken Sprague
City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

Dear Mr. Sprague:

Thank you for meeting with the Commission on Water Resource Management (Commission) staff on February 12, 1997. Again, we appreciate the group’s efforts to work towards a plan that is mutually agreeable to all users. Your work has allowed us to identify key elements for a plan that addresses users needs, while meeting the statutory objectives set forth in Chapter 174C, HRS.

As discussed at the meeting, we are planning to recommend that the Commission adopt the management approach outlined in the attached draft plan (Exhibit 1). If you find that certain aspects of the plan do not/should not apply to your current use(s) and/or proposed future use(s), you may request a variance to the proposed plan. Please provide appropriate justification and any hydrologic or other data to support your requested variance.

In order to implement the proposed management plan, the following required information and actions are needed from the Department of Wastewater Management (DWM):

1. Your response to our letter of July 30, 1996 (Exhibit 2). We understood, from your letter of July 18, 1996, that DWM was planning to apply for additional water use (Exhibit 3). From a subsequent telephone conversation with Tim Steinberger, we understood that the Wastewater Treatment Plant was going to cease recently-implemented treatment process(es) that caused water usage to double. Attached is a graph of usage at Well Nos. 1902-03 & 04 (Exhibit 4) that shows the latest 12-month moving average withdrawal is still in excess of the allocation for the wells. We reiterate the request made in our letter of June 20, 1996 (Exhibit 5) to provide an estimate for the length of time that you will need to come into compliance with the terms of your permit.
2. A water shortage plan for WUP No. 160 that outlines how water usage will be reduced in the event of a shortage. We request that you quantify the reduction in water use that may be sustained during a declared water shortage and provide a brief description of how you plan to effect such reduction. (The State Water Code requires the Commission to formulate a comprehensive area-wide water shortage plan that will be implemented during periods of water shortage. We appreciate any input you may provide towards deriving some plan for a water shortage situation that shall be adopted by the Commission.)

3. Your response to our January 12, 1997 review comments relating to the City’s permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water (Exhibit 6).

We are planning to submit recommendations to the Commission at the March 12, 1997 meeting to adopt the Pukoa, Kapolei, and Malakole Aquifer System boundaries (Exhibit 7) and to adopt a 1,000 mg/l chloride cap for individual wells instead of a sustainable yield number. We plan to recommend that the Commission require that any new permit adhere to the attached chloride sampling protocol (Exhibit 8). Recommendations on an allocation plan will be made at a following meeting.

We ask that you submit the items and information requested above by March 10, 1997. Your comments on the proposed management plan are encouraged.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI
Deputy Director

LN:ju
Attachments
1. Reclaimed water is the only way to address the overallocation problem. In addition, reclaimed water must supply some future needs since the forecasted usage of nonpotable water by users in the Puanoa Aquifer System will be at least 10 mgd by 2001, exceeding the caprock availability. We assume that there is a commitment by the users to utilize reclaimed water to meet some of these needs. We are also assuming 2.0 mgd of R-1 will come in to supplement the caprock by July 1, 1998, and 4.0 mgd by July 1999. The situation will be reevaluated at that time.

2. Boundaries for three aquifer systems will be adopted.

3. Instead of a sustainable yield number, protection and management of caprock water quality will be by chloride standards for individual wells based on pump test or historic data.

4. Applicants for new usage can apply for well construction permits first. Based on the pump test, set the pump size and chloride cap and check reasonable-beneficial quantity. The Pump Installation and Water Use Permits can be applied for after that.

5. Agricultural permit holders will be asked to provide information on remaining agricultural acreage and to conduct a pump test according to a protocol established by the Commission.

6. Permit amounts for four years of non-use will be revoked.

7. Unused one-year interim Water Use Permits will not be renewed. Applicants can reapply when the usage is imminent.

8. Permits will be issued for remaining one-year interim Water Use Permits for a term to expire upon completion of the R-1 facility in July 1998 or soon thereafter. A condition of the permits will be that Gentry, Haseko, HPGC, and EBIGC negotiate and enter into further definite agreements regarding the purchase of reclaimed water according to the table on page 27 of the PCUG Report.

9. The Commission will formulate a water shortage plan for implementation during periods of water shortage. The plan will be prepared by aquifer system and propose restrictions on one or more classes of permits.

10. The City WWM will provide to the Commission, as a means to track the progress of the R-1 facility, the quarterly reports that are submitted to the Dept. of Health.
Mr. Felix Limtiaco  
City and County of Honolulu  
Department of Wastewater Management  
91-1501 Geiger Road  
Ewa Beach, HI 96706

Dear Mr. Limtiaco:

Water Use Permit Violation  
Well Nos. 1902-03 & 04 (WUP No. 160)  
Ewa Caprock Ground Water Management Area, Oahu

Thank you for your letter of July 18, 1996, informing us of your plans to submit a request for additional allocation to meet the Honolulu Wastewater Treatment Plant's current water demands.

We have enclosed a water use permit application form for your use. Please complete the application form and return it to our office within thirty (30) days.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

Enclosure
July 18, 1996

Ms. Rae M. Loui  
Deputy Director  
State of Hawaii  
Department of Land and Natural Resources  
Commission on Water Resource Management  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Notice of Water Use Permit Violation  
Well Nos. 1902-3 and 4 (WUP No. 160)  
Ewa Caprock Ground Water Management Area

We respectfully submit the following response to your June 20, 1996 Notice of Water Use Permit Violation.

Over the past two years the Honouliuli Wastewater Treatment Plant has undergone some major expansion and process changes that have increased its demand for ground water.

The following is a summary of the major changes:

1. A polymer system that uses approximately 100,000 gallons per day was installed to help the plant meet its National Pollutant Discharge Elimination System Permit Limitations.

2. One of the treatment plant’s preaeration basins was converted to an activated sludge basin requiring the use of approximately 50,000 gallons per day of water.

3. Water demands for irrigation have sharply increased due to the landscaping that was added for plant beautification of the expanded plant.

EXHIBIT 3

EXHIBIT 4
The Department of Wastewater Management is currently planning to build an effluent re-use facility that will greatly reduce the plant's ground water usage. In the interim, we will be submitting a request to the Commission on Water Resource Management for an additional 500,000 gallons per day to meet the plant's current water demands.

Please be assured that we are making every effort to conserve this valuable resource. Should you have any further questions, please contact Mr. Allen Perry at 681-3347, extension 106.

Sincerely,

FELIX R. LIMTIACO
Director
Mr. Felix Limtiaco
City and County of Honolulu
Department of Wastewater Management
650 S. King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Limtiaco:

Notice of Water Use Permit Violation
Well Nos. 1902-03 & 04 (WUP No. 160)
Ewa Caprock Ground Water Management Area, Oahu

Reported monthly pumpage at Well Nos. 1902-03 & 04 show that the current
twelve-month moving average withdrawal is in excess of the 0.5 mgd allocation that was
approved by the Commission on Water Resource Management at its meeting of March 15,
1990.

Please provide an explanation for the overpumpage and an estimate for the length of
time that you will need to come into compliance with the terms of the permit. We request
that you submit a written response to this letter by July 15, 1996.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI
Deputy Director

LN:ss
Honouliuli WWTP Groundwater Withdrawal
Well Nos. 1902-03,04
TO: PCUG Members  
FROM: Rae M. Loui, Deputy Director  
Commission on Water Resource Management  
SUBJECT: Comments on the Draft Puuloa Nonpotable Water Master Plan, January 22, 1997

Based on a preliminary review of the subject report, we have the following comments:

- Pg. 2, para 3 - refers to development projects which have immediate need but no necessary water use permits. It would be helpful to list and quantify these unmet specific project water needs.

- Pg. 4 - The list of PCUG members doesn't include the State, yet the signature page shows HFDC. On Table 1, only the State's Puuloa Mauka lands are represented, what about the rest of the state's interests in Puuloa?

- Pg. 5 - Users/potential users who are NOT part of PCUG include Ewa Villages, West Loch Golf Courses, and Campbell Estate but:

How can PCUG commit to conversion of the City Golf Courses (1.8 mgd) by 7/99 (pg. 1) if the City golf courses aren't part of PCUG?

How can the plan state that Table 1 is comprehensive in terms of demand projections (pg. 3) if Campbell Estate, which owns considerable undeveloped lands, is not participating? How was the demand for Campbell lands estimated?

- Pg. 5 - What is the basis for excluding all Gentry wells & the USFWS from the commitment? What are they exempted from, the sharing in the cost of reclaimed water? We need a rational basis for the exemptions because other users may also want to be exempt. Pg. 28 states that 9 Gentry wells are excluded from the requirements of R-1 water delivery, but must comply & conform to all other requirements of the Master Plan. Then shouldn't these users be part of PCUG?

- Pg. 7, Exhibit B (well location), & Table 2 - the FGE & BC monitor well locations are described but not shown on map (exhibit 2).

- Pg. 21 - Was the Notice to Proceed issued in 12/96?

- Pg. 21 - If the capital costs for the R-1/R-2 facility upgrade will be financed through DWM's CIP, should this information be included as an appendix?
Memo to PCUG Members

1991: PG. 19 - states small scale demonstration projects for both direct and indirect use will proceed, but the last sentence on pg. 22 states that a demonstration aquifer recharge will be "evaluated to serve as an alternative to the R-1/R-2 facility".

Pg. 26, 3rd paragraph - A correct statement would be that "the CWRM has indicated that a commitment to reclaimed water is the only means by which the over-allocation problem may be resolved, short of ratcheting back allocations in the caprock".

Pg. 27, 2nd table:
Which Gentry wells will be converting to R-1 (so we can specify the duration of these interim permits to coincide with the availability of R-1 water)?

Gentry shows a commitment to convert to 0.72 mgd by 2001, yet Table 1 shows 2001 projected need for 1.6 mgd; does this mean that the difference, 0.88 mgd (an increase of 0.278 mgd over current allocation) will be supplied from the caprock? from which wells?

Haseko shows commitment to convert to 0.80 mgd by 2001, while Table 1 shows an ultimate demand for 2.0 mgd in the caprock, does that mean that 2.96 mgd (4.16 - 1.2) can be revoked in 2001? and 2.16 can be revoked immediately?

For HPGC & EBIGC, is it reasonable to use this table as a schedule for caprock allocation reductions? Which EBIGC allocation to reduce?

Pg. 28, 2nd paragraph - How will Gentry manage transfers in the future if the Homeowners Associations are not part of this plan or group? Also, are commitments permanent or temporary?

Pg. 28, 3rd paragraph - We have concerns regarding this disclaimer, which holds the City to the financing and construction schedule.

Pg. 28, B. - "commits" the City Golf Courses to using R-1 in 2000-2001, but pg. 5 stated that the City Golf Courses are not part of PCUG.

Pg. 29, Table:
There is a discrepancy in the City golf course conversion: pg. 1 states both courses will convert (1.8 mgd) by 7/99, but the table on pg. 29 shows only 1.5 mgd conversion by 7/99 (Is this 1.0 for WWTP and only 0.5 for golf courses?)

Also, the total City usage is 2.8 mgd (1.0 for WWTP & 1.8 for courses), yet there is only a commitment for 2.0 mgd.

Pg. 29, Navy lands:

BPNAS is still in negotiations. If they commit to 0.7 mgd R-1, then a statement to the effect that the allocation for Barbers Pt. shall be reduced by 0.7 mgd should also amend this plan.

Since Solenberger's lease went through, does this mean the Navy's Ag lands won't be using any reclaimed water?

Since Solenberger's lease went through, does this mean the Navy's Ag lands won't be using any reclaimed water?
USFWS exemption is further clarified, i.e., no commitment to R-1 delivery, but what about cost-sharing for the recharged caprock aquifer? Also, if water needs are NOT salinity dependant can the USFWS use west loch ocean water or modify the existing caprock source to lessen impact on brackish lens?

- Pg. 30, para 3 - What does 'all caprock users' mean for those sharing in the reclaimed water cost - non-PCUG members too? Future caprock users?

- Pg. 32 para. 5 - It should be made clear that managing at the well head (i.e., pumped water from caprock alone) is subject to any standard chloride limit and NOT some mix of caprock water and reclaimed water.

- Pg. 33 - There is still no clear resolution of the over-allocation. The plan suggests that the CWRM must continually juggle (via written agreements?) the 15 mgd permitted use with individual users actual needs. We find this proposal to be unduly burdensome. In addition, we are concerned that the current group members may change over time.

- Pg. 34 - states "all nonpotable users in the Puuloa sector" (whether they are part of PCUG or not?) shall contribute to the balance of the development cost if the total development cost of the R-1 effluent pipeline distribution system exceeds available Consent Decree funds. Are nonmembers of PCUG, the Navy (pg. 36), Gentry Homeowners, and USPS exempt from this provision also?

- Pg. 34 - Gentry plans to increase usage by 1 mgd in two years, but given their past record (actual use is only 0.3 mgd), is it possible to juggle Gentry's current allocations (0.602 mgd) to cover the next 2 years? We reiterate listing projects which do not have necessary water use permits.

- Pg. 35 - The agreements not to pump will have to specify no pumpage until re-use replaces caprock allocations.

- Pg. 36 - Didn't Solenberger's lease go through? If so, the plan needs to be amended already (proposing a 7 mgd pumping limit?).

- Pg. 37 - The allocation plan (Table 8) is only looking to ending of 1998. There is still no clear resolution of the over-allocation situation.

- Pg. 39 - Has Campbell agreed to the phasing out of it's agricultural allocation?

- Doesn't look like the 309 consent decree will be met.

- City signature - who is ultimately responsible, the mayor?

- Need to clarify Gentry's option to purchase Campbell land.

EXHIBIT 4
GUIDELINES FOR CHLORIDE CONCENTRATION SAMPLING FOR EWA CAPROCK

1. Sample Collection
   • Sampling Schedule

   The sampling schedule depends upon your pump capacity:

<table>
<thead>
<tr>
<th>Pump Capacity (gpm)</th>
<th>Sampling Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 50</td>
<td>Once a month</td>
</tr>
<tr>
<td>Greater than 50</td>
<td>Once a week</td>
</tr>
</tbody>
</table>

   • When to Sample

   Before taking a sample, allow a minimum length of time to elapse after turning on the pump. This minimum time can be read off the attached table for your well casing diameter and your pump capacity. If you sample 20 minutes after the minimum time, you should consistently sample 20 minutes after the minimum time each time you take samples.

   • Sample Bottle

   Use a plastic container and cap that holds a volume of about a pint. Rinse the container three times with the water to be sampled before taking the sample. Also rinse the cap with sample water.

   • Labeling

   On the sample bottle, affix a label that contains the following information:

   Well No.
   Date
   Time Sampled
   Elapsed Time after pump on
   Sampler's Name
   Water Temperature (if available)
   Pumping Rate (prior to sampling)
2. Determination of Chloride Concentration

- Private Laboratories

If the sample is sent to a private laboratory, then prepare the water sample and label the bottle in the manner described above.

Private laboratories will use methods that are more accurate than field methods described below.

- Hach Kit (Drop Count Titrator)

Be aware of the approximate chloride concentration range in your well. Use the appropriate sample bottle for titration. Be consistent with the end-point color change.

For low chloride concentrations (5-100 mg/l) each drop will equal 5 mg/l. For higher concentrations (20-400 mg/l) each drop equals 20 mg/l. Other kits for concentrations greater than 400 mg/l (500-10,000 mg/l) each drop is equal to 500 mg/l. Obviously, for water greater than 400 mg/l, a "drop-count" Hach Kit is not appropriate, and a digital titrator, described below, should be used.

- Hach Kit (Digital Titrator)

A digital titrator is the appropriate method for water with greater than 400 mg/l chloride. A digital titrator using silver nitrate is accurate to within 10 mg/l for a chloride range from 10-10,000 mg/l, and for a titrator using mercuric nitrate accuracy varies from 0.1-20 mg/l for a chloride range of 10-8,000 mg/l.

Note: Be consistent with the end-point color. Silver nitrate ages and needs to be replenished within the recommended guidelines of the Hach Company.

- Other Methods

An ion-selective probe for chloride is available, and can measure concentration from 1.8-35,500 mg/l.

EXHIBIT 4
3. Reporting Results

- How to Report

The following information should be entered on the "Monthly Ground Water Use Report" form provided by the Commission on Water Resource Management:

1. Chloride concentration (mg/l) and temperature (°F) in the columns provided.

Under "Notes" Section of the Monthly Water Use Report:

2. Method used for chloride analysis:

3. Total elapsed time before sampling:

If there are any questions, please call the Commission on Water Resource Management staff at 587-0265 on Oahu or toll free from the neighbor islands 1-800-468-4644 ext. 70265.
## Five Well Volumes Plus 60 Minutes Minimum Time Before Chloride Sampling

<table>
<thead>
<tr>
<th>Casing Diameter (in.)</th>
<th>Pump Capacity (gpm)</th>
<th>Minimum Time (min.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>10-20</td>
<td>140</td>
</tr>
<tr>
<td>20-50</td>
<td></td>
<td>110</td>
</tr>
<tr>
<td></td>
<td>10-20</td>
<td>190</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>125</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>85</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>&gt;250</td>
<td>75</td>
</tr>
<tr>
<td>8</td>
<td>10-20</td>
<td>360</td>
</tr>
<tr>
<td>20-50</td>
<td></td>
<td>210</td>
</tr>
<tr>
<td>50-100</td>
<td></td>
<td>120</td>
</tr>
<tr>
<td>100-250</td>
<td></td>
<td>90</td>
</tr>
<tr>
<td>250-500</td>
<td></td>
<td>75</td>
</tr>
<tr>
<td>500-700</td>
<td></td>
<td>68</td>
</tr>
<tr>
<td>700-1000</td>
<td></td>
<td>68</td>
</tr>
<tr>
<td>&gt;1000</td>
<td></td>
<td>68</td>
</tr>
<tr>
<td>12</td>
<td>10-20</td>
<td>560</td>
</tr>
<tr>
<td>20-50</td>
<td></td>
<td>310</td>
</tr>
<tr>
<td>50-100</td>
<td></td>
<td>160</td>
</tr>
<tr>
<td>100-250</td>
<td></td>
<td>110</td>
</tr>
<tr>
<td>250-500</td>
<td></td>
<td>80</td>
</tr>
<tr>
<td>500-700</td>
<td></td>
<td>70</td>
</tr>
<tr>
<td>700-1000</td>
<td></td>
<td>65</td>
</tr>
<tr>
<td>&gt;1000</td>
<td></td>
<td>65</td>
</tr>
<tr>
<td>16</td>
<td>50-100</td>
<td>220</td>
</tr>
<tr>
<td>100-250</td>
<td></td>
<td>140</td>
</tr>
<tr>
<td>250-500</td>
<td></td>
<td>95</td>
</tr>
<tr>
<td>500-700</td>
<td></td>
<td>78</td>
</tr>
<tr>
<td>700-1000</td>
<td></td>
<td>72</td>
</tr>
<tr>
<td>&gt;1000</td>
<td></td>
<td>72</td>
</tr>
<tr>
<td>20</td>
<td>50-100</td>
<td>220</td>
</tr>
<tr>
<td>100-250</td>
<td></td>
<td>140</td>
</tr>
<tr>
<td>250-500</td>
<td></td>
<td>95</td>
</tr>
<tr>
<td>500-700</td>
<td></td>
<td>78</td>
</tr>
<tr>
<td>700-1000</td>
<td></td>
<td>72</td>
</tr>
<tr>
<td>&gt;1000</td>
<td></td>
<td>72</td>
</tr>
</tbody>
</table>

1 Assumes saturated well depth of 100 feet.

2 Five well volumes is a standard guideline recommended by EPA.
Ms. Rae Loui  
Deputy Director  
Department of Land and Natural Resources  
Commission On Water Resource Management  
P. O. Box 621  
Honolulu, Hawaii 96809  

Dear Ms. Loui:  

Subject: Proposed Ewa Caprock Management Plan  

Thank you for your February 21, 1997 letter, providing us an opportunity to respond to the proposed Ewa Caprock Management Plan. We have currently reorganized our reuse program so that we can expeditiously meet our consent decree requirements. Because of our new organization, we may not be in a position at this time to comment fully on all issues contained in your February 21, 1997 letter. Our response follows.  

**Item 1 of the February 21, 1997 letter:**  
As of October 4, 1996, we have reduced our daily withdrawal to less than 0.5 mgd. We are supplementing our needs with potable water and have made efforts to reduce or eliminate treatment processes not considered critical at this time. In August 1996, we submitted a request for an additional 0.5 mgd, and we are also planning to take full advantage of our water reclamation capability.  

Regarding our estimate of when we will be in compliance with the specified allocation, we will continue to withdraw less than 0.5 mgd. Because the method of compliance determination incorporates a running average method, we will remain noncompliant at least until October 1997. We can accelerate the time to comply with the 0.5 mgd, 12 month running average by eliminating all well withdrawals and using potable water for our in plant processes. However, this seems contradictory to our intent of saving our valued resources. We do believe, however, that we are in compliance with our existing withdrawal permit for 500,000 gallons per day.  

**Item 2 of the February 21, 1997 Letter:**  
Because we are formulating our reuse program, we request a one month extension so that we can incorporate our reuse capabilities in our water shortage plan for WUP No. 160.  

**Item 3 of the February 21, 1997 Letter:**  
As mentioned above, we are requesting a one month extension so that we can adequately respond to all comments.  

**Exhibit 1: Draft Ewa Caprock Management Plan, dated February 12, 1997:**  
Item 1 of the subject plan: Our goal is to meet our 2 mgd (R-1 quality) Consent Decree requirement by July 1, 1998 through demonstration projects. These projects consist of a combination of in-plant applications as distribution to interested parties. By June 30, 1999, we will have an additional 3 mgd of R-1 quality reclaimed water available.
Item 3 of the subject plan: We have no objections at this time to institute a chloride and flow provision for the purposes of managing the caprock water quality for individuals well.

Item 8 of the subject plan: As mentioned above, we are proposing to meet our Consent Decree requirements through demonstration projects. We suggest that expiration dates of interim permits be changed to June 30, 1999, or soon thereafter. This extension will provide us the opportunity to initiate a fee structure and to ensure we can consistently deliver R-1 quality water.

Item 10 of the subject plan: The current quarterly report sent to the Department of Health (and EPA) is required under our 309 Consent Decree. We do not believe it is necessary to forward the entire report for the Ewa Caprock Management Plan. We suggest that we submit, at the same frequency as our current Consent Decree submittals, a brief status report of our effluent reuse efforts in the Ewa area.

**Exhibit B: Chloride Sampling Protocol:**
We accept your chloride concentration sampling protocol for Ewa Caprock.

Again, thank you for the opportunity to enter our comments. We are aware that our reclamation facility will no doubt be an integral factor in managing the Ewa Caprock. We are pleased to be a part of this effort. If there are any questions, please send electronic mail (email) to Ross Tanimoto of the Division of Water Quality at mbe0026@co.honolulu.hI.us or contact him at 527-6754.

Sincerely,

KENNETHE. SPRAGUE
Acting Director

cc: Department of Health, Clean Water Branch
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King Street  
Honolulu, HI 96813

Dear Mr. Sprague:

Thank you for your letter of March 10, 1997, responding to our request for comments and information needed to implement the staff's proposed management plan for the Ewa Caprock Aquifer. We appreciate the information regarding the Department of Wastewater Management's (DWM) projected water needs and water reclamation effort. We also have the following comments:

- We understand that you are currently limiting pumpage at Well Nos. 1902-03 & 04 to 0.5 mgd and expect to be in compliance with the 0.5 mgd allocation by October 1997. You need not accelerate the time to comply with your current allocation by using potable water for plant processes, as we agree that nonpotable water should be used for nonpotable needs, wherever possible. We wish to clarify that, to date, we have not received an application for a water use permit modification from DWM. If you still wish to increase usage of the wells by an additional 0.5 mgd, please complete and return the water use permit application form that was transmitted to you with our letter of July 30, 1996.

- We are planning to submit recommendations on Ewa Caprock actions at the next Oahu meeting of the Commission on Water Resource Management which is scheduled for May 14, 1997. As such, we are asking that you submit a water shortage plan and your response to our January 12, 1997 review comments (relating to the City's permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water) within twenty (20) days, if at all possible, so that this information can be incorporated into the staff's submittal.

We appreciate your continued cooperation and assistance in matters related to water resource management. If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ss
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King Street  
Honolulu, HI 96813

Dear Mr. Sprague:

Notice Of Action  
Overpumpage Violation of WUP No.160 (Well Nos. 1902-03, 04)  
Puuloa Ground Water Management Area, Oahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the overpumpage violation of WUP No. 160.

By a unanimous vote of the Commission at their regular meeting of May 14, 1997, the Commission found the City and County of Honolulu, Department of Wastewater Management (DWM) in violation of the water use permit for Well Nos. 1902-03,04 (WUP No. 160) for exceeding the allocation limit.

According to pumping records provided by DWM, DWM has been pumping ground water from Well Nos. 1902-03,04 in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years (see Exhibit 1). By January, 1996, DWM was pumping Well Nos. 1902-03,04 at about twice the amount authorized under WUP No. 160 (1.0 mgd pumped v. 0.5 mgd authorized).

The Commission also imposed a fine of $500 per day for the overpumpage violation, for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000).

In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by June 30, 1999. This alternative to paying the $174,000 fine may be satisfied by your submittal of detailed construction plans and schedule and market analysis that shows that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999. The June 30, 1999 date coincides with DWM's latest estimate of R-1 availability.

In the event that you choose the alternative to paying a fine, please inform us within thirty (30) days of a reasonable timeframe for submittal of your construction plans and schedule. If you intend to pay the fine, please pay the fine within thirty (30) days.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI  
Deputy Director

LN:ss  
Attachment

EXHIBIT 7
KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, Appellant,

vs.

COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, Appellee.

PETITION FOR CONTESTED CASE HEARING IN RELATION TO THE ISSUANCE OF WATER USE PERMIT FOR WELL Nos. 1902-03 & 04, PUULOA GROUND WATER MANAGEMENT AREA, OAHU; EXHIBIT A

Comes now KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu (hereinafter "Petitioner"), by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, and respectfully moves the COMMISSION ON WATER RESOURCE MANAGEMENT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES OF THE STATE OF HAWAII (hereinafter "CWRM") for a contested case hearing
in relation to the Issuance of the Ground Water Use Permit for Well Nos. 1902-03 & 04, WUP No. 160, Puuloa Ground Water Management Area, Oahu, which was issued on July 16, 1997, a true and correct copy of which is attached hereto as Exhibit A. Said permit, though issued July 16, 1997, appears to be effective as of March 15, 1995.

I. LEGAL AUTHORITY

This request for a contested case hearing is based on H.R.S. Chapter 91, and the Rules of Practice and Procedure for the Commission on Water Resource Management, Chapter 13-167.

II. TERMS AND CONDITIONS OF THE GROUND WATER USE PERMIT THAT ARE CONTESTED

A. Compliance Methodology

Petitioner contests the compliance methodology stated in the Ground Water Use Permit. The CWRM has established a 12-month moving average basis to determine whether or not Petitioner is in compliance with its pumping limitation for Well Nos. 1902-03 & 04.

However, none of the Administrative Rules of the State Water Code, Title 13, Department of Land and Natural Resources, have been adopted by CWRM pursuant to H.R.S. Chapter 91. No public hearing has been held by CWRM as to any particular type of compliance methodology that would be required of any permittee submitting an application to CWRM for a water use permit. Among other reasons, Petitioner, therefore, contests the use of the 12-month moving average basis in determining compliance.
B. Ambiguity in Application of the Chloride Cap Limitation

The Ground Water Use Permit provides for a chloride cap limitation of 1,000 mg/l. The Ground Water Use Permit also states the date of March 15, 1995, as the date that CWRM approved of the Petitioner's Ground Water Use Permit. However, it is unclear as to whether or not the chloride cap limitation applies retroactively to March 15, 1995, or if the chloride cap limitation applies from the date of issuance of the permit, July 16, 1997.

This ambiguity in the terms and conditions of the Ground Water Use Permit is inappropriate, as it does not allow fair notice to the Petitioner. Petitioner, therefore, contests the chloride cap limitation and the reference to the March 15, 1995 approval date.

C. Ground Water Use Permit General Condition No. 3

Petitioner contests Ground Water Use Permit General Condition No. 3 which states as follows:

Modification of any permit condition must be approved by the Commission.

Petitioner contests this general condition as it relates to the chloride cap limitation of 1,000 mg/l. There is no other mention of the chloride cap limitation. Therefore, the chloride cap limitation is considered to be a modification of the permit conditions, and must be approved by the Commission.

There being no indication that the Commission approved this modification, Petitioner contests General Condition No. 3.
D. Ground Water Use Permit Additional Condition No. 1

Petitioner contests Ground Water Use Permit Additional Condition No. 1 which states as follows:

The permit shall be subject to the Chairperson’s approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Caprock Aquifer and establish courses of action to prevent the aquifer from becoming too saline to use. The applicant must comply with the approved plan.

What the "approved plan" is, is not indicated. Therefore, the additional condition is ambiguous as to what the "approved plan" is. Additional Condition No. 1 is inappropriate, as it does not allow fair notice to the Petitioner. Petitioner, therefore, contests Additional Condition No. 1.

B. Ground Water Use Permit Additional Condition No. 2

Petitioner contests Ground Water Use Permit Additional Condition No. 2 which states as follows:

An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.

Petitioner contests this additional condition as it relates to the approved flowmeter. There is no other mention of the installation of an approved flowmeter. Additionally, there is no mention as to the identity of the approving agency, nor the criteria by which said approval shall be granted. Therefore, the approved flowmeter is considered to be a modification of the permit conditions, and must be approved by the Commission.

There being no indication that the Commission approved this modification, Petitioner contests Additional Condition No. 2.
III. BASIC FACTS AND ISSUES RAISED

1. The City and County of Honolulu (hereinafter "City") is a municipality of the State of Hawaii.

2. The Department of Wastewater Management (hereinafter "WWM") is a governmental agency of the City, and was such a governmental agency at all times mentioned and relevant herein.

3. The COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII (hereinafter "CWRM") is a governmental agency of the State of Hawaii and was such a governmental agency at all times mentioned and relevant herein.

4. On or about December 11, 1991 two wells were constructed by the City, the purpose of which was to pump non-potable water from the ewa caprock for use within its Honouliuli Wastewater Treatment Plant (hereinafter "Honouliuli WWTP") for in-plant processing. The two wells were constructed with the intent of being considered as one non-potable water system. The two wells would function as a system, where one well could function as the primary well and the second well could function as a backup, or both could operate simultaneously.

5. On or about November 17, 1989 CWRM received WWM's Application for Water Use Permit (Groundwater) (hereinafter "Water Use Permit Application"), this being the first permit application under CWRM's requirements. Said Water Use Permit Application was for its well system which was constructed on or about December 11, 1991, in the area then known as the Pearl Harbor Water Management Area (currently referred to as the Puuloa...
6. The Water Use Permit Application stated that it was for a "New Well."

7. On or about March 15, 1990, at its CWRM meeting on the Water Use Permit Application, CWRM recommended approval of the issuance of a water use permit to the City to use 0.5 mgd of caprock water from Well No. 1902-03 for use within the Honouliuli WWTP, subject to certain conditions.

8. On or about March 15, 1990, during the CWRM meeting on the Water Use Permit Application, CWRM also amended the application to include the issuance of a well construction permit.

9. By letter dated March 26, 1990, William W. Paty, Chairperson of the Department of Land and Natural Resources, informed the City that CWRM approved the Water Use Permit Application for Well No. 1902-03 at its meeting on March 15, 1990, and that the permit was being prepared and will be sent to the Attorney General's Office for review prior to being issued.

10. To date, the City has not received its Well Construction Permit.

11. On July 16, 1997, CWRM issued the City its Ground Water Use Permit, and there appears to be an indication that said permit has been effective since March 15, 1995.

12. The two wells were placed into operation on or about March 30, 1993. On or about April 13, 1993, the City accepted the installation of pumps for its two wells.
13. On or about July 13, 1993, CWRM verbally informs the City that it is in violation because there is no pump installation permit for the two wells. For the first time, the City is now informed by CWRM that there should be a total of six permits for these two wells (two Water Use Permits, two Well Construction Permits, and two Pump Installation Permits).

14. After being verbally informed by CWRM, the City begins to submit its Monthly Ground Water Use Reports, the first of which was submitted on or about August 18, 1993. Each monthly submittal indicates the amount of non-potable water pumped for the month, chloride levels, and temperature.

15. On or about September 1, 1993, the City requested CWRM amend the approval of the Water Use Permit for Well No. 1902-03 to include the Pump Installation Permit. It was at this time that the City also amended the application to include the second existing well. This second well was assigned the number 1902-04 by CWRM.

16. CWRM's minutes of December 8, 1993 indicated that CWRM approved a Water Use Permit for Well No. 1902-03 on March 15, 1990. These minutes also indicate CWRM approved the well construction permit on March 15, 1990 and noted that Well No. 1902-04, which was to serve as a backup well, was drilled without a permit.

17. On December 29, 1993, an after-the-fact Well Construction Permit was issued by CWRM to the City for Well No. 1902-04, subject to conditions. CWRM notified the City that it was in violation for drilling without a permit, and CWRM fined
the City $100.00. This amount was remitted to CWRM by the City on or about February 2, 1994. Also, the after-the-fact Well Construction Permit stated that the Water Use Permit for Well No. 1902-03 would be administratively amended to include Well No. 1902-04.

18. To date, the following summarizes the status of the City's Permits and Applications to the best of its knowledge:

   a. A Water Use Permit for Well No. 1902-03 was approved March 15, 1990, and a Water Use Permit for Well No. 1902-04 was approved December 29, 1993; the City received WUP No. 160 on July 16, 1997, and there appears to be an indication that said permit has been effective since March 15, 1995.

   b. A Well Construction Permit for Well No. 1902-03 was approved March 15, 1990; however, the City has not received this permit.

   c. An after-the-fact Well Construction Permit for Well No. 1902-04 was approved December 29, 1993 and said Permit was received by the City on February 22, 1994.

   d. Pump Installation Permits for Well Nos. 1902-03 and 1902-04 were approved December 8, 1993; however, the City has not received these permits.

19. On or about June 20, 1996, CWRM sent a Notice of Water Use Permit Violation, Well Nos. 1902-03 & 04 (WUP No. 160), regarding pumpage in excess of .5 mgd.

20. CWRM requested that the City provide an explanation for the overpumpage and an estimate for the length of time that it

EXHIBIT 8
would need to come into compliance with the terms of the permit. CWRM requested a written response by July 15, 1996.

21. On or about July 18, 1996, the City submitted a response to CWRM's letter of June 20, 1996 explaining major expansion and process changes that have increased the City's demand for groundwater at the Honouliuli WWTP. WWM also stated that the City would be submitting a request to CWRM for an additional 500,000 gallons per day to meet the plant's current water demands.

22. On or about July 30, 1996, CWRM responded to the City's July 18, 1996 letter and enclosed a water use permit application form to be completed and returned to CWRM within thirty (30) days.

23. CWRM records do not indicate that a water use permit application was received from the City for an additional 500,000 gallons per day.

24. On or about February 21, 1997, CWRM requested the following from the City:
   a. The City's response to CWRM's letter of July 30, 1996 requesting that the City submit the water use permit application for the additional water use, as stated in the City's July 18, 1996 letter.
   b. CWRM also requested that the City provide an estimate for the length of time that it will need to come into compliance with the terms of its permit.
c. A water shortage plan for WUP No. 160 that outlines how water usage will be reduced in the event of a shortage.

d. The City's response to CWRM's letter of January 12, 1997 review comments relating to the City's permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water.

25. On or about March 10, 1997, the City responded to CWRM's letter of February 21, 1997 and stated that as of October 4, 1996, the City reduced its daily withdrawal to less than 0.5 mgd. The City also stated that it will continue to withdraw less than 0.5 mgd, but given that the method of compliance determination incorporates a running average method, the City will remain non-compliant at least until October 1997. The City stated that it could accelerate the time to comply with the 0.5 mgd by eliminating all well withdrawals and using potable water for its in-plant processes, but that would be contradictory to the City's intent of saving a valued resource.

26. The City does not agree with CWRM's stated method of compliance determination. Furthermore, CWRM has never informed the City that compliance determination would be made utilizing this method.

27. On or about April 7, 1997, the CWRM responded to the City's letter of March 10, 1997 stating that it understood that the City is currently limiting pumpage at Well Nos. 1902-03 & 04 to 0.5 mgd and expects to be in compliance with the 0.5 mgd.
allocation by October 1997. CWRM also stated that the City need not accelerate the time to comply with its current allocation by using potable water for in-plant processes, as CWRM agreed that non-potable water should be used for non-potable needs whenever possible. CWRM also stated that to date, it has not received the Water Use Permit Application for a water use permit modification for the additional 0.5 mgd. CWRM stated that if the City wished to increase its usage of the wells, it should complete and return the water use permit application form.

28. On or about May 14, 1997, CWRM had a meeting taking up certain matters on the agenda. CWRM did not provide notice of CWRM's intention to address the alleged violation of WUP No. 160 and violated the provisions of Hawaii Revised Statutes (hereinafter "HRS") Chapter 92. The staff submittal indicates a finding that WWM is in violation of WUP No. 160 for exceeding the allocation limit, and an imposition of a fine of $500 per day for the overpumpage violation for the period beginning June 1996 to May 14, 1997 ($174,000). In the alternative, CWRM minutes indicate that WWM may adhere to milestones, to be worked out by CWRM staff in conjunction with WWM staff, to ensure R-1 availability by June 30, 1999. This is the first time WWM became aware of the levying of fines.

29. On or about June 5, 1997, CWRM sent a Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu, to WWM. Said notice stated that this letter serves as the City's official notice of action by CWRM on the overpumpage violation of WUP No. 160.
30. CWRM stated that by a unanimous vote of CWRM at its regular meeting of May 14, 1997, CWRM found the City in violation of the water use permit for Well Nos. 1902-03, 04 for exceeding the allocation limit. CWRM stated that according to pumpage records provided by the City, the City has been pumping ground water in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years.

31. CWRM imposed a fine of $500.00 per day for the overpumpage violation, for the period beginning in June 1996, the date on which CWRM believed the City was first notified of the violation, to present. The total assessed fine was $174,000.00.

32. In the alternative, CWRM stated that the City may adhere to milestones to ensure R-1 availability by June 30, 1999, which may be satisfied by submitting detailed construction plans, schedules, and market analysis showing that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999.

33. The City alleges that the method of compliance determination which utilizes a 12-month moving average is in violation of HRS Chapter 91.

34. Furthermore, the documents and CWRM's actions relating to the approval of the issuance of the water use permits to the City were ambiguous as to the City's pumping limitation.

35. In a series of meetings, the City was informed that the assessed fine amount would not be levied on the City, given the City's involvement in an integrated resource planning process which is under way.


IV. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully petitions the Commission on Water Resource Management to grant it a contested case hearing in relation to the Issuance of the Ground Water Use Permit for Well Nos. 1902-03 & 04, WUP No. 160, Puuloa Ground Water Management Area, Oahu, which was issued on July 16, 1997.


DAVID Z. ARAKAWA
Corporation Counsel

By

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
Mr. Kenneth B. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King St.  
Honolulu, HI 96813

Dear Mr. Sprague:

Issuance of Water Use Permit for Well Nos. 1902-03 & 04  
Puntao Ground Water Management Area, Oahu

This letter transmits your water use permit for Honolulu STP 1 Well (Well No. 1902-03) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on March 15, 1995. Honolulu STP 2 Well (Well No. 1902-04) was administratively added to the water use permit as a backup source on December 8, 1993. We apologize for this late issuance of your official permit document.

Please be sure to read the conditions of your approved permit. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

Be advised that, pursuant to Hawaii Administrative Rule 13-168-7, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report forms. You should make copies of the enclosed report forms as needed.

Second, Hawaii Administrative Rule 13-13-171-42 requires you to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Puntao Ground Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

If you have any questions, please call the Commission staff at 587-0218.

Aloha,

Michael D. Wilson  
Chairperson

Ref: CWRM-SS

EXHIBIT 8
# GROUND WATER USE PERMIT

## PERMITTEE

<table>
<thead>
<tr>
<th>Applicant/Water User</th>
<th>Landowner of Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Address</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>DEPARTMENT OF WASTEWATER MANAGEMENT</td>
<td>DEPARTMENT OF WASTEWATER MANAGEMENT</td>
</tr>
<tr>
<td>639 S. KING ST.</td>
<td>639 S. KING ST.</td>
</tr>
<tr>
<td>HONOLULU, HI 96813</td>
<td>HONOLULU, HI 96813</td>
</tr>
</tbody>
</table>

## PERMITTED SOURCE INFORMATION

<table>
<thead>
<tr>
<th>Island</th>
<th>OAHU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>PUULOA</td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>EWA CAPROCK</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>PUULOA</td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>NA</td>
</tr>
<tr>
<td>Well Name</td>
<td>HONOLULU STP 1 &amp; 2</td>
</tr>
<tr>
<td>State Well No.</td>
<td>1992-03 &amp; 04</td>
</tr>
</tbody>
</table>

## PERMITTED USE INFORMATION

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>9,300 gpd</td>
</tr>
<tr>
<td>Chloride Cap</td>
<td>1,000 mg/l</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location of water use</th>
</tr>
</thead>
<tbody>
<tr>
<td>TMK #</td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>State land use classification</td>
</tr>
<tr>
<td>County zoning classification</td>
</tr>
</tbody>
</table>

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decennial law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
GENERAL CONDITIONS

1. The water use authorized by the permit must be for the reasonable-beneficial use described in the permit.
2. The use must not interfere with any existing legal use of water.
3. Modification of any permit condition must be approved by the Commission.
4. The applicant must comply with all other applicable laws, rules, and ordinances.

ADDITIONAL CONDITIONS

1. The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Caguas Aquifer and establish courses of action to prevent the aquifer from becoming contaminated. The applicant shall comply with the approved plan.
2. An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.
3. The development of the ground water source shall be completed within 24 months from the date of permit issuance.

Michael D. Wilson, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: ___________________________ Date: ___________________________

Printed Name: ___________________________ Firm or Title: ___________________________

Please sign both copies of this permit. Return one to the Commission, and retain the other for your records.

Attachment

EXHIBIT 8
MONTHLY GROUND WATER USE REPORT

City and County of Honolulu, Dept. of Wastewater Management
650 S. King St.
Honolulu, Hawaii 96813

Month of __________, 19__

**Note:** Please fill out all columns. A dash (-) in the space indicates no use. Try to indicate the month of peak use. Include a description of any well sources. Mail to Commission on Water Resource Management, P.O. Box 211, Honolulu, HI 96808. For assistance, please call 808-587-9234.

<table>
<thead>
<tr>
<th>1903-09 &amp; 04</th>
<th>Honolulu STP 1 &amp; 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Flow meter, electrical consumption, weir of flume, not metered (estimated).
- Measurement should be taken while pump is NOT running just prior to a pumping cycle.
- If measurement is taken while pump is running, please indicate so.

Other comments or additional information (e.g., date and method of chloride measurements; how pumpage amounts are estimated; etc.):

Submitted by (print) ___________________________ Title ___________________________
Signature ___________________________________ Date ___________________________

EXHIBIT 8
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof was served upon the following by mailing the same, postage prepaid, on

JUL 23 1997

WILLIAM M. TAM, ESQ.
Deputy Attorney General
465 South King Street
Room 300
Honolulu, Hawaii 96813

Attorney for Appellee

MAILE R. CHUN
Deputy Corporation Counsel

EXHIBIT 8
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King St.  
Honolulu, HI 96813

Dear Mr. Sprague:

Issuance of Water Use Permit for Well Nos. 1902-03 & 04  
Puuleo Ground Water Management Area, Oahu

This letter transmits your water use permit for Honouuli STP 1 Well (Well No. 1902-03) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on March 15, 1997.0 Honouuli STP 2 Well (Well No. 1902-04) was administratively added to the water use permit as a backup source on December 8, 1993. We apologize for this late issuance of your official permit document.

Please be sure to read the conditions of your approved permit. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

Be advised that, pursuant to Hawaii Administrative Rule 13-168-7, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report forms. You should make copies of the enclosed report forms as needed.

Second, Hawaii Administrative Rule 13-13-171-42 requires you to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the PuuIoa Ground Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission’s overall Water Shortage Plan.

If you have any questions, please call the Commission staff at 587-0218.

Aloha,

MICHAEL D. WILSON  
Chairperson

Michaeldwilson2000@gmail.com  
Home: 808-919-3012  
Cell: 808-919-3012

Attachments

EXHIBIT 9
GROUND WATER USE PERMIT
WUP NO. 160

PERMITTEE

Applicant/Water User
Address DEPARTMENT OF WASTEWATER MANAGEMENT
650 S. KING ST.
HONOLULU, HI 96813

Landowner of Source
Address DEPARTMENT OF WASTEWATER MANAGEMENT
650 S. KING ST.
HONOLULU, HI 96813

PERMITTED SOURCE INFORMATION

Island OAHU
Water Management Area PUULOA
Aquifer Sector EWA CAPROCK
Aquifer System PUULOA
System Sustainable Yield NA
Well Name HONOLULU STP 1 & 2
State Well No. 1902-03 & 04

PERMITTED USE INFORMATION

Reasonable beneficial use INDUSTRIAL
Withdrawal (12 month moving ave.) 0.500 mgd
Chloride Cap 1,000 mg/l
Location of water use
TMK # 9-1-13:7
Address 91-1601 GEIGER RD.
State land use classification NA
County zoning classification NA

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:

EXHIBIT 9
GENERAL CONDITIONS

1. The water use authorized by the permit must be for the reasonable-beneficial use described in the permit.
2. The use must not interfere with any existing legal use of water.
3. Modification of any permit condition must be approved by the Commission.
4. The applicant must comply with all other applicable laws, rules, and ordinances.

ADDITIONAL CONDITIONS

1. The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Caprock Aquifer and establish courses of action to prevent the aquifer from becoming courses of action to prevent the aquifer from becoming too saline to use. The applicant must comply with the approved plan.
2. An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.
3. The development of the ground water source shall be completed within 24 months from the date of permit issuance.

[Signature]

MICHAEL D. WILSON, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: ____________________________ Date: ______________________

Printed Name: ____________________________ Firm or Title: ____________________________

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.

Attachment
SUPPLEMENTAL MEMORANDUM TO THE PETITION FOR CONTESTED CASE HEARING IN RELATION TO THE ISSUANCE OF WATER USE PERMIT FOR WELL NOS. 1902-03 & 04, PUULOA GROUND WATER MANAGEMENT AREA, OAHU; EXHIBITS A-C

Comes now KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu (hereinafter "Petitioner"), by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, and hereby submits the following supplement to its Petition for Contested Case Hearing in Relation to the Issuance of Water Use Permit for Well Nos. 1902-03 & 04, Puuloa Ground Water...
Water Management Area, Oahu, filed with the COMMISSION ON WATER RESOURCE MANAGEMENT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES OF THE STATE OF HAWAII (hereinafter "CWRM") on July 23, 1997. In addition to the following arguments, Petitioner reasserts its arguments as presented in the original Petition filed on July 23, 1997.

I. ARGUMENT


Petitioner's records do not indicate that the City was given notice of the agenda for the CWRM meeting that was held on March 15, 1990. At that meeting, one of the matters scheduled for disposition by CWRM was whether or not to approve the City's application for a Water Use Permit that was submitted to CWRM on November 17, 1989. See Application for Water Use Permit attached hereto as Exhibit A.

At the meeting held on March 15, 1990, the CWRM discussed only certain aspects of the City's proposed permit. See Commission on Water Resource Management minutes of the March 15, 1990 meeting attached hereto as Exhibit B. At the March 15, 1990 meeting, there was no discussion as to the following:

1. The requirement to abide by a twelve month moving average compliance methodology.

2. The chloride cap limitation of 1,000 mg/l.

Petitioner actually received its Water Use Permit for Well Nos. 1902-03 & 04 on July 16, 1997. See Ground Water Use Permit and cover letter dated July 16, 1997 attached hereto as
Exhibit C. The Water Use Permit and cover letter contained additional terms and conditions imposed on the City that were not presented nor discussed at the March 15, 1990 CWRM meeting. As such, Petitioner was not afforded an opportunity to be heard on those additional terms and conditions that now appear in its Water Use Permit.

B. PETITIONER ASSERTS THAT ITS REQUEST FOR A CONTESTED CASE HEARING WAS TIMELY.

Petitioner asserts that not all terms and conditions pertaining to the City's permit were discussed at the March 15, 1990 CWRM meeting. It was only on July 16, 1997 when Petitioner received its Water Use Permit that all of the terms and conditions were revealed.

As such, the deadline for requesting a contested case hearing should not be determined to be March 15, 1990, the "meeting at which the matter is scheduled for disposition," as not all terms and conditions of the Water Use Permit were presented and discussed and the City did not receive notice of the terms and conditions of its Water Use Permit until its receipt on July 16, 1997, long after the purported time at which it was required to request a contested case hearing.

Petitioner did file its request for a contested case hearing within seven days of receiving its Water Use Permit on July 16, 1997.

II. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully petitions the Commission on Water Resource Management to grant it a contested case hearing
in relation to the Issuance of the Ground Water Use Permit for Well Nos. 1902-03 & 04, WUP No. 160, Puuloa Ground Water Management Area, Oahu, which was issued on July 16, 1997.


DAVID Z. ARAKAWA
Corporation Counsel

By

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Petitioner
APPLICATION FOR WATER USE PERMIT

GROUNDBWATER or SURFACE WATER

INSTRUCTIONS: Please print or type and send completed application with attachments to the Division of Water Resource Management. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the State of Hawaii, Department of Land and Natural Resources. (Filing fee waived for government agencies.) If necessary, phone 142-7322, Hydrology-Geology Section for assistance.

1. WATER MANAGEMENT AREA: Pearl Harbor

2. (a) WELL/DIVERSION OWNER:
   Firm Name: City & County of Honolulu
   Contact Person: Mr. George Uyema
   Address: 650 S. King Street
   Honolulu, 96813 Phone: 527-5037

   (b) LANDOWNER:
   Firm Name: City & County of Honolulu
   Contact Person: Mr. George Uyema
   Address: 650 S. King Street
   Honolulu, 96813 Phone: 527-5037

3. SOURCE TYPE:
   - Spring
   - Dike-confined
   - Stream
   - Perched
   - Basal
   - Caprock

4. SOURCE NAME AND NUMBER:
   New Well

5. SOURCE LOCATION:
   Island: Oahu
   Tax Map Key: 9-1-13-7
   Address: 91-1501 Geiger Rd., Ewa Beach, HI 96706 (Honoulau WWTP)
   (Attach a USGS map (scale 1"=2000') and property tax map showing source location referenced to established property boundaries.)

6. LOCATION OF PROPOSED WATER USE (if different from #5)
   (Indicate location of water use on same map showing source location.)

7. QUANTITY OF WATER REQUESTED: 500,000 gallons per day

8. QUALITY OF WATER REQUESTED (check appropriate box)
   - Fresh
   - Brackish
   - Salt
   - Potable
   - Non-Potable

9. PROPOSED USE
   - Municipal (including hotels, stores, etc)
   - Domestic (individual, noncommercial water system)
   - Irrigation (specify)
   - Military
   - Industrial
   - Other (specify) In-plant process water for the Honoulau WWTP.

10. DESCRIBE ANY POTENTIAL RESTRICTIONS ON USE (i.e., instream standards, seasonal variations)

11. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION: 24 hours/day
    (Indicate hours of operation)

12. PROPOSED METHOD OF TAKING THE WATER
    - Artesian Flow
    - Diverted Flow
    - Submersible Pump
    - Centrifugal Pump
    - Vertical Turbine Pump

13. NO. OF RESIDENTIAL OR COMMERCIAL UNITS TO BE SERVED (specify): 0

14. TOTAL ACRES PROPOSED FOR IRRIGATION: N/A

15. REMARKS, EXPLANATIONS (See reverse side)
    (if more space is needed, continue on back side)
15. REMARKS, EXPLANATIONS  The City & County of Honolulu would like to reduce potable water use at the Honouliuli WWTP. The use of brackish caprock water for wash down and processing can reduce potable water use by 60 to 80%. This amounts to a present savings of 300,000 gallons per day of potable water.
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King Street  
Honolulu, HI 96813

Dear Mr. Sprague:

This is to correct a typographical error in the cover letter, dated July 16, 1997, that transmitted the water use permit for Well Nos. 1902-03 & 04 (WUP No. 160). The date of approval for the water use permit for Honouliuli STP 1 Well (Well No. 1902-03) for use of 0.500 million gallons per day (on a 12-month moving average basis) was March 15, 1990, and not March 15, 1995. We apologize for any confusion that this may have caused.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

For: RAE M. LOUI  
Deputy Director

LN:ss
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document was mailed, postage prepaid, to the following persons on July 28, 1997:

DAVID Z. ARAKAWA
Corporation Counsel
MAILE R. CHUN
Deputy Corporation Counsel
City and County of Honolulu
530 South King Street, Room 110
Honolulu, Hawaii 96813

Attorneys for Appellant

WILLIAM M. TAM
Deputy Attorney General
Attorney for Appellee
WHEREFORE, Appellee Commission on Water Resource Management prays that this Court:

1. Dismiss Appellant's appeal with prejudice;
2. Find for and grant each and every defense raised by Appellee Commission;
3. Find against and deny with prejudice all Appellant's claims;
4. Dismiss Appellant's appeal as untimely and time barred regarding all matters still before the Commission;
5. Grant Appellee Commission all of its costs and attorneys fees; and
6. Grant such other relief as may be just and proper.


William M. Tam
Attorney for Appellee Commission on Water Resource Management
b. Appellant is incorrect that the Commission's rules do not provide the basis for judging water use.
c. Appellant procedures, actions, and decisions complied with its own rules.

Fifth Defense

Sixth Defense
10. Appellant through its counsel and representative appeared at the May 14, 1997 Commission meeting and testified, but failed to request a contested case hearing.

Seventh Defense
11. Appellant did not exhaust its administrative remedies.

Eighth Defense
12. Request for a contested case is a prerequisite to seek an appeal under Haw. Rev. Stat. § 91-14 and an appeal under Haw. Rev. Stat. § 91-14 is only from a contested case.

Ninth Defense
13. The Commission's procedures were properly followed.
14. Appellee Commission reserves the right to amend this Counterstatement of the Case.
Second Defense.

2. Appellee admits the facts stated in paragraphs 1, 2, 3, 6, 7, 9, 16, 19, 20, 21, 22, 23, 29, 30, and 32.

3. Appellee is without knowledge sufficient information to form a belief as to the truth of paragraphs 4, 5, 8, 10, 11, 13, 14, 15, 17, 18, 24, 25, and 27, and therefore deny the same.

4. Appellee denies, in whole or in part, the allegations in paragraphs 12, 26, 28, 31, 33, 34, 35, 36, and 37.


6. Appellee denies those portions of all paragraphs where Appellant's characterization of the facts does not fully comport with the record in this case.

Third Defense

7. This court has no jurisdiction over this appeal.

Fourth Defense

8. Regarding Appellant's two allegations that: 1) the June 5, 1997 Notice of Violations was improper under Haw. Rev. Stat. § 91-14(g); and 2) that the Commission's procedures, actions and decisions were improper:

   a. Appellant has failed to identify any specific error in the notice or the procedures used.
worked out with the Commission’s staff to ensure the availability of R-1 treated wastewater effluent by June 30, 1999.


19. On July 7, 1997, Appellant filed this action

20. On July 7, 1997, Appellant also filed a separate direct appeal to the Hawaii Supreme Court involving the same facts and the same decision.

21. On July 8, 1997, the Attorney General’s Office received notice of this circuit court appeal.

22. On July 9, 1997, the Attorney General’s Office received a copy of Appellant Sprague’s separate original complaint in the First Circuit (Sprague v. CWRM, First Circuit, Civil No. 97-2779-07) for declaratory relief regarding the same facts and the same Commission decision as presented in this appeal.

23. Appellee Commission hereby adopts and incorporates by reference as its summary of the case here, Appellee Commission’s staff submittals dated March 15, 1990 and May 14, 1997 and all the supporting documentation and record herein.

B. DEFENSES

First Defense

1. Appellant fails to state a claim upon which relief may be granted.
Corporation Counsel representing the City and County of Honolulu.

13. On May 10, 1997, the Commission faxed a copy of Agenda Item 5 related to the DWWM fine to both Appellant Sprague and to Mr. Mark Morita.

14. On May 14, 1997, the Commission met at the Board of Land and Natural Resource Meeting Room, 1151 Punchbowl St., Honolulu, Hawaii and considered Agenda Item 5 which included a staff recommendation to fine the DWWM $174,000 for overpumping well No. 1902-3 and -04 since June 1, 1996.

15. Haw. Rev. Stat. §174C-15(b) authorizes the Commission to impose fines up to $1000 per day for violations of the Water Code. Haw. Rev. Stat. §174C-15(b) provides that "[f]or a continuing offense, each day during which the offense is committed is a separate violation."

16. Mr. Mark Morita appeared at the meeting on behalf of the City and County of Honolulu. He testified with regard to the dates by which certain tests would be accomplished. He requested that the Commission defer acting on the proposed fine. He did not request a contested case hearing on the fine.

17. The Commission approved the Commission's staff recommendation on Agenda Item 5 as submitted and fined the DWWM $174,000. In the alternative, DWWM could meet milestones to be
administratively amended the March 15, 1993 water use permit for well No. 1902-03 to include well no. 1902-04 as a backup well for No. 1902-03.

7. On December 29, 1993, the Commission also approved the DWWM pump installation permits for wells No. 19802-03 and -04.

8. On June 20, 1996, Rae Loui, Deputy Director of the Commission, sent a Notice of Water Use Permit Violation to Felix Limtiaco, Director of DWWM. DWWM had overpumped Well No. 1902-03 and -04 (based on a 12 month moving average). The Commission requested a response by July 15, 1996 as to when the well pumpage would come back into compliance with the water use permit.

9. On July 18, 1996, Mr. Limtiaco responded to the Commission's Notice of Violation by acknowledging the overpumpage. He indicated that the DWWM would soon request an additional 0.5 mgd for the wastewater treatment plant.

10. On July 30, 1996, the Commission forwarded to DWWM a water use permit application form for DWWM's use in applying for additional water.

11. On May 9, 1997, the Commission faxed a copy of the May 14, 1997 Water Commission agenda to Appellant Sprague.

12. On May 10, 1997, the Commission faxed a copy of the May 14, 1997 Water Commission agenda to Mr. Mark Morita, Deputy
3. On November 17, 1989, the City and County of Honolulu Department of Wastewater Management ("DWWM") applied to the Commission for a water use permit, a well construction permit, and a pump installation permit for Honolulu Wastewater Treatment Plant (WWTP) Well (Well No. 1902-03).

4. On March 15, 1990, the Commission approved DWWM's water use permit for 0.500 million gallons per day at well No. 1902-03 for in-plant process water for the Honolulu Wastewater Treatment Plant subject to 7 conditions. Both the Commission's staff submittal and the members of the Water Commission noted that this portion (Puuloa) of the Ewa caprock was already being pumped at or above the estimated sustainable yield and that such conditions could not continue much longer.

3. On March 26, 1990, the Commission sent a letter advising DWWM that the water use permit for 0.5 mgd and well construction permit had been approved.


6. On December 29, 1993, the Commission approved (after the fact) DWWM's well construction permit for well No. 1902-04 and fined DWWM $100.00 for having drilled the well without having first obtained a well construction permit. The DWWM paid the $100 fine on February 2, 1994. In addition, the Commission
WATER RESOURCE MANAGEMENT's ("Commission" or "CWRM") May 14, 1997 decision to fine the City and County of Honolulu Department of Wastewater Management $174,000 for overpumping its Honouliuli Wastewater Treatment Plant Well STP 1 & 2, No. 1902-03 and 04 since at least June, 1996. The five actions include:

a. Sprague v. CWRM, First Circuit, Civil No. 97-2778-07 (Agency Appeal) filed July 7, 1997 (this case);


d. Sprague v. CWRM, CWRM. Motion to Reconsider May 14, 1997 decision (filed July 8, 1997).


A. COUNTERSTATEMENT OF FACTS

1. On September 28, 1979, the Board of Land and Natural Resources declared the Pearl Harbor Aquifer (including the Ewa caprock area at issue here) a ground water control management area under then existing Haw. Rev. Stat. Chapter 177 (repealed 1987). All ground water withdrawals from designated water management areas require a water use permit.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, Appellant,

vs.

COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, Appellee.

CIVIL NO. 97-2778-07
(Agency Appeal)

APPELLEE COMMISSION ON WATER RESOURCE MANAGEMENT’S COUNTERSTATEMENT OF THE CASE AND CERTIFICATE OF SERVICE

Appellee COMMISSION ON WATER RESOURCE MANAGEMENT, by and through its undersigned counsel, hereby answers Appellant KENNETH E. SPRAGUE’s ("Sprague") Statement of the Case pursuant to Rules 12 and 72(e) of the Hawaii Rules of Civil Procedure as follows.

Appellant SPRAGUE has filed five separate actions (including this appeal) to challenge the State COMMISSION ON
Clerk, Circuit Court of the First Circuit
Honolulu County
777 Punchbowl Street
Honolulu, HI 96813

Dear Circuit Court Clerk:

Re: Kenneth E. Sprague v. Commission on Water Resource Management,
First Circuit Court, Civil No. 97-2778-07,
Index to the Record on Appeal

Enclosed please find the Index to the Record on Appeal in the above-entitled matter.

For your information, appellant Sprague has filed an appeal in the Hawaii Supreme Court
on the same matter. We will shortly be requesting that the Record on Appeal be retained by the
Commission on Water Resource Management until certain jurisdictional matters between the two
courts can be resolved.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI
Deputy Director

LN:ss
Attachment
Clerk, Supreme Court of Hawaii  
P.O. Box 2560  
Honolulu, HI 96804  

To the Clerk of the Supreme Court of Hawaii:  

Re: Notice of Appeal to Supreme Court, filed July 7, 1997  

Enclosed please find the Notice of Appeal that was served on the Commission on Water Resource Management (CWRM) on July 7, 1997. Also enclosed is the Index to the Record on Appeal.  

For your information, appellant Sprague has filed an appeal in the First Circuit Court on the same matter. The CWRM will shortly be requesting that the Record on Appeal be retained by the CWRM until certain jurisdictional matters between the two courts can be resolved.  

If you have any questions, please contact Lenore Nakama at 587-0218.  

Sincerely,  

RAE M. LOUI  
Deputy Director  

LN:ss  
Attachments
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof was served upon the following by faxing and mailing the same, postage prepaid, on October 21, 1997:

DAWN CHANG
Deputy Attorney General
465 South King Street, Room 300
Honolulu, Hawaii 96813

Attorney for Defendant

MAILE R. CHUN
Deputy Corporation Counsel
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King Street  
Honolulu, HI 96813

Dear Mr. Sprague:

This is to correct a typographical error in the cover letter, dated July 16, 1997, that transmitted the water use permit for Well Nos. 1902-03 & 04 (WUP No. 160). The date of approval for the water use permit for Honouliuli STP 1 Well (Well No. 1902-03) for use of 0.500 million gallons per day (on a 12-month moving average basis) was March 15, 1990, and not March 15, 1995. We apologize for any confusion that this may have caused.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI  
Deputy Director
State of Hawaii
Commission on Water Resource Management
Department of Land and Natural Resources

MONTHLY GROUND WATER DELIVERY REPORT
(INFORMATION TO BE USED BY U.S. GEOLOGICAL SURVEY)

City and County of Honolulu, Dept. of Wastewater Management
650 S. King St.
Honolulu, HI 96813

Month of ___________ 19

INSTRUCTIONS: Please TYPE OR PRINT CLEARLY. Complete this form to report local monthly ground water use and other information from each of your well sources. Mail to Commission on Water Resource Management, P.O. Box 623, Honolulu HI 96808. For assistance, please call (808) 587-0284.

<table>
<thead>
<tr>
<th>Date</th>
<th>A</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
</tr>
</thead>
<tbody>
<tr>
<td>07/23/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>07/30/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/06/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/13/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/20/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/27/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>09/03/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>09/10/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>09/17/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>09/24/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10/01/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10/08/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10/15/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10/22/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10/29/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/05/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/12/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/19/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/26/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/03/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/10/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/17/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/24/97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Use of water code:

- A: Aquaculture
- C: Commercial
- D: Domestic
- E: Irrigation - Drip
- F: Irrigation - Furrow
- G: Irrigation - Sprinkle

** For estimated values use code:

- P: Power consumption
- T: Total time of operation
- D: Comparison with past data
- X: Other means - (indicate method)

Other comments or additional information:

Submitted by (print) ____________________________
Signature ____________________________

This ____________________________
Date ____________________________
STATE OF HAWAII
COMMISSION ON WATER RESOURCE MANAGEMENT
DEPARTMENT OF LAND AND NATURAL RESOURCES

MONTHLY GROUND WATER USE REPORT

City and County of Honolulu, Dept. of Wastewater Management
650 S. King St.
Honolulu, Hawaii 96813

Month of __________, 19__

**DIRECTIONS:** Please type all information clearly. Compare this form to your regular monthly ground water use report, and if necessary, enter information from each of your well sources. Mail to: Commission on Water Resource Management, P.O. Box 621, Honolulu HI 96822. For assistance, please call (808) 587-3754.

<table>
<thead>
<tr>
<th>Date Range</th>
<th>Facility</th>
<th>Use 1</th>
<th>Use 2</th>
<th>Use 3</th>
<th>Use 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>1903-03 &amp; 04</td>
<td>Honolulu STP 1 &amp; 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Flow meter, electrical consumption, weir of flume, not metered (estimated).
- Measurement should be taken while pump is NOT running just prior to a pumping cycle; if measurement is taken while pump is running, please indicate so.

Other comments or additional information (e.g., data and method of chloride measurement; how pumping amounts are estimated; etc.):

Submitted by (print) ___________________________  Title ___________________________
Signature ___________________________  Date ___________________________

Form mgsurf.fm (10/96)
GROUND WATER USE PERMIT
C&C DWWM, Well Nos. 1902-03 & 04, WUP No. 160

Page 2

GENERAL CONDITIONS
1. The water use authorized by the permit must be for the reasonable-beneficial use described in the permit.
2. The use must not interfere with any existing legal use of water.
3. Modification of any permit condition must be approved by the Commission.
4. The applicant must comply with all other applicable laws, rules, and ordinances.

ADDITIONAL CONDITIONS
1. The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Coachella Aquifer and establish courses of action to prevent the aquifer from becoming sources of action to prevent the aquifer from becoming sources of salt water contamination. The applicant must comply with the approved plan.

Michael D. Wilson, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: __________________________     Date: __________________
Printed Name: __________________________     Firm or Title: __________________________

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.

Attachment
GROUND WATER USE PERMIT
WUP NO. 160

PERMITTEE

Applicant/Water User
Address: DEPARTMENT OF WATER RESOURCES MANAGEMENT
629 S. KING ST.
HONOLULU, HI 96813

Landowner of Source
Address: DEPARTMENT OF WATER RESOURCES MANAGEMENT
629 S. KING ST.
HONOLULU, HI 96813

PERMITTED SOURCE INFORMATION

Island: OAHU
Water Management Area: PUULOA
Aquifer Sector: EWA CAPROCK
Aquifer System: PUULOA
System Sustainable Yield: NA
Well Name: HONOLULU STP 1 & 2
State Well No.: 1902-03 & 04

PERMITTED USE INFORMATION

Reasonable beneficial use: INDUSTRIAL
Withdrawal (12 month moving ave.): 0.300 mgd
Chloride Cap: 1,000 mg/l

Location of water use
TMK #: 9-1-13-7
Address: 91-1501 GEIGER RD.
State land use classification: NA
County zoning classification: NA

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

HONOLULU, HAWAII 96818

JUL 16 1997

Mr. Kenneth E. Sprague
City and County of Honolulu
Department of Wastewater Management
650 S. King St.
Honolulu, HI 96813

Dear Mr. Sprague:

Issuance of Water Use Permit for Well Nos. 1902-03 & 04
Pouluoa Ground Water Management Area, Oahu

This letter transmits your water use permit for Honolulu STP 1 Well (Well No. 1902-03) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on March 15, 1993. Honolulu STP 2 Well (Well No. 1902-04) was administratively added to the water use permit as a backup source on December 8, 1993. We apologize for this late issuance of your official permit document.

Please be sure to read the conditions of your approved permit. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

Be advised that, pursuant to Hawaii Administrative Rule 13-168-7, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report forms. You should make copies of the enclosed report forms as needed.

Second, Hawaii Administrative Rule 13-13-171-42 requires you to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Pouluoa Ground Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

If you have any questions, please call the Commission staff at 587-0218.

Aloha,

[Signature]

MICHAEL D. WILSON
Chairperson

Attachments
Chairperson and Members
Commission on Water Resource Management
State of Hawaii
Honolulu, Hawaii

Gentlemen:

City & County of Honolulu
Division of Wastewater Management
Application for a Water Use Permit
Honouliuli Wastewater Treatment Plant, Oahu

Applicant: City & County of Honolulu
Division of Wastewater Management
650 S. King Street
Honolulu, Hawaii 96813

Landowner: Same

Action Requested: Approval of a water use permit to use 0.5 million gallons per day (mgd) from Honouliuli Wastewater Treatment Plant Caprock Well (Well No. 1902-03) for in-plant process water for the Honouliuli WWTP.

Source of Water Supply: Caprock aquifer, Pearl Harbor Water Management Area.

Project Location: The Honouliuli WWTP is located at East Hanson Road and Geiger Road, adjacent to Barbers Point NAS, Honouliuli, Ewa, Oahu.

Proposed Water Use: In-plant process water for the WWTP.

Water Availability and Impact on Surrounding Wells: The well is located in the Honouliuli-Puuloa Sector of the Caprock Aquifer. Sustainable yield under current conditions is about 10 to 15 mgd. Caprock water use in the area, mainly from Oahu Sugar Company sources, is about 14 mgd. In the future, as fields are removed from sugar cane cultivation, the sustainable yield is expected to be less than 10 mgd. The continued use of water from the Caprock Aquifer in the future will depend upon the ability of the water users to find a source of recharge to the aquifer such as treated sewage effluent. Without such a supplemental source of recharge, the caprock resource will eventually become too saline to be used.

Public Notice: In accordance with DLNR Administrative Rules, a public notice was published in the Star Bulletin on January 31 and February 7, 1990. In addition, copies of the public notice were sent to the Mayor's office, the Department of Health, the Honolulu BWS, Oahu Sugar Company, and to The Estate of James Campbell. Written objections to the proposed permit were to be submitted to the Commission by February 22, 1990. The Board of Water Supply recommended approval of the permit. Oahu Sugar Company did not have any specific objection to the permit but expressed concern regarding the administration of the aquifer and the importance of increasing recharge to the aquifer to maintain its present quality. No other comments or objections have been filed.

ITEM 2
"...therefore, the drawdown would be several feet, at about a million
gallons per day."

Unanimously approved with amendment (Cox/Nakata).

ITEM 2  
CITY AND COUNTY OF HONOLULU, DIVISION OF WASTEWATER 
MANAGEMENT APPLICATION FOR A WATER USE PERMIT. HONOLULU 
WASTEWATER TREATMENT PLANT, OAHU

Mr. Sakoda amended the application to show it is also for a well construction 
permit.

Mr. Cox asked if the standard conditions for a well drilling permit shouldn't 
be added if the Commission is approving a drilling permit. Mr. Sakoda replied 
that he had forgotten to add the well construction permit into the 
application. Therefore, he planned to put in the details of the well 
construction on the permit itself. He added that the water use permit is the 
more important permit because this project is in the water management area.

Mr. Cox voiced his concern that if Oahu Sugar's efforts are not successful in 
putting enough recharge for the aquifer, he felt this well should be the first 
to be cut back because the amount is close to the sustainable yield.

Chairperson Paty asked what the timeframe was for the Oahu Sugar lands to 
be taken out of production. Mr. Sakoda replied that the proposed schedule 
for the basal aquifer is for five years, but that the specifics are not that 
clear. He added that Condition 1 was specifically put into the permit to let 
the user know of the concern of the water in that area.

Mr. Tagomori added that there is a program underway dealing with the 
Honouliuli Sewage Treatment plant to recycle the effluent. A feasibility 
study has been completed by the joint effort of Campbell Estate, the City, 
the UH Water Resource Research Center, and the Department of Health. 
The study shows that the advanced primary treated sewage can be used to 
recharge the aquifer. The planning and design phase of the project will be 
initiated later in the year. The other project that will be recharging the 
caprock is the damming of Westloch.

Dr. Lewin added that in terms of using the advanced primary for recharge, 
there may be some objections from EPA, therefore research will be very 
important.

Dr. Lewin asked who was using the caprock water at the present time. 
Mr. Tagomori replied that Oahu Sugar was the primary user and Mr. Sakoda 
added that all the golf course projects in the area would also be using the 
caprock water.

Unanimously approved with amendment (Lewin/Cox).

ITEM 3  
FINANCE REALTY APPLICATION FOR A WATER USE PERMIT. 
MAKAKILO GOLF COURSE WELL, MAKAKILO, OAHU

In discussions with staff, the Board of Water Supply asked that a correction 
be made that the chloride content of the water be 200 ppm or less, instead of 
160 ppm.

In answer to Mr. Cox's question on who owns the well makai of the proposed 
well, Mr. Sakoda said it is an old Oahu Sugar well that is no longer being used.
RECOMMENDATION:

That the Commission approve the issuance of a water use permit to the applicant to use 0.5 mgd of brackish caprock water for in-plant process use from Well No. 1902-03, subject to the following conditions:

General Conditions

(1) The water use authorized by the permit must be for the reasonable-beneficial use described in the permit.
(2) The use must not interfere with any existing legal use of water.
(3) Modification of any permit condition must be approved by the Commission.
(4) The applicant must comply with all other applicable laws, rules, and ordinances.

Additional Conditions

(1) The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Caprock Aquifer and establish courses of action to prevent the aquifer from becoming too saline to use. The applicant must comply with the approved plan.
(2) An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.
(3) The development of the ground water source shall be completed within 24 months from the date of permit issuance.

Respectfully submitted,

MANABU TAGOMORI
Deputy Director

APPROVAL FOR SUBMITTAL:

WILLIAM W. FAY, Chairperson
WATER USE PERMIT NO. 160

This report has been prepared in accordance with 13-171-22(b) of the Hawaii Revised Statutes requiring a 20-year review of issued water use permits to determine permit compliance. Following is a summary of permit information, site characteristics, methodology, findings, and recommendations for this State permit file.

Permit Information

<table>
<thead>
<tr>
<th>Water User:</th>
<th>Department of Wastewater Management</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>650 S. King St.</td>
</tr>
<tr>
<td></td>
<td>Honolulu, HI 96813</td>
</tr>
<tr>
<td>Landowner of Source:</td>
<td>City &amp; County of Honolulu</td>
</tr>
<tr>
<td></td>
<td>650 S. King St.</td>
</tr>
<tr>
<td></td>
<td>Honolulu, HI 96813</td>
</tr>
<tr>
<td>Permitted Withdrawal Rate:</td>
<td>0.500 mgd (Based upon a 12-month moving average)</td>
</tr>
<tr>
<td>Water Management Area:</td>
<td>Puuloa</td>
</tr>
<tr>
<td>Island:</td>
<td>Oahu</td>
</tr>
<tr>
<td>Aquifer Sector/System:</td>
<td>Ewa Caprock/Puuloa</td>
</tr>
<tr>
<td>System Sustainable Yield:</td>
<td>1000 mg/l</td>
</tr>
<tr>
<td>Water Type:</td>
<td>Brackish</td>
</tr>
<tr>
<td>Original CWRM Date:</td>
<td>April 15th, 1998</td>
</tr>
<tr>
<td>Standard Conditions:</td>
<td>1-20, 22</td>
</tr>
<tr>
<td>Special Conditions:</td>
<td>1-2</td>
</tr>
</tbody>
</table>

Water Source

| State Well Number(s): | 1902-03, 1902-04 |
| Well Name: | Honolulu STP 1-2 |
| Water Source TMK Number(s): | 1st Division, 9-1-013:007 |
| State Land Use Classification(s): | Urban |
| County Zoning Classification(s): | R-5 |
| Geographical Coordinates: | Latitude 21° 19' 47.0" North |
|                           | Longitude 158° 02' 21.0" West |

End Use

| End Use TMK Number(s): | 1st Division, 9-1-013:007 |
| State Land Use Classification(s): | Urban |
| County Zoning Classification(s): | R-5 |
| Beneficial Use Explanation: | WWTP in-plant process water and emergency backup |
Background Information

Water Use Permit 160 was approved during the April 15th, 1998 Commission on Water Resource Management meeting. This water source has been in use for approximately 10 years by the Department of Wastewater Management. There are no monthly water use or salinity records on file for State Well Nos. 1902-03 and 1902-04. Standard conditions 1-20 & 22 and special conditions 1-2 are the governing conditions for this water use permit. A complete list of all standard and special conditions is given in the permit file.

Field Investigation Information

On December 13th, 2007, Brown and Caldwell received an email from the Commission on Water Resource Management advising that Water Use Permit 160 was to be revoked in the near future. Although this revocation process had not been completed at the time of this report, the Commission recommended that this permit not be field investigated.

Although this WUP is in process of being revoked, the fact that there are no monthly water use or salinity records on file is a violation of Standard Condition (10). If for some reason WUP revocation does not proceed as planned and water from State Well Nos. 1902-03 and 1902-04 goes back into use, enforcement of water use reporting will be required.

Recommendations

- Address the following discrepancies between the Commission’s electronic database and actual field investigation findings:
  - Update permittee contact with new Department of Wastewater Management director
  - Water source and end use TMK parcel numbers
  - State land use and county zoning classifications
- Address violation of Standard Condition (10) regarding lack of reporting of monthly water use and salinity levels.
Standard Conditions List

1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization, which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in Section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

4. The ground-water use here must not interfere with surface or other ground-water rights or reservations.

5. The ground-water use here must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and submittal, as amended, approved by the Commission at its <Insert Date> meeting are incorporated into this permit by reference.

8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.

Variations of Standard Condition (8) are as follows:
   i. Modification of any permit condition shall be approved by the Commission. Modification of any permit condition without notification may result in the revocation of the water use permit.
9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. Protect the water sources (quantity or quality);
   b. Meet other legal obligations including other correlative rights;
   c. Insure adequate conservation measures;
   d. Require efficiency of water uses;
   e. Reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
   f. Meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
   g. Carry out such other necessary and proper exercise of the State's and the Commission's police powers under law as may be required.

Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

10. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis (attached).

Variations of Standard Condition (10) are as follows:
   i. The applicant shall keep monthly pumpage estimates to be submitted annually to the Commission.
   ii. An approved flowmeter(s) need not be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a yearly basis (attached).
   iii. An approved flowmeter(s) must be installed to measure withdrawals and a monthly record of withdrawals, water-levels, salinity, and temperature must be kept and reported to the Commission on a monthly basis in accordance with the Commission's September 16, 1992 action on reporting requirements.
   iv. Approved flowmeters must be installed to measure monthly withdrawals and a monthly record of withdrawals must be kept and reported to the Commission on Water Resource Management on a monthly basis.
   v. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a quarterly/yearly basis (attached).
   vi. An approved flowmeter shall be installed to measure water withdrawals
   vii. An approved flowmeter(s) must be installed to measure withdrawals; and a record of the withdrawals must be kept and reported to the Department of
Land and Natural Resources, Division of Water and Land Development, P.O. Box 373, Honolulu, HI 96809, on a monthly basis.

viii. Although not stated as a condition of the permit § 13-168-7 HAR requires you to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form.

ix. An approved flowmeter shall be installed and the withdrawal from Well 1851-73 shall be recorded and reported to DLNR on a monthly basis by the owner and/or operator of the well.

x. The withdrawals from these wells shall be recorded and reported to the DLNR on a monthly basis by the BWS.

xi. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting water usage on a monthly basis.

xii. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage. Water usage shall be measured on a monthly basis and reported to the Commission.

xiii. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage. Water usage shall be measured on a monthly basis and reported to the Commission along with water level and salinity measurements.

11. This permit shall be subject to the Commission’s periodic review of the <Aquifer> Aquifer System’s sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the <Aquifer> Aquifer System, or relevant modified aquifer(s), is reduced.

12. A permit may be transferred, in whole or in part, from the permittee to another, if:
   a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of use, remain the same; and
   b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit. A transfer, which involves a change in any condition of the permit, including a change in use covered in HRS § 174C-57, is also invalid and constitutes a ground for revocation.

13. The uses(s) authorized by law and by this permit do not constitute ownership rights.

14. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances that will affect the permittee’s water use.

15. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservations, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter
into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period or forfeiture.

16. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the <Aquifer>Ground-Water Management Area.

17. The water use permit shall be subject to the Commission's establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.

18. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.

19. Special conditions in the attached cover transmittal letter or attached exhibits are incorporated herein by reference.

20. If the ground-water source does not presently exist, the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

Variations of Standard Condition (20) are as follows:
   i. The permit may be revoked if work is not started within six months of the date of issuance or if work is suspended or abandoned for six months. The work proposed in the permit application shall be completed within two years from the date of permit issuance.

21. This permit may not be transferred or the use rights granted by this permit sold or in any other way alienated. Pursuant to HRS § 174C-59 and the requirements of Chapter 174C, the Commission on Water Resource Management has the authority to allow the transfer of the permit and the use rights granted by this permit in a manner consistent with HRS § 174C-59. Any such transfer shall only occur with the Commission's prior express written approval. Any sale, assignment, lease, alienation, or other transfer of any interest in this permit shall be void.

22. The water use permit granted shall be an interim water use permit, pursuant to HRS § 174C-50. The final determination of the water use quantity shall be made within five (5) years of the filing of the application to continue the existing use.

23. The water use permit shall be issued only after agricultural review.

24. That scheduled adjustments to Oahu Sugar Co. permitted use shall be initiated upon discontinuance of agricultural uses.
25. The issuance of this permit was approved by the Commission on Water Resource Management at its meeting on <Insert Date>.

26. The permit shall be subject to the review by the Attorney General.

27. The permit holder may be required to relinquish this permit at any time or specified time after issuance to the Board of Land and Natural Resources in accordance with Chapter 166 of Title 13.

28. The applicant shall obtain the necessary land acquisition documents from the Hawaii Housing Authority.
Special Conditions List

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.

3. The applicant shall contact the Environmental Management Division, State Department of Health, at 586-4304, concerning “GUIDELINES APPLICABLE TO GOLF COURSES IN HAWAII” date <Insert Date & Version #>.

4. Standard Condition 10 is emphasized, to report consumption on a regular basis.

5. The applicant may continue this existing use of ground water within the limits approved by the Commission, and the actual issuance of the interim permit shall not be a reason to interrupt this existing use.

6. This interim water use permit shall cease to become interim and shall be subject to HRS § 174C-55 upon administrative review of the quantity within five (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. Enforcement of the allocation limit shall be stayed pending staff's review and issuance of a permanent water use permit.

7. As-built drawings of the well and pump, and a complete pumping test record shall be submitted within sixty (60) days.

8. In the event the pump tests show that aquifer boundary conditions do not support the requested withdrawals, the Commission reserves the right to amend this permit, after a hearing, to a level that is supported by the pump tests.

9. The existing use may be continued within the levels approved by the Commission, and the actual issuance of the permit document shall not be a reason to interrupt the approved level of use.

10. The filing of an application by Kukui, Inc. for a new or modified water use permit for the Kualapuu Aquifer in excess of 2.0 mgd (total system withdrawal) shall be just cause for re-consideration of this interim permit by the Commission.

11. Upon completion of a new transmission line for the transport of water use by Well #17, the permit shall be modified to reduce the allocation amount by the additional 79,220 gallons per day allocated for use of the Molokai Irrigation System.

12. Within six (6) months from the date of approval of a water use permit for the well, the applicant shall conduct a feasibility study and submit a report describing
alternative sources of nonpotable water for irrigation uses at the resort area. It is suggested that the developer consider use of dual lines in the subdivisions so that effluent may be used in the existing reuse system. Another consideration is the development of brackish water wells in the Kaluakoi Aquifer system for mixing with the effluent generated at the resort.

13. Within six (6) months from the date of approval of a water use permit for the well, the application shall evaluate the filter back discharges into Kakaako Gulch to determine if excessive preventable waste is occurring and identify possible measures to eliminate or reduce such waste. The evaluation shall be conducted in cooperation with the Commission staff and staff of the Department of Health’s Safe Drinking Water Branch, which regulates the drinking water system.

14. Within six (6) months from the date of approval of a water use permit for the well, the applicant shall 1) implement a leakage control and detection system and compete repairs to prevent such leakage and 2) implement use of xeriscaping and low-flow fixtures.

15. Action on the future use portion of the water use permit application for Well #17 (Well No. 0901-01) is deferred pending the establishment of existing uses in the aquifer. Kukui Inc.’s application for uses in excess of those uses existing on July 15, 1992 will be considered “new” uses and will be taken up by the Commission as soon as other existing use applications have been decided. In the interim,
   a. The Commission shall recognize that there is disagreement between the applicant’s staff calculations of reasonable-beneficial existing use
   b. The Applicant will have the burden of proof to show within six (6) months reasonable-beneficial existing use calculations that support the applicant’s request as opposed to staff’s calculations.
   c. The Commission’s enforcement of the approved existing use allocation will be suspended for six (6) months.

16. The permittee shall submit a notice of intent and written request to continue the use at least ninety (90) days prior to the expiration of the interim five-year permit.

17. The Commission shall delegate to Maui Department of Water Supply the authority to allocate the use of water for municipal purposes, as provided in §174C-48(b).

18. Maui Department of Water Supply shall be exempt from the requirements for permit modifications, as provided in §174C-57(c).

19. The permittee must meter water use and monitor chloride concentrations on a monthly basis and submit monthly reports of water use and chloride concentrations to the Commission.

20. Standard Condition 16 is waived for saltwater wells.

21. The permit will be revoked if (1) stream monitoring shows that pumping the well reduces stream flow, or (2) the electromagnetic resistivity survey indicates that the
well was drilled into a dike compartment, unless the applicant submits a petition for an amendment to the interim instream flow standard with the well completion report. However, no use of the water may be made without a Pump Installation Permit, which cannot be issued during consideration of the amendment of the interim instream flow standard.

22. The applicant shall present the results of the electromagnetic resistivity survey, pump tests, and stream monitoring to a community meeting as well as to the Commission.

23. A final determination of water use quantity shall be made within five (5) years of the filing date of the application (<Insert Date>) to continue existing use.

24. The applicant shall implement, by December 31, 1995, a biological and hydraulic monitoring program for a minimum 2-year period that: 1) documents the existing operating procedure, 2) seeks to identify the impacts of all operating alternatives on Waikolu Stream, and 3) seeks to identify the effectiveness of weir modifications (Dam No. 1). This program shall incorporate the three new wells, Wells #4-6 (Well Nos. 0855-06, -05, & -04, respectively), which may be pumped within the approved limits, for monitoring and testing purposes only. Further, semi-annual reports summarizing data and preliminary findings shall be submitted to the Commission. It is suggested that the Department of Agriculture work with the State Division of Aquatic Resources and other affected agencies to prepare the monitoring program in light of the difficult technical questions raised by this application. A particular concern is the coordination of this monitoring program with the ongoing National Park Service study by Anne Brasher. A draft of this plan shall be submitted to the Commission staff within ninety (90) days for technical review and comment. Results of the monitoring program shall be used to make recommendations to the Commission on any additional use of the wells, and shall be made readily available to all interested parties.

25. That the Commission approves the well construction permit for the Kamiloloa-Waiola Well (Well No. 0759-01), subject to the standard well construction conditions and the special conditions for the pumping well for the aquifer tests.

26. That the Commission authorizes the Chairperson to approve and issue a pump installation permit upon acceptance of adequate pump test result, subject to the standard pump installation conditions.

27. Should the well be used for back-up domestic supply, applicant is advised to contact DOH or otherwise ensure safe drinking water quality is maintained.

28. The applicant shall follow the agreed monitoring plan.

29. If pesticides used by the applicant are found in ground or surface water and can be traced to the applicant's use, the CWRM may revoke the permit immediately upon such finding.
30. Issuance of the interim permit shall be withheld until the reservation of water for DHHL is set by rule. Applicant may continue this existing use within the approved limits.

31. The applicant shall submit well modification and pump installation permit applications for administrative approval by chairperson prior to beginning any work required to complete well.

32. Should any stream flow impacts result from use, petition to amend interim instream flow standards shall be submitted.

33. Should any dewatering result from use, pumping shall cease immediately.

34. Shall submit accurate schematic diagram of distribution system for the battery of 5 wells.

35. Shall be subject to a 6-month independent audit & monitoring.

36. Final pump capacity shall be determined from pump test results & approved administratively by signature of chair.

37. The permittee shall seek and submit to the Commission within ninety (90) days written confirmation from the Department of Land Utilization of the non-conforming use.

38. Pumping shall cease immediately if the chloride reports show that the brackish water developed in the well exceeds 1,000 mg/l of chloride, unless a variance from the chloride limit has been granted. The authority to approve future variance requests is delegated to the chairperson.

39. The duration of the interim permit shall be:
   a. To July 1, 2006, or
   b. Until treated wastewater is available and acceptable for use, or
   c. Until such time that a significant change in permitted, actual, or projected uses or water supply occurs.

40. Action on any interim permit may be initiated by the Commission or any permittee upon letter request or pursuant to §174C-57 Haw. Rev. Stat. (Modification of permit terms).

41. This permit is approved under the assumption that wastewater will become available for reuse as an alternative supply source.

42. Require adherence to the chloride sampling protocol and the submittal of weekly chloride data. The authority to approve variances from the weekly reporting requirement is delegated to the Chairperson.

43. Require adherence to the Conservation Conditions.
44. In the event a water shortage is declared by the Commission, permittees in the <Insert Aquifer System> shall comply with the <Insert Aquifer System> water shortage plan adopted by the Commission.

45. The permittee shall contact the Department of Health, Clean Water Branch and obtain the necessary discharge permit(s).

46. Permit shall be interim and replaces existing WUP for 2051-07 & 11.

47. Applicant shall submit an acceptable archaeological inventory survey report to DHP. If historic sites affected, a plan to mitigate these affects must be accepted by DHP and completed by applicant.

48. Should the well be used for back-up domestic supply, applicant is advised to contact DOH or otherwise ensure safe drinking water quality is maintained.

49. (The permittee) may report monthly pumpage on yearly basis.

50. Prior to issuance of any permits, must submit filing fee for after-the-fact pump installation permit.

51. The term of this permit shall be twenty years from the date of issuance of the permit with a five-year Board review to determine compliance with the provisions of the permit.

52. The amount of water to be withdrawn under this permit shall be 0.19 mgd, averaged annually, for irrigation use. This permitted use of 0.19 mgd when added to a preserved use of 0.27 mgd amounts to a total of 0.46 mgd, averaged annually, which may be withdrawn from well 1646-01.

53. The use authorized by the permit must not interfere substantially and materially with existing individual household uses and existing uses.

54. The use of this well shall be subject to the shortage and emergency powers of the Board of Land and Natural Resources (BLNR).

55. This permit may be suspended or revoked, in accordance with Chapter 166.

56. The permit holder may be required to relinquish this permit to BLNR, in accordance with Chapter 166.

57. The withdrawal from Well 1646-10 shall be recorded and reported to DLNR on a monthly basis by the permittee.

58. In the event that emergency water use occurs, the permittee shall notify the Commission in writing within one (1) day of pumping, to inform the Commission as to the nature of the emergency and the expected duration of the emergency. A water
use report shall also be filed pursuant to Standard Condition 10 and Administrative Rule 13-168-7.

59. Note DOH’s requirements related to non-potable water systems (attached to original permit).

60. Standard Condition 16 requiring the submittal of a water shortage plan is waived.

61. All non-potable spigots and piping shall be clearly labeled as “DO NOT DRINK, NON-POTABLE” to prevent direct human consumption.

62. Standard Condition 10 is modified. Due to the inability to take water level measurements, the requirement to measure monthly water levels is waived. In addition, 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.

63. Well elevation components must be surveyed by a licensed surveyor and this information must be submitted to commission prior to issuance of permanent permit.

64. The permittee shall obtain approvals from the Department of Health and the U.S. Environmental Protection Agency prior to use of the water.

65. This water use permit, WUP No. <Insert #>, shall supersede WUP No. <Insert #>.

66. WUP No. <Insert #> is revoked

67. Standard Condition 17 is waived.

68. Standard Condition 22 for interim water use permits shall not apply.

69. To supplement our records, we request that you provide a map of the Galbraith Est. lands west of Wahiawa (2100 ac+) and the associated TMK’s for use area.

70. Deferred action on portion requested for golf course irrigation pending further refinement of irrigation requirement and a feasibility study for utilization of surface water sources, including Wahiawa Reservoir.

71. Written justification be provided for any 'cushion' of 0.5 mgd.

72. The water use permit shall be an interim permit. The duration of the interim permit shall be until treated wastewater is available and acceptable for use. The permittee shall continue discussions with Honolulu Board of Water Supply regarding the use of reclaimed water.

73. The permittee is put on notice that this is a qualified approval in that this permit may be modified or revoked prior to the expiration of the interim permit if the
Commission decides that the use of additional basal ground water for dust control and landscape irrigation is not reasonable-beneficial use.

74. The permittee encouraged to use drought-tolerant landscaping to conserve water.

75. Should the applicant provide written evidence that the county DHCD approves a 201E exemption for the elderly affordable housing project then the applicant may modify a corresponding portion of their existing aquacultural use to be used by the exemption approved project within the Commission approved water use permit limits under recommendation 5.

76. The applicant shall obtain a water lease/permit from Land Division prior to actual use of the well water.

77. Require the permittee to sign a contract by May 14, 1998 with the City Department of Wastewater Management to buy and use 0.400 mgd of R-1 water for a corresponding reduction in allocation for Well Nos. 1900-02, 17 to 20, and 1901-03.

78. Standard Condition 9 is waived.

79. Standard Condition 10 is modified to exempt the permittee from monthly measurements of salinity and temperature.

80. Standard Condition 10 is waived.

81. Applicant must seek a determination from BLNR and Land Mgt Div as to whether water license required. If required, license must be obtained prior to issuance of permit. If not, permit will be issued w/out further action.

82. Commission defers action on use in excess of 452,000 gpd pending additional info from BWS and further staff analysis.

83. The permit shall be subject to the Commission’s sustainable yield review by December 1990.

84. 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.

85. Honolulu Board of Water Supply shall be exempt from the requirements of permit modifications as provided in §174C-57.

86. BWS must participate in discussions, to be coordinated by Commission Staff, regarding a monitoring program to address impacts to Kaneohe Bay water quality, prior to any action on applications for future municipal uses.

87. A pump installation permit application must be made and approved prior to the installation of a permanent pump.
88. The water withdrawn shall be 0.7 mgd for municipal use.

89. The installed pump capacity of the well shall not be more than 700 gpm or 1.01 mgd.

90. The term of permit shall automatically expire twelve months from the date of issuance.

91. The Honolulu Board of Water Supply may continue to submit monthly water data on their own form, provided that the data are submitted in a format that is acceptable to the Commission staff.

92. Standard Condition 7 shall not apply.

93. Standard Condition 22 shall not apply.

94. Standard Condition 10 is modified to exempt the permittee from monthly measurements of salinity and temperature.

95. This permit shall be subject to conditions providing for stream restoration if the Commission determines that additional water should be returned to the streams.

96. HECO 1 mgd for industrial use

97. Campbell Estate 1 mgd for municipal use through BWS, by separate agreement with HECO

98. BWS 1 mgd for municipal use.

99. The permit shall be subject to the Commission’s sustainable yield review by <Insert Date>.

100. The applicant shall obtain the current version of the Department of Health’s Guidelines Applicable to Golf Courses in Hawaii. Where relevant and viable, items of the guidelines should be implemented and sustained appropriately. To obtain the current version, contact the Safe Drinking Water Branch, Environmental Management Division at 808-586-4258 (Honolulu).

101. The future use portion of the application shall be deferred until existing uses in the Koolauloa area are established.

102. The water to be withdrawn under this permit shall be a total of 0.03 mgd (0.02 mgd preserved plus an additional 0.01 mgd permitted use), averaged annually, for domestic and irrigation use

103. Existing well 1851-09 shall be properly sealed by a licensed drilling contractor. A well modification permit application, enclosed, shall be submitted to the Department for approval of the well sealing. A filing fee for sealing the well will not be required.
104. The permittee is required to test the source using a certified private laboratory and submit the test results to the Commission within three (3) months. The Commission will then forward the results to the Department of Health for their review. The Department of Health recommends that the well be routinely tested for microbiological and chemical parameters thereafter.

105. The permittee is required to submit a completed Registration of Well and Declaration of Water use by <Insert Date>.

106. The permittee shall contact the Department of Health for a written determination on the status of their water system and comply with any Department of Health requirements for monitoring and testing.

107. In the event that the original spring source decontaminates, the new well authorized will be shut down.

108. That within each aquifer the total permitted use shall not exceed the sustainable yield.

109. That any water available for allocation shall be for in-district use.

110. That scheduled reductions to Oahu Sugar Co. permitted use shall be initiated upon final termination of an Osco lease or sub-lease, whichever occurs later.

111. That permits for water use issued in accordance with the proposed schedule shall be interim permits subject to review and adjustment by 1995.

112. That the permit shall be an interim permit for a new use which is afforded to existing users as specified in §13-171-20.

113. That the original allocation of 0.200 mgd shall be taken to hearing for possible revocation at a later date to complete the transfer of the water use permit entirely to Well No. 3407-02. This revocation would reduce the current allocation afforded to the Kunihiro Well (Well No. 3406-06) to zero.

114. This allocation incorporates the unspecified domestic needs of the applicant and therefore necessitates a single meter be installed at the well.

115. Should any impacts to nearby wells or streams be established by the use of this well, the applicant shall address these issues to the satisfaction of the Commission.

116. If an economically feasible nonpotable source is identified, the applicant shall convert to the alternative nonpotable source.

117. The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination and establish courses of action to follow should the aquifer become to saline to use.
118. Permittee shall provide the necessary end-use information on the 10th residence to allow regulation of the use under Chapter 174C.

119. Standard Conditions 10 & 18 shall not apply.

120. Standard Condition 10 is modified to exempt the permittee from the requirement to install a flowmeter. Salt water withdrawals may instead be estimated based on pumping capacity and run time.

121. The applicant shall review the existing year long period of pumpage and streamflow data and provide analysis on ground and surface water interaction. Deadline is January 25, 1994.

122. The water use permit for Well Nos. 2301-27 to -32 for 0.75 mgd (WUP No. 419) shall be revoked upon issuance of a pump installation permit for the well.

123. The permittee shall use mulching to decrease evaporative losses and manage irrigation scheduling to minimize water demand.

124. The permittee shall submit a detailed agricultural plan to support any future water use permit application for increased agricultural use at this parcel.

125. If not already obtained, the permittee shall seek and obtain any necessary permits from the Department of Health for the proposed discharge to Malaekahana Stream.

126. Standard Condition 10 is modified to waive the requirement for installing a water meter on Well Nos. 2358-21, 22, and 29. The permittee shall install a water meter on Well No. 2358-26 to measure total monthly flow through the discharge line. This quantity should then be assumed to be the rate of natural flow from the other three wells for monthly reporting purposes.

127. The permit shall be effective upon submittal of documentation by Navy that it has met the DOH requirements for a public system.

128. This WUP shall be subject to Army's application for a WUP to reduce the permitted use of the Army's Schofield Shaft (2901-02 to 04, 10) by 0.208 mgd to a new total of 5.648 mgd. The Army's application shall be submitted within 60 days after the approval of this WUP or this WUP shall be void. Approval of the modification request shall be obtained from the CWRM prior to use of Well No. 3100-02 and issuance of this WUP.

129. Navy shall submit an after-the-fact PIPA, and approval of the permit shall be obtained prior to use of the well.

130. The well shall not be used for drinking water purposes unless it is properly tested and treated.
131. This permit is approved subject to reclaimed water becoming a practical alternative and provided that the Department of Health approves the reuse application.

132. Should any opae ula be recovered in the well water, the permittee shall notify the Division of Aquatic Resources and provide specimens to the Division of Aquatic Resources for analysis.

133. If a single meter at the well is used, the Commission shall allow an additional 1,000 gallons per day to the water use permit amount for the domestic needs of two residences, although a permit for individual domestic consumption is not required. Otherwise, the applicant must provide a meter to separately measure the irrigation consumption.

134. This permit is approved under the requirement that conversion to either: 1) treated wastewater becoming available for reuse as an alternative supply source, provided that Department of Health concerns over the use of treated effluent over the potable water aquifer have been addressed; and/or 2) other nonpotable source becoming available will occur in a timely manner.

135. These permits shall be subject to a review of actual use within four years for possible modification of the permitted amount.

136. The permit shall be reviewed in two (2) years for possible additional revocation due to nonuse.

137. The allocation is based on the projects listed in Exhibit 5 (of Item 10 of the May 20, 1998 Staff Submittal), except for the Queen's Beach GC (TMK 139-11-2,3), Lot 9 (TMK 139-17-51), and Varsity Place (TMK 128-24-35).

138. Kamehameha Schools Bishop Estate/Honolulu Board of Water Supply shall transfer the water use permit within ninety (90) days of the effective date of the transfer of the pump station to the Honolulu Board of Water Supply, pursuant to §174C-59 Hawaii Revised Statutes.

139. The permittee shall ensure that the water is recycled by either directing it into the Waiahole Ditch for use by downstream farmers (subject to the approval of the Agribusiness Development Corporation’s Board) or into Waikele Farm’s existing irrigation system.

140. The permittee shall file a completed application to modify WUP No. 758 to reduce the allocation by 0.100 mgd within 60 days. If a completed water use permit modification application is not received within 60 days from this submittal’s date, then the subject water use permit application (WUPA No. 767) shall be deemed denied without prejudice without the need for another hearing.

141. The water withdrawn shall be for municipal use. No improvements to the existing sources are required as the existing source capacities are greater than the increase.
142. Water license must be determined through LM.

143. Proposed other uses will be considered at a later date.
'Eh, I spoke to him this morning. No need to verify his source, as I am going to cancel his permit next month (long story, but I have to cancel his permit AFTER the Commission Meeting on Jan 16).

'Smith, Milo C." <mcsmith@BrwnCald.com>
To <Ryan.R.lmata@hawaii.gov>
cc 1211312007 12:23 PM
Subject FW: Regarding HWWTP Water use Permit Review - WUP 160

Ryan,

Did this guy talk to you regarding his water use permit? If so, what's the scoop?

Milo

---

From: Jaramilla, Cleveland [mailto:cjaramilla@honolulu.gov]
Sent: Thursday, December 13, 2007 11:45 AM
To: Smith, Milo C.
Subject: Regarding HWWTP Water use Permit Review - WUP 160

Mr. Smith,
The City and County of Honolulu no longer have interest in drawing water from the Puuloa Aquifer at the Honouliuli Wastewater Treatment Plant. As I had indicated to Mr. Ryan Imata from the Department of Land & Natural Resources, we will be submitting a letter to the department stating our intentions. Based on this, an inspection of our facility to verify against the subject permit is not required. If you have any questions, you may call me. Thank you.

P.S. Please verify receipt of this email.

Cleveland (CJ) Jaramilla
1000 Ulouhia Street, Suite 303
Apoli, HI 96707
(808) 768-3253
(808) 368-3964 (cell)
(808) 550-6930 (fax)

6/11/2008
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management

Ref: CWRM-SS

P. O. Box 821
Honolulu, Hawaii 96805

April 20, 1998

Mr. Kenneth E. Sprague
City and County of Honolulu
Department of Wastewater Management
650 South King St.
Honolulu, HI 96813

Dear Mr. Sprague:

Approval of Water Use Permit for Well Nos. 1902-03 & 04
Puuloa Ground Water Management Area, Oahu

This letter transmits your modified permanent water use permit for Honolulu STP 1 & 2 Wells (Well Nos. 1902-03 & 04) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis for in-plant process water, landscape irrigation, and emergency backup use that was approved by the Commission on Water Resource Management (Commission) on April 15, 1998. As part of the Commission's approval, the following special conditions were added and are part of your permit under Standard Permit Condition 20:

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.

Enclosed with this letter of approval are the following:

1. Your water use permit
2. Your official monthly water use report form

Please be sure to read the conditions of your approved permit. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

We draw your attention to two key conditions of your permit that require your response. First, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report form. You should make copies of the enclosed report form as needed.

Second, you are required to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Puuloa Ground Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's overall Water Shortage Plan.

If you have any questions, please call the Commission staff at 587-0218.

Aloha,

[Signature]

Chairperson

Attachments
GROUND WATER USE PERMIT
WUP NO. 160

PERMITTEE

Applicant/Water User
Address  DEPARTMENT OF WASTEWATER MANAGEMENT

Landowner of Source
Address  DEPARTMENT OF WASTEWATER MANAGEMENT

PERMITTED SOURCE INFORMATION

Island
Water Management Area
Aquifer Sector
Aquifer System
System Sustainable Yield
Well Name
State Well No.

PERMITTED USE INFORMATION

Reasonable beneficial use
Withdrawal (12 month moving ave.)
Chloride Cap
Location of water use
TMK #
Address
State land use classification
County zoning classification

Pursuant to Hawaii’s State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

4. The ground water use here must not interfere with surface or other ground water rights or reservations.

5. The ground water use here must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and submittal, as amended, approved by the Commission at its April 15, 1998 meeting are incorporated into this permit by reference.

8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.

9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:
   a. Protect the water sources (quantity or quality);
   b. Meet other legal obligations including other correlative rights;
   c. Insure adequate conservation measures;
   d. Require efficiency of water uses;
   e. Reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
   f. Meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
   g. Carry out such other necessary and proper exercise of the State's and the Commission's police powers under law as may be required.

   Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

10. If the ground water source does not presently exist, the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

11. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis (attached).

12. This permit shall be subject to the Commission's periodic review of the PUULOA Aquifer System's sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the PUULOA Aquifer System, or relevant modified aquifer(s), is reduced.
13. A permit may be transferred, in whole or in part, from the permittee to another, if:
   a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of the use, remain the same; and
   b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit. A transfer which involves a change in any condition of the permit, including a change in use covered in HRS § 174C-57, is also invalid and constitutes a ground for revocation.

14. The use(s) authorized by law and by this permit do not constitute ownership rights.

15. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee's water use.

16. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservation, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period of forfeiture.

17. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the PUUKOA Ground Water Management Area.

18. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-167-3(6). The final determination of the water use quantity shall be made within five years of the filing of the application.

19. The water use permit shall be subject to the Commission's establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.

20. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

21. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: __________________________ Date: __________________________

Printed Name: __________________________ Firm or Title: __________________________

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.

Attachment
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King St.  
Honolulu, HI 96813

Dear Mr. Sprague:

NOTICE OF ACTION  
REQUEST TO WITHDRAW NOTICE OF ACTION,  
OVERPUMPAGE VIOLATION OF  
WATER USE PERMIT WUP NO. 160 (WELL NOS. 1902-03 & 04)  
PUULOA GROUND WATER MANAGEMENT AREA, OAHU

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on your request to withdraw the Notice of Action, Overpumpage Violation of WUP No. 160. The following was approved by a unanimous vote of the Commission at its meeting of May 20, 1998:

Based upon subsequent discussions with counsel, the staff is satisfied with the City’s representation of the impact of the Notice of Violation (NOV) on wastewater reclamation efforts as stated in their letter of May 12, 1998 (Exhibit 14). This is a unique situation in that a NOV could constitute a hindrance to the larger resource management goal of successfully reusing wastewater. The Commission has the discretion to set terms of penalties and withdrawals, and the withdrawal of this NOV is not intended to impact any future NOVs. The staff’s major concerns are: 1) reaffirming that a violation did occur, and 2) the precedence that reversing an earlier CWRM decision would set. Staff recognizes that the actual violation and NOV are separate and withdrawing the NOV does not change the Commission’s original finding that a violation occurred. As such, pursuant to the settlement agreement and in the interests of our working relationship with DWM and the furtherance of wastewater reuse in the Ewa Plain, the staff recommends that the Commission:

1. Reaffirm the finding of violation of WUP No. 160 for pumping above the allocation limit.
2. Withdraw without prejudice the Notice of Violation, according to the terms for withdrawal without prejudice as outlined in Exhibit 14, as follows:

a. If any quarterly report is not provided to the Commission within five working days after such report is provided to the DOH, the Commission may send a written demand for such report to DWM. If DWM does not provide the Commission with either such report or an adequate justification for withholding the report, within five working days after receipt of the written demand, the Commission may, at a Commission meeting or public hearing at which the matter is scheduled for disposition, reinstate the Notice of Violation, including the original fine of $174,000. The Notice of Violation may not be reinstated for any other cause.

b. On April 20, 1999, the Notice of Violation will be deemed withdrawn with prejudice without further action by the Commission.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

TIMOTHY E. JOHNS
Deputy Director

LN:ss
Excerpted portion of meeting held on October 22, 1997 at 9:00 a.m. at the DLNR Board Room, 1151 Punchbowl Street, Kalanimoku Building, Honolulu, Hawaii 96813.
APPEARANCES:

CHAIRPERSON: MICHAEL D. WILSON

COMMISSIONERS: RICHARD H. COX

DAVID A. NOBRIGA

ROBERT G. GIRALD

HERBERT RICHARDS, JR.

LAWRENCE H. MIIKE

STAFF: LENORE NAKAMA

COUNSEL: PAMELA MATSUWAKA, ESQ.

Deputy Attorney General

MAILE CHUN, ESQ.

Deputy Corporation Counsel

City and County of Honolulu:
MS. NAKAMA: The first item on the agenda is a petition for contested case hearing in relation to the issuance of a water use permit No. 160 for the Department of Wastewater Management caprock wells in Pu'uloa aquifer system.

You can see the background we've elaborated on background leading up to those events. I think you're fairly familiar with what's happening here.

We do have an administrative rule that specifies that an oral or written request for contested case hearing must be made by the close of the meeting or public hearing if one is required. No public hearing was required in this case. And the deadline for requesting a contested case hearing was not met.

The commission approved minutes for the March 15, 1990 meeting, the meeting at which the commission initially approved the water use permit as well as the minutes for the May 14, 1997 meeting. This was the meeting at which the commission fined DWRM for overpumpage on the water use permit. Those minutes do not reflect that any request for contested case hearing was made.

We did hand out earlier a supplemental memorandum to the petitioner that the DWRM had filed yesterday that provides additional argument. However, we don't feel that this impacted the terminus of the filing.

Staff recommends that the commission dismiss the
request for contested case hearing as untimely. And that concludes the staff presentation.

CHAIRPERSON WILSON: Questions, Commissioners?

COMMISSIONER COX: I think one of the questions, the question whether the Department of Wastewater Management was informed that we were taking up. As I understand it our records show that meetings, the more recent meeting anyway on May that it was faxed to both Mr. Morita and Mr. Sprague along in here (inaudible).

Do you have any comment about that?

MS. NAKAMA: You're right. We do have the fax transmittal documents that shows that the faxes of the transmittals were sent as well as the minutes of the most recent May 1997 meeting does reflect testimony by Mark Morita on behalf of the Department of Wastewater Management. But he did not request a contested case hearing by the close of that meeting.

CHAIRPERSON WILSON: I guess we can maybe wait until after we hear from the city. I know that they've raised in their most recent papers the issue that the contested case hearing may not have been, request not timely because the city did not receive the final decision, at least a decision that had all conditions attached to it. And do you have a response to that or want to defer that (inaudible)? Do you have a response to that?
MS. NAKAMA: Our understanding, again, is that contested case hearing requests must be made by the close of the commission meeting either orally or in writing. And my other understanding is that following, within 30 days after receiving official notice of action, which you're right in that it came about a couple years later, that they do have 30 days to appeal it to the courts. But the condition tested option was unavailable at that time. But I guess you can still (inaudible)

CHAIRPERSON WILSON: Okay. We can wait until we hear from the city on this. Other questions, Commissioners? Okay. Thank you. All right. Ms. Chun, hi.

MS. CHUN: Good morning, Mr. Chair, members of the Commission.

CHAIRPERSON WILSON: If you have an associate with you she's welcome to come up here.

MS. CHUN: My name is Maile Chun. I'm a Deputy Corporation Counsel for the city. Could I first of all please address Mr. Cox's question that he posed?

CHAIRPERSON WILSON: Sure.

MS. CHUN: The item agenda, May 14, '97 agenda relates to item No. 2 on the agenda for today. The one that we're discussing is the petition on the contested case regarding the issuance of the permit. And I guess we'll get to that item.
My comments regarding the petition for contested case for petitioners is that the staff submittal, basically their position is that the March 15, 1990 meeting is the meeting at which we should have either orally or writing requested the contested case hearing.

I was not in attendance at that meeting. I'm not sure that we, our records do not show that we got notice of the meeting. But, nonetheless, we do have the minutes of the commission's March 15, 1990 meeting. And there are certain items that were not addressed in that, with regards to the permit.

For instance, the 12 month moving average and the quarry cap limitation. It doesn't show that there are any discussions with regards to that. And so our assertion is that not all the conditions and terms of the permit were discussed at the March 15, 1990 meeting.

So had all of the terms and conditions been presented, maybe we would have contested certain terms at that time. It's only when we received the actual permit on July 16, 1997 that we now saw all of the different terms and conditions that were imposed on the city with regards to WUP 160.

CHAIRPERSON WILSON: Okay. Questions, Commissioners?

COMMISSIONER COX: I have one question to pose in here, the 12 month moving average and the chloride count that
were discussed at that 1996 meeting is it? The May meeting (inaudible). And Mr. Morita of the city was here and discussed before the public, before the -- what's the date (inaudible).

MS. CHUN: July 16, 1996.

COMMISSIONER COX: Before July anyway.

MS. CHUN: Okay. But what I also believe one of the requirements, though, is that if that was gonna, if those items were going to be addressed to the permit then that item should have been agendaed for May 14, 1997.

COMMISSIONER COX: Should have been on the agenda for 1997?

MS. CHUN: Yeah. See, what you're --

COMMISSIONER COX: (Inaudible).

MS. CHUN: Right. There was no actual meeting on May 14, 1997 with regards to the permit (inaudible).

COMMISSIONER COX: (inaudible).

MS. CHUN: Right. So I guess my point with regards to that if that was going to be addressed it had to be on the agenda; that it's required by the statute to be published for public notice and posted. And that agenda item was not on the calendar for that day either.

CHAIRPERSON WILSON: Which issue are you saying we didn't notice? The issue specifically notice of the 12 months averaging?

MS. CHUN: Right. Basically -- do you have a copy

CHAIRPERSON WILSON: It has the exhibits.

MS. CHUN: Yes, that's correct. And it consists of 5 pages following the cover letter. And then there's a follow up cover letter dated July 30, '97 that I attached.

CHAIRPERSON WILSON: Okay.

MS. CHUN: That relates to a typographical error. My point is that the items listed in the actual permit were, some of the items were not in the application, nor were they in the commission minutes of March 15, 1990.

CHAIRPERSON WILSON: Now, your position is that the May 15, 1990 meeting would have been necessary for the commission to put on the notice the fact that we might be discussing the 12 month moving average and the chloride count?

MS. CHUN: Basically just that if, I know the agenda item was, it was to discuss the application of the city and to see whether or not the commission would approve it. So all of the terms and conditions pursuant to the permit that would be issued would have to be brought up and discussed at the meeting. See otherwise we wouldn't, we would not have known on that date, on March 15, 1990 that we were subject to all of these terms and conditions.

CHAIRPERSON WILSON: (Inaudible).

MS. CHUN: Do you mean May 14, '97? Yes, if the
commission wanted to discuss the city's permit on that agenda then I believe it would have to have been on the agenda for that day.

CHAIRPERSON WILSON: But you're saying the city didn't know at that time that the 12 month moving average and chloride count (inaudible).

MS. CHUN: Right.

CHAIRPERSON WILSON: In Exhibit 1 and 2 of the June 20, '96 letter to Rae Loui talking (inaudible) about 12 month moving average. The July 1996 letter the applicant responded to the letter. So there was (inaudible) notice. Exhibit 1 and 2.

MS. CHUN: Right. So basically are you saying from those letters those are supposed to be terms and conditions that would be --

CHAIRPERSON WILSON: What I'm simply saying that before that the city (inaudible) before that 12 month moving average --

MS. CHUN: Okay. But when would we have had a chance to either contest that?

CHAIRPERSON WILSON: If I accept your proposition that (inaudible) May 14, 1997 commission meeting (inaudible)

MS. CHUN: But then the matter with regards to the city's permit would need to have been on the agenda which it was not.
CHAIRPERSON WILSON: For May 14?

MS. CHUN: Correct.

CHAIRPERSON WILSON: What was the item that we voted on on May 14th?

MS. CHUN: That's the notice of violation on the over pumpage.

MS. MATSUKAWA: We made for a title for that particular agenda item was applications for water use permit, application for well injection pump installation permit which wouldn't include the city permit. But a special notice item with allocations was provided to (inaudible). That was notice that all water use permits were going to be (inaudible). Maybe we could ask if that was sufficient notice for, you know for the city.

CHAIRPERSON WILSON: Not that there was reference to the May 14, 1997 agenda excluded a discussion of the fine.

MS. MATSUKAWA: Right. We didn't, we don't notice fines in our agenda. I don't know on the agenda (inaudible)

CHAIRPERSON WILSON: However it was discussed at that time?

MS. MATSUKAWA: Yes.

CHAIRPERSON WILSON: On May 14. We discussed the relation.

MS. MATSUKAWA: The allocation fine for Pu'uloa.

(inaudible)
CHAIRPERSON WILSON: Do you want to add anything? Commissioner Miike?

COMMISSIONER MIIKE: (inaudible) When you finally receive a permit that substitutes for a hearing or for a commission meeting and that -- I have difficulty following the logic. Because the rules say that you have to request a contested case hearing of the commission before the close of the public hearing and then you have to file it in a certain amount of time.

MS. CHUN: That's correct.

COMMISSIONER MIIKE: So what is the receiving of the permit, what does that stand in place of?

MS. CHUN: I guess what I'm saying is that we should not be taken back to March 15, 1990 because not all of the permitting conditions were known at that time. When we received it on July 16, 1997 I guess that there was a commission meeting to, I don't know, just to again present the city's permit so that we would have a chance to offer testimony either with regards to the permit --

COMMISSIONER MIIKE: (inaudible) for a contested case hearing. Your request to do that. You still hadn't gotten the opportunity for a contested case hearing. There hasn't been a commission hearing on that.

MS. CHUN: That's correct.

COMMISSIONER MIIKE: But on the other hand it's
clearly that the wastewater department was put on notice that there was 12 month moving average (inaudible) Clearly had knowledge of trying to comply (inaudible).

MS. CHUN: Yes, that's correct. That there are letters with regards to those items. I'm just concerned about the chance to have a hearing with regards to all of the conditions of the permit. So --

COMMISSIONER MIIKE: But I guess (inaudible).

MS. CHUN: Right.

COMMISSIONER MIIKE: (inaudible) I'm trying to construct in my mind, how does receiving the permit application on July 16 substitute for an actual commission hearing or public hearing at which time you're supposed to ask?

MS. CHUN: I'm not sure that anything covers that in terms of the actual receipt to instigate the hearings.

COMMISSIONER MIIKE: (inaudible) File within 10 days of receipt.

MS. CHUN: Right. See, I guess I was trying to file it as quickly as I possibly could have when we actually received the entire permit with all of the terms and conditions.

COMMISSIONER MIIKE: I understand. But I'm still having trouble trying to figure out when you notice, when you told the commission that you wanted a request (inaudible).

CHAIRPERSON WILSON: It seems as though the
contested case requirement is based on the notion that you were not given ample opportunity to address issues, certain issues and that those issues were really not being given notice about for example the use of the 12 month moving average.

And it seems as though, as Commissioner Miike points out, that wasn't the nature. That information was available and understood by the city prior to even the May 9th, 1997 meeting.

The other argument that you have that there wasn't sufficient notice because there was not within the announcement of the agenda item there was insufficient description the fact the commission is going to be considering the fine or associative issues. In considering fine a number of the associated issues would be whether the 12 month moving average indicated there was overpumping.

But if you look at the agendas as proposed it seems as though on May 9, 1997 the agenda would be a pretty clear indication that the commission was going to be considering whether there was violation of the point of view of the allocation. (inaudible) The item -- I'm not sure just exactly what the notice, what the agenda said for May 9, 1997 for item 5. What did item 5 say?

MS. MATSUKAWA: Let me tell you the agenda item was. it would have noticed these two items, allocation plans for water use permit (inaudible) sufficient notice for all the
(inaudible) cap rock (inaudible). But again the notice included this title, this title and these. (inaudible) These specifically were not noticed. This is an item we hope that would cover all (inaudible).

CHAIRPERSON WILSON: The allocation plan for water use permits was that communicated to the city and county that we were going to be considering their violation?

MS. MATSUKAWA: Yes. Again they had proper notice on the agenda. (inaudible)

CHAIRPERSON WILSON: Just to finish the point, the recommendations that these indicate the issue of violation was discussed I guess it's clear what was discussed. That's why we decided to impose the fine. You're saying that that notice was defective because it didn't adequately inform the city and county that they would need to explain how they had not complied with their allocation?

MS. CHUN: That's correct.

CHAIRPERSON WILSON: So looking -- do you have a copy of this agenda for May 9, 1997?

MS. CHUN: Do you mean May 14, 1997?

CHAIRPERSON WILSON: It says on the staff submittal on May 9th the commission staff wrote -- oh, I see. Oh, I see. You're right. The meeting was on the 14th. The notice was faxed to you on May 9th. That's why the notice, at least the materials that were sent to you specifically explained that we
were going to be considering a violation.

But -- I'm sorry, Larry, let me finish the thought. I'm trying to see what your response is to the notion that there was an agenda item noticed having to do with allocation issues that pertain to the city.

May not have specifically said that we were going to consider fine because of the violation of allocation against the city. But considering that agenda notice being sent to you with the recommendation that there would be a fine imposed, why is it that you don't think that's adequate notice as to the fact that we are going to consider issuing a fine?

MS. CHUN: Actually, I'm looking more at the procedural aspects pursuant to HRS 92-7, the administrative rules 13-167-5B which states that "the notice shall be given in accordance with Chapter 92." And it basically just says "the board shall give written public notice. And that the notice shall include an agenda which lists all of the items to be considered at the forthcoming meeting."

So my only point on that is that if the NOV was going to be taken up on May 14th '97 that that should have been an agenda item. We did receive by fax --

CHAIRPERSON WILSON: You're aware the NOV is a notice of violation?

MS. CHUN: Right.

CHAIRPERSON WILSON: Now, you were given notice that
we felt there was a violation before the May 14 meeting in the form of a submittal, correct? (inaudible)

MS. CHUN: Are you saying the May 14th, 1997 agenda with the staff submittal? Okay.

CHAIRPERSON WILSON: So with that the submittal of May 9th did then explain that we are considering a violation.

MS. CHUN: Our office did receive it, yes.

CHAIRPERSON WILSON: Okay. But if I'm following you, you feel that that demands a (inaudible) the notice itself which should have described the fact that we were going to be considering a notice of violation?

MS. CHUN: That's correct. Because I believe, and you can correct me if I'm wrong, the agenda for May 14, '97 would have consisted of these two pages which are items 1 through 12 and that's what's posted on the board in the office of the Lieutenant Governor's.

And there's nothing -- I'm assuming what comes under No. 5 -- but there's nothing that indicates that there's, what will be discussed by the commission would be the notice of violation for overpumpage by the city as an agenda item. Also if you look at the listing of applicants the city's well number is not listed as one of the items either. So, yes, that is what I'm saying.

CHAIRPERSON WILSON: So in your view the commission has on its agenda the issue of what the appropriate allocation
should be for a particular permittee and that permittee comes before us and knows ahead of time the allocation issue includes potential fine or some kind of sanction; the sanction or fine cannot be imposed because it's not specifically mentioned within the notice?

MS. CHUN: On the agenda, right.

CHAIRPERSON WILSON: Okay.

COMMISSIONER MIIKE: It was on May 14, 1997. I understand your technical argument but if there's a fine being imposed, the city's was on notice a fine being imposed (inaudible). So they could have objected at that time.

MS. CHUN: Right.

COMMISSIONER MIIKE: What is your remedy?

(inaudible)

MS. CHUN: Are we talking about the permit or the NOV? The NOV?

COMMISSIONER MIIKE: Well, what is the remedy?

MS. CHUN: I guess the remedy would be that we would like to request the hearing with regards to the terms of the permit.

COMMISSIONER MIIKE: But what exactly are you seeking? You have a permit. (inaudible)

MS. CHUN: Just to be given a chance to get into the complaints, methodology and other...

COMMISSIONER MIIKE: What is your remedy? You got
your permit. What you're arguing is the fine? You're not saying we cannot hold you to the 12 month moving average. (inaudible) If we give you a contested case what do you want to get?

MS. CHUN: Well, with regards to the notice of violation we would like to have a contested case but an opportunity for contested case.

COMMISSIONER MIKIE: (inaudible) You have the same objective.

MS. CHUN: Right.

COMMISSIONER MIKIE: So your remedy you're seeking is about the fine. So if you do succeed that would the remedy be you'd still be fined on a daily basis (inaudible).

MS. CHUN: I believe probably that would be one of the issues is the amount of the fine, if any (inaudible).

COMMISSIONER MIKIE: But the point would be the city saying "Well, we didn't know we were on a 12 month moving average." (inaudible)

MS. CHUN: Well, I guess if we had a hearing then the testimony could be taken from both sides with regard to that issue.

COMMISSIONER MIKIE: But your basic remedy you're seeking in both of these things is the amount of the fine. You're not contesting the fine itself. You're not saying you want a permit. That's not (inaudible).
MS. CHUN: That's correct.

COMMISSIONER MIKIE: So basically it comes down to the fine.

MS. CHUN: Yes. And if I could address just one more thing from the staff submittal. The way the staff submittal reads it almost assumes that the city would consider the alternative to the fine which is the milestone.

COMMISSIONER MIKIE: Well, that's the choices.

MS. CHUN: Right. Just for the record I wanted to state that we never agreed to go with the alternative. And there's a statement in here that the fine is not right.

COMMISSIONER MIKIE: Because that was still a motion (inaudible)

MS. CHUN: Right. I believe they are here.

COMMISSIONER MIKIE: (inaudible) I don't have a problem (inaudible) if you wanted everything that you want to do the bottom line is the fine. You're not saying you contest the fine. Because you are (inaudible) basically the amount of the fine.

MS. CHUN: Yes, that's correct.

COMMISSIONER MIKIE: So you are open. So that if you had a chance to say only 60,000 versus 174 you might choose to pay the 60,000 rather than go with (inaudible). If you look at the option whether you pay the fine or go along with...

MS. CHUN: Yes, that's correct. But we also believe

McManus Court Reporters
1-808-538-0096
that the integrated resource plan is sort of separate from this. I know --

COMMISSIONER MIIKE: I understand. But the recommendation that the commission voted on was that you would get pick your (inaudible)

MS. CHUN: Yes, that's correct.

CHAIRPERSON WILSON: Other questions, Commissioners?

COMMISSIONER COX: I guess one question in terms of the letter 1996 gave you notice that you were overpumping. Did you reply to that at all?

MS. CHUN: Are you referring to the June '96 letter?

COMMISSIONER COX: The June '96 letter.

MS. CHUN: I don't believe we did. Okay. So we did. It was a July 18, 1996 submittal to Rae Loui from Felix Santiago.

MS. NAKAMA: I guess what I don't understand is that I know on our notice of violation on June 20, '96 we asked them to provide an explanation for the overpumpage, an estimate for the length of time they would need to correct in compliance with the permit or if they needed to modify the allocation for excess uses they should submit a modification application.

And we asked them to respond by July 15, 1996. You know, in about that time frame they did respond. And but their response didn't address out concerns. All it said is that they were -- it just kind of reinforced what they were using all
this water for over and above the allocation.

So we wrote back about two weeks later, week and a
half later again reiterating, "Okay. Now we understand you are
exceeding the allocation because you have all these new uses
but here's an application to modify. Submit it within 30
days." And then we didn't hear from them. This is why we
brought it to the commission. Because they didn't respond in a
timely manner.

CHAIRPERSON WILSON: Any questions, Mr. Richards?

COMMISSIONER GIRALD: Yes, just one quick question.

You agree that your department was overpumping with respect to
the permit that they have?

MS. CHUN: I believe -- well, the answer would be
yes because I believe our, there's a chart attached to one of
these letters. And assuming that the 12 months moving average
compliance methodology is acceptable then the answer would be
yes.

COMMISSIONER GIRALD: So in other words you are not
in opposition to the commission's staff figures of overpumping.
Your concern is the 12 month average versus the day-to-day
overpumpage that your organization participated in, is that
correct?

MS. CHUN: That's correct. Or any other, whatever
other method of compliance there is.

COMMISSIONER GIRALD: Okay. Thank you, Mr. Chair.
CHAIRPERSON WILSON: Other questions? Commissioner Nobriga.

COMMISSIONER NOBRIGA: Were you on this subject for quite sometime before today? Or did they just dump it in your lap, "Go up there and take care of this"?

MS. CHUN: Well, this particular matter I think I have been handling since July of this year.

COMMISSIONER NOBRIGA: (Inaudible) I feel sorry for you.

CHAIRPERSON WILSON: Other questions?

Commissioner Miike.

COMMISSIONER MIIKE: (inaudible) The issue really is the amount of fine (inaudible). That way that this commission voted was (inaudible) if we look at the fine amount and say (inaudible). Well, you know, since the fine we could have picked any fine. We could say 250 a day or $100 or whatever. If we look at this again and just say (inaudible) we calculate the fine (inaudible) there'd still be a, there'd still be a theoretical fine by the commission. Would you people be amenable to that? That's basically what you're seeking, is that right?

If you, if you get a contested case hearing and we had a ruling that said, oh, yeah, okay. We are not going to fine you... assess some kind of fine there'd still be a fine. (inaudible) So you were right there still would be fine. I
just think if we dispense with all of these legal fooling
around, it's a combination of the amount of the fine, we can
sit and look at that. (inaudible) We still have the fine or we
accept that? Would that be an equitable remedy for the city?

MS. CHUN: I believe we would probably consider
that, yes.

CHAIRPERSON WILSON: Other questions, Commissioners?

Okay. Thank you for your testimony.

MS. CHUN: Thank you.

CHAIRPERSON WILSON: Is there any other testimony on
this agenda item? If not, our Attorney General seems to not
located next to Commissioner Richards. She's not here. Okay.

Discussion, Commissioners?

COMMISSIONER MIKE: What I would suggest that we
deny. We look sort of an informal basis, go back take a look
at what an alternative fine would be based on, (inaudible).

How much that translates to a month. I would recommend that we
(inaudible) deny the petition (inaudible) just sit down with
the city and see if we can work this thing out (inaudible).

CHAIRPERSON WILSON: Are there any discussion,

Commissioners?

COMMISSIONER COX: Could I make the suggestion by
way of compromise because it is complicated issue for us. If
that was a vote I would say no.

COMMISSIONER NOBRIGA: Are they still overpumping?
MS. NAKAMA: Well, according to the city their monthly pumpage is below the allocation. Of course, due to the lag in the 12 months moving average they would be in compliance with the 12 months moving average. The 12 month moving average would be in compliance with the allocation by the end of October of this year or actually by the end of this month.

MS. CHUN: I just talked with my office on the issue of notice. It is the opinion of our office that this notice is sufficient for the public hearing. In fact we did receive actual notice individually which goes beyond the requirement of the statute.

CHAIRPERSON WILSON: All right. We have had discussion and I think the motion's been made and seconded. The motion is that we accept staff's recommendation that the staff is directed to discuss the nature of the fine and also the size of the fine, see if we can work that out.

COMMISSIONER GIRALD: Mr. Chairman, I'd like to move on the timeliness we put some kind of deadline by XYZ date. (inaudible) Hopefully by the December we can at least be able to address it at that time.

CHAIRPERSON WILSON: Go forward and then the negotiations.

COMMISSIONER GIRALD: Yes.

CHAIRPERSON WILSON: So is that the motion?

COMMISSIONER GIRALD: Yes.
CHAIRPERSON WILSON: All right. So the motion been amended and the amended motion has been seconded.

COMMISSIONER COX: Yes.

CHAIRPERSON WILSON: Are there any further discussions? If not all those in favor of the motion, signify by saying aye, (Aye). All those opposed? The staff's recommendation is accepted with the additional request at trying to proceed with the city the size of the fine if they're interested I guess the nature of the fine. We can get a report back by December. Okay. Thank you.

Let's move on to our next agenda item. Mr. Russell and George are here may we should move on. Oh, I'm sorry. We have another agenda item, item 5. We didn't specifically (inaudible) Item 2. This is the application for reconsideration.

MS. NAKAMA: The next item on the agenda is similar to the previous item. This is a motion by the city for reconsideration of the final decision in its notice of action on the overpumpage violation. And Hawaii Administrative Rule 13-167-64 only provides for reconsideration in a contested case hearing. But there was no contested case hearing held in this case.

The administrative rules do not provide for a reconsideration in another situation. Absent this rule the commission may not now reconsider its original action.
The staff recommends the commission dismiss the motion for reconsideration because the rules of the state Water Code do not provide for reconsideration except where there has already been a contested case hearing.

CHAIRPERSON WILSON: Any questions at this time?

COMMISSIONER MIKE: (Inaudible) Why don't we just complete it, follow this up with negotiations.

MS. NAKAMA: That's correct.

CHAIRPERSON WILSON: If there's not any further testimony is there a motion?

COMMISSIONER GIRALD: So moved.

COMMISSIONER COX: Second.

CHAIRPERSON WILSON: The motion's been made and seconded. All those in favor aye. (Aye) All those opposed? So separate conditions accepted with the same request. Thank you for coming.

MS. CHUN: Thank you.

(End of requested excerpt)
CERTIFICATE

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

I, HOLLY HACKETT, RPR, CSR #130, Notary Public, State of Hawaii, do hereby certify;

That the testimony contained herein was transcribed from a tape recording; that the foregoing represents, to the best of my ability, a true and correct copy of the proceedings had in the foregoing matter.

I further certify that I am not counsel for any of the parties hereto, nor in any way interested in the outcome of the cause named in the caption.

DATED: Honolulu, Hawaii, this 19th day of December, 1997.

HOLLY M. HACKETT
HOLLY M. HACKETT, RPR, CSR #130
Notary Public, State of Hawaii
My Commission expires: 12/18/00

McManus Court Reporters
1-808-538-0096
DEPARTMENT OF WASTEWATER MANAGEMENT
ISSUANCE OF WATER USE PERMIT (WUP NO. 160)
CCH-OA97-1
FOLDER 1: WELL CONSTRUCTION/PUMP INSTALLATION PERMIT

INDEX
(As of December 10, 1997)

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description of Document</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Graph of Monthly Water Use (from Staff Submittal)</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Graph of Monthly Water Use (Recomputed and Corrected)</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>Driller’s Log</td>
<td>3-7</td>
</tr>
</tbody>
</table>


To: Glenn Bauer
Company: WebComm
From: Sue Spence

No. of Pages 5

Telefax No. 527-6214
Subject: 527-0219
Date: 9/11/97

MESSAGE Honolulu site data (Wells 1902-03.04)

Should you have any questions/problems with this transmittal, please contact the sender at the above phone number.
### Graphic Log

<table>
<thead>
<tr>
<th>Depth (Feet)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.50</td>
<td>Dry, brown, claysly silt (fill).</td>
</tr>
<tr>
<td>2.00</td>
<td>Dry, yellowish brown, massive Pleistocene. Extensively leached and recrystallized (Coral Zone Reef Limestone).</td>
</tr>
<tr>
<td>5.00</td>
<td>Dry, light yellowish white Pleistocene. Abundant molds of coral, coralline algae, and various foraminifera. Extensively leached and recrystallized (Coral Zone Reef Limestone).</td>
</tr>
<tr>
<td>20.00</td>
<td>Dry, white Wackestone. Matrix composed of mud with greater than 10% skeletal grain fragments (Reef Limestone).</td>
</tr>
<tr>
<td>7.00</td>
<td>Moist, white Pleistocene. Abundant internal molds of gastropods and coral (Reef Limestone).</td>
</tr>
<tr>
<td>11.50</td>
<td>Moist, white Pleistocene gravel, dominated by gastropod molds and partially dissolved shells (Coralline Deposits).</td>
</tr>
</tbody>
</table>

### Remarks

- August 25, 1997: Begin drilling at 0810. Augered from 0 to 1 foot.
- Lapsed water circulation at 3 feet; no water return below 3 feet.

### Sample

- 20/93: Wall 3 Construction: 1-inch diameter threaded PVC
  - 0.0952: Blank screen
  - 0.28-5: Slotted screen with 0.26-27: Bentonite
  - 0.38-5: Sand

### Logs

<table>
<thead>
<tr>
<th>Sample</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.0952</td>
<td>Blank screen</td>
</tr>
<tr>
<td>0.28-5</td>
<td>Slotted screen with 0.26-27: Bentonite</td>
</tr>
<tr>
<td>0.38-5</td>
<td>Sand</td>
</tr>
</tbody>
</table>

---

**Project Name:** Ewa Cape Aquifer
**No.:** 962013NA
**Woodward-Clyde Consultants**

**PROJECT NAME**
Ewa Creek Aquifer

**BOREHOLE LOCATION**
EWACAP-1 (Hosoulunui WWTP)

**ELEVATION AND DATE**
DATE STARTED: 25 August 1997
DATE FINISHED: 29 August 1997

**DRILLING AGENCY**
Hawaii Test Boring

**DRILLER**
Donald A. Igawa

**HELPERS**
Keith Kawahara

**DRILLING EQUIPMENT**
B-33 Mobile Drill Rig

**DRILLING METHOD**
Continuous Coring

**DRILL BIT**
4 Tooth Carbide

**COMPLETION DEPTH**
235.5 ft

**SAMPLES**
214/22.25 OD

**CENTERED GRADES**
80 ft bgs

**NO. OF SAMPLES**
0

**DIST**
0

**UNDERSTICK**
43

**WATER ELEV.**
First

**DEPTH (FEET)**

<table>
<thead>
<tr>
<th>Description</th>
<th>GRAPHIC LOG</th>
<th>SAMPLES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moist, white, &quot;vuggy&quot; gastropod/coral Floatstone. Abundant secondary calcite precipitation within the large voids (Reef Limestone).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry, white Mudstone gravel (Coralline Deposits).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moist, white coralline/Algal Mudsandstone (Reef Limestone).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moist, white recrystallized Mudstone gravel (Coralline Deposits).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hard, moist, light yellowish white, moderate to well-sorted, coarse Grainstone. Majority of grains are composed of coralline algae, lesser amounts of coral (Beachrock).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Friable, moist, light brown, moderate sorted, fine Grainstone (Beachrock).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moist, light brown Mudstone (Coralline Deposits).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moist, light brownish gray, plastic to silty CLAY (Estuarine Deposits).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**REMARKS**

- Well 2 Construction: 1-inch diameter threaded PVC
- 0-89.5: Blankscreen
- 89.5-99.5: Slotted screen with 38.5-85: Casert
- 85-88: Basaltic
- 88-99.5: Sand
- 24 1445: External casing from 40 feet to 90 feet bgs.
- Driller reports the core "plugging up" at -114 feet bgs.
- Collected soil sample for lab analysis at 117 feet bgs.
- Collected sample of clay from -118.5 to -19.25 feet bgs. Placed 9" core sample in a 2" metal pipe, sealed with clay, and placed in refrigerator.
- Return water pressure increased up to 60 to 90 psi (while drilling in coral, the water pressure was typically 0 to 20 psi).
- August 26, 1997.

0900 05
<table>
<thead>
<tr>
<th>Depth (Ft)</th>
<th>Description</th>
<th>Graphic Log</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-26</td>
<td>Dry to moist, reddish brown, plastic CLAY (Alluvium).</td>
<td></td>
<td>Lost water return at ~125 ft gage. Water pressure remains high.</td>
</tr>
<tr>
<td>27-75</td>
<td>Moist, white to light gray Floatstone mixed with minor amounts of terrigenous clay. Floatstone contains large mollusk fragments (Reef Limestone).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>76-125</td>
<td>Moist, dark brownish grey, silty CLAY (Alluvium).</td>
<td></td>
<td>Collected soil core sample for falling head test from 126 to 127 ft gage.</td>
</tr>
<tr>
<td>126-180</td>
<td>Moist, brown, silty CLAY intermixed with coralline gravel.</td>
<td></td>
<td>Collected soil sample for grain size analysis at 184 ft gage.</td>
</tr>
<tr>
<td>181-235</td>
<td></td>
<td></td>
<td>Collected soil sample for grain size analysis from 183 to 184 ft gage.</td>
</tr>
<tr>
<td>236-280</td>
<td></td>
<td></td>
<td>Collected soil sample for grain size analysis from 183 to 184 ft gage.</td>
</tr>
</tbody>
</table>

**Project Name:** Ewa Caprock Aquifer
**No.:** 962013NA

**Elevation and Datum**
- **Date Started:** 25 August 1997
- **Date Finished:** 32 August 1997

**Completion Depth:** 235.5 ft

**Samples**
- **Samplers:** 2FD/223'OD
- **Sampler Tube:** 4 in. Core Barrels
- **No. of Sample:** 100
- **Dia:** 4 in.
- **Undist.:** 43

**Water Elev.:** 10 ft

**Logged By:** Steve Spengler
**Checked By:**

**Remarks:**
- Drill note, Fluid loss, Odor, etc.
- Zero return water pressure during drilling of this interval.
- Return water pressure increased from 120 to 150 psi at ~175 ft gage.
## DESCRIPTION

<table>
<thead>
<tr>
<th>Lithology</th>
<th>Drive Interval</th>
<th>Parameter</th>
<th>Type No.</th>
<th>% Recovery</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moist, white recrystallized Mudstone</td>
<td>Com 37</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moist, light brownish grey, silty CLAY</td>
<td>Com 38</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moist, white coral gravel interbedded with light brown grey, silty CLAY</td>
<td>Com 39</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wet, brown, silty CLAY with numerous sand-size shell fragments</td>
<td>Com 40</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moist, light brown, Wackestone/Graintone</td>
<td>Com 41</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Coraline Deposits)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hard, moist, light brown, well-sorted, medium sand-size Grainsone (Beachrock)</td>
<td>Com 42</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moist, dark brownish grey, silty CLAY</td>
<td>Com 43</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Rattusine Deposits)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No recovery. Based on return water pressure, driller believes this section is composed of coral.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moist, white, &quot;nuggy&quot; Mudstone/Fractstone</td>
<td>Com 44</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Reserves Lime stone)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moist, white, recrystallized Mudstone gravel (Coraline Deposits)</td>
<td>Com 45</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moist, light grey, plastic CLAY (fine sand)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Bottom of boring completed at 235.5 feet bgs.

## SAMPLES

<table>
<thead>
<tr>
<th>DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 0900</td>
</tr>
<tr>
<td>70 1105</td>
</tr>
<tr>
<td>36 1135</td>
</tr>
<tr>
<td>90 1210</td>
</tr>
<tr>
<td>100 1350</td>
</tr>
<tr>
<td>100 1400</td>
</tr>
</tbody>
</table>

## REMARKS

- Driller had to obtain additional casing from basement.
- No recovery. Based on return water pressure, driller believes this section is composed of coral.
- Well 1 Construction:
  1-inch diameter
  threaded PVC
  0-219: Blank screen
  219-229: Slotted screen with
  99.5-310: Grout
  210-215: Bentonite
  215-229: Sand
Honouliuli WWTP Groundwater Withdrawal
Well Nos. 1902-03,04

date (latest data 5/97)

reporting period withdrawal  approximate 365-day average  permitted withdrawal
Honouliuli WWTP Groundwater Withdrawal
Well Nos. 1902-03, 04
DEPARTMENT OF WASTEWATER MANAGEMENT
ISSUANCE OF WATER USE PERMIT (WUP NO. 160)
CCH-OA97-1
FOLDER #1: WATER USE PERMIT APPLICATION

INDEX
(As of December 10, 1997)

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description of Document</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11-17-89 Application for Water Use Permit</td>
<td>1-5</td>
</tr>
<tr>
<td>2</td>
<td>1-25-90 Public Notice</td>
<td>6-9</td>
</tr>
<tr>
<td>3</td>
<td>2-7-90 Letter from William W. Paty to Dr. John C. Lewin</td>
<td>10</td>
</tr>
<tr>
<td>4</td>
<td>2-7-90 Letter from William W. Paty to Honorable Frank F. Fasi</td>
<td>11</td>
</tr>
<tr>
<td>5</td>
<td>2-14-90 Letter from Frank Fasi to William W. Paty</td>
<td>12</td>
</tr>
<tr>
<td>6</td>
<td>2-21-90 Letter from W.D. Balfour to Manabu Tagomori</td>
<td>13-14</td>
</tr>
<tr>
<td>7</td>
<td>2-20-90 Letter from Kazu Hayashida to William W. Paty</td>
<td>15-14</td>
</tr>
<tr>
<td>8</td>
<td>3-7-90 Letter from Manabu Tagomori to City and County of Honolulu, Division of Wastewater Management</td>
<td>17</td>
</tr>
<tr>
<td>9</td>
<td>3-15-90 Staff Submittal</td>
<td>18-20</td>
</tr>
<tr>
<td>10</td>
<td>3-15-90 Minutes for Item 2 of March 15, 1990 CWRM Meeting</td>
<td>21</td>
</tr>
<tr>
<td>11</td>
<td>3-26-90 Letter William W. Paty to City and County of Honolulu, Division of Wastewater Management</td>
<td>22</td>
</tr>
<tr>
<td>12</td>
<td>7-2-93 Fax transmittal from Lenore Nakama to Andrew Amuro</td>
<td>23</td>
</tr>
<tr>
<td>13</td>
<td>7-2-93 Staff Memorandum from Lenore Nakama to Roy Hardy</td>
<td>24</td>
</tr>
<tr>
<td>14</td>
<td>8-13-93 Fax transmittal from Neal Fujii to Nick Musico</td>
<td>25-26</td>
</tr>
<tr>
<td>15</td>
<td>6-20-96 Letter from Rae M. Loui to Felix Limtiaco</td>
<td>27</td>
</tr>
<tr>
<td>16</td>
<td>7-18-96 Letter from Felix B. Limtiaco to Rae M. Loui</td>
<td>28-29</td>
</tr>
<tr>
<td>17</td>
<td>7-30-96 Letter from Rae M. Loui to Felix Limtiaco</td>
<td>30</td>
</tr>
<tr>
<td>18</td>
<td>2-21-97 Letter from Rae M. Loui to Ken Sprague</td>
<td>31-46</td>
</tr>
<tr>
<td>19</td>
<td>3-10-97 Letter from Kenneth E. Sprague to Rae M. Loui</td>
<td>47-48</td>
</tr>
<tr>
<td>20</td>
<td>4-7-97 Letter from Rae M. Loui to Kenneth E. Sprague</td>
<td>49</td>
</tr>
<tr>
<td>No.</td>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
<td>-----</td>
<td>------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>21</td>
<td>5-9-97 to 5-13-97</td>
<td>Fax List and Fax Transmission Reports</td>
</tr>
<tr>
<td>22</td>
<td>5-14-97</td>
<td>Staff Submittal</td>
</tr>
<tr>
<td>23</td>
<td>6-5-97</td>
<td>Letter from Rae M. Loui to Kenneth E. Sprague</td>
</tr>
<tr>
<td>24</td>
<td>7-7-97</td>
<td>Notice of Appeal to Hawaii Supreme Court</td>
</tr>
<tr>
<td>25</td>
<td>7-8-97</td>
<td>Motion for Reconsideration</td>
</tr>
<tr>
<td>26</td>
<td>7-7-97</td>
<td>Complaint; Summons</td>
</tr>
<tr>
<td>27</td>
<td>7-17-97</td>
<td>Fax Transmittal - Request for Transcript</td>
</tr>
<tr>
<td>28</td>
<td>7-17-97</td>
<td>Request for Transcript</td>
</tr>
<tr>
<td>29</td>
<td>7-23-97</td>
<td>Petition for Contested Case Hearing</td>
</tr>
<tr>
<td>30</td>
<td>7-7-97</td>
<td>Notice of Appeal to Circuit Court</td>
</tr>
<tr>
<td>31</td>
<td>7-16-97</td>
<td>Issuance of Water Use Permit</td>
</tr>
<tr>
<td>32</td>
<td>7-16-97</td>
<td>Letter from Rae M. Loui to Ewa Caprock Water Users (Notice of 5/14/97 CWRM action on Ewa Caprock Aquifer)</td>
</tr>
<tr>
<td>33</td>
<td></td>
<td>Transcript of Excerpted Portion of 5/14/97 CWRM Meeting</td>
</tr>
</tbody>
</table>


C&C HONOLULU WELL NOS. 1902-03,04

WATER USE PERMIT
FILE #1

Notice of Appeal (HI Supreme Court)  July 7, 1997
Notice of Appeal (1st Circuit Court)  July 7, 1997
Complaint; Summons (1st Circuit Court)  July 7, 1997
Motion for Reconsideration (CWRM)  July 8, 1997
Petition for Contested Case Hearing (CWRM)  July 23, 1997

(to July 23, 1997)

GO TO FILE FOLDER #2
To Water User (See attached list)

Dear Water User:

This is to notify you of the May 14, 1997 Commission on Water Resource Management (Commission) action for the Ewa Caprock Aquifer to:

1. Adopt the aquifer systems for the Ewa Caprock Aquifer as shown in Exhibit 1.

2. Adopt a sustainable capacity for individual irrigation wells at 1,000 mg/l of chloride as an interim management plan, subject to review within two (2) years and subject to variances on a case-by-case basis.

3. Direct the staff to work with industrial users in the Ewa Plain to develop minimum chloride standards for industrial wells.

Pursuant to 2. above, if you find that the chlorides in your irrigation well(s) exceed 1,000 mg/l, you must cease pumping. If the chlorides in your wells are already in excess of 1,000 mg/l, you may request a variance from the 1,000 mg/l and provide appropriate justification and any hydrologic or other data to support your requested variance.

Regarding 3. above, we request industrial users to propose a reasonable minimum chloride standard for industrial wells based on historic chloride data and actual need. Please submit the data to support your proposed standard unless these data have previously been provided to the Commission. Please inform us if chloride data are not presently available. Thank you in advance for your attention to this matter.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI
Deputy Director

LN: ss
<table>
<thead>
<tr>
<th>Company Name</th>
<th>Address</th>
<th>City</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENTRY DEVELOPMENT CORP.</td>
<td>P.O. BOX 295</td>
<td>HONOLULU</td>
<td>96809</td>
</tr>
<tr>
<td>HAWAIIAN REFINERY INC.</td>
<td>P.O. BOX 3379</td>
<td>HONOLULU</td>
<td>96842</td>
</tr>
<tr>
<td>C&amp;C DPW</td>
<td>P.O. BOX 373</td>
<td>HONOLULU</td>
<td>96813</td>
</tr>
<tr>
<td>STATE DONALD</td>
<td>P.O. BOX 78</td>
<td>HONOLULU</td>
<td>96816</td>
</tr>
<tr>
<td>GRACE PACIFIC</td>
<td></td>
<td>HONOLULU</td>
<td>96810</td>
</tr>
<tr>
<td>HAWAII PRINCE GOLF CLUB</td>
<td>650 SOUTH KING ST.</td>
<td>HONOLULU</td>
<td>96809</td>
</tr>
<tr>
<td>PALM VILLA II ASSOCIATION</td>
<td>650 SOUTH KING ST.</td>
<td>HONOLULU</td>
<td>96809</td>
</tr>
<tr>
<td>C&amp;C DPW</td>
<td></td>
<td>HONOLULU</td>
<td>96809</td>
</tr>
<tr>
<td>APS BARBERS POINT, INC.</td>
<td>91-1200 FORT WEAVER RD.</td>
<td>EWA BEACH</td>
<td>96706</td>
</tr>
<tr>
<td>KALAELOA PARTNERS, L.P.</td>
<td>91-1041 FUMAUELO ST., #D</td>
<td>EWA BEACH</td>
<td>96706</td>
</tr>
<tr>
<td>C&amp;C DEPT. OF PARKS &amp; REC</td>
<td>650 S. KING ST.</td>
<td>HONOLULU</td>
<td>96813</td>
</tr>
<tr>
<td>PALM VILLA II ASSOCIATION</td>
<td>91-086 KAOMU LOOP</td>
<td>KAPOLEI</td>
<td>96707</td>
</tr>
<tr>
<td>PALM COURT ASSOCIATION</td>
<td>91-111 KALAELOA BLVD</td>
<td>KAPOLEI</td>
<td>96707</td>
</tr>
<tr>
<td>HONOLULU KOSAIKO, INC.</td>
<td>650 S. KING ST.</td>
<td>HONOLULU</td>
<td>96813</td>
</tr>
<tr>
<td>ARBORS ASSOCIATION</td>
<td>91-1119 KAOMU ST., #D</td>
<td>EWA BEACH</td>
<td>96706</td>
</tr>
<tr>
<td>HAWAIIAN ELECTRIC CO.</td>
<td>91-1019 PUAMUI APT., R</td>
<td>EWA BEACH</td>
<td>96706</td>
</tr>
<tr>
<td>CAMPBELL ESTATE</td>
<td></td>
<td>HONOLULU</td>
<td>96840</td>
</tr>
<tr>
<td>U.S. NAVY</td>
<td>91-050 FT. WEAVER RD.</td>
<td>EWA BEACH</td>
<td>96706</td>
</tr>
<tr>
<td>HASEKO (EWA), INC.</td>
<td>P.O. BOX 2750</td>
<td>HONOLULU</td>
<td>96813</td>
</tr>
<tr>
<td>PUU MAXARIO INC.</td>
<td>P.O. BOX 1011</td>
<td>HONOLULU</td>
<td>96707</td>
</tr>
<tr>
<td>U.S. FISH &amp; WILDLIFE</td>
<td></td>
<td>HONOLULU</td>
<td>96806</td>
</tr>
<tr>
<td>STATE NFDC</td>
<td>1001 KAMOKILA BLVD.</td>
<td>KAPOLEI</td>
<td>96807</td>
</tr>
<tr>
<td>KAPOLEI PEOPLE’S, INC.</td>
<td></td>
<td>HONOLULU</td>
<td>96813</td>
</tr>
<tr>
<td>EWA BY GENTRY COMM ASSOC</td>
<td>91-920 LAAULU ST., #10</td>
<td>EWA BEACH</td>
<td>96706</td>
</tr>
<tr>
<td>CHEVRON PRODUCTS CO.</td>
<td></td>
<td>HONOLULU</td>
<td>96840</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HONOLULU</td>
<td>96813</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HONOLULU</td>
<td>96813</td>
</tr>
<tr>
<td></td>
<td></td>
<td>KAPOLEI</td>
<td>96707</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HONOLULU</td>
<td>96707</td>
</tr>
<tr>
<td></td>
<td></td>
<td>KAPOLEI</td>
<td>96707</td>
</tr>
<tr>
<td></td>
<td></td>
<td>KAPOLEI</td>
<td>96807</td>
</tr>
</tbody>
</table>

**Contact Information:**
- **Name:** Norman Dyer
- **Address:** P.O. BOX 295
- **City:** HONOLULU
- **Zip Code:** 96809

**Contact Information:**
- **Name:** Chris Jansen
- **Address:** P.O. BOX 3379
- **City:** HONOLULU
- **Zip Code:** 96842

**Contact Information:**
- **Name:** Ken Sprague
- **Address:** P.O. BOX 373
- **City:** HONOLULU
- **Zip Code:** 96813

**Contact Information:**
- **Name:** Jon Shiraki
- **Address:** P.O. BOX 78
- **City:** HONOLULU
- **Zip Code:** 96816

**Contact Information:**
- **Name:** Garrick Imamura
- **Address:** 650 SOUTH KING ST.
- **City:** HONOLULU
- **Zip Code:** 96809

**Contact Information:**
- **Name:** Steven Lopez
- **Address:** 650 S. KING ST.
- **City:** HONOLULU
- **Zip Code:** 96813

**Contact Information:**
- **Name:** Felix Limtiaco
- **Address:** 91-086 KAOMU LOOP
- **City:** KAPOLEI
- **Zip Code:** 96707

**Contact Information:**
- **Name:** Tom Cooper
- **Address:** 91-111 KALAELOA BLVD
- **City:** KAPOLEI
- **Zip Code:** 96707

**Contact Information:**
- **Name:** Gayle Baker
- **Address:** 650 S. KING ST.
- **City:** HONOLULU
- **Zip Code:** 96813

**Contact Information:**
- **Name:** Lester Lai
- **Address:** 91-1119 KAOMU ST., #D
- **City:** EWA BEACH
- **Zip Code:** 96706

**Contact Information:**
- **Name:** Gilberto Galanza
- **Address:** 91-1019 PUAMUI APT., R
- **City:** EWA BEACH
- **Zip Code:** 96706

**Contact Information:**
- **Name:** Toshio Ishida/Todd Stmond
- **Address:** 91-050 FT. WEAVER RD.
- **City:** EWA BEACH
- **Zip Code:** 96706

**Contact Information:**
- **Name:** Ben Hicks
- **Address:** P.O. BOX 2750
- **City:** HONOLULU
- **Zip Code:** 96813

**Contact Information:**
- **Name:** Xeen Pong
- **Address:** 1001 KAMOKILA BLVD.
- **City:** KAPOLEI
- **Zip Code:** 96707

**Contact Information:**
- **Name:** George Hiu
- **Address:** P.O. BOX 78
- **City:** HONOLULU
- **Zip Code:** 96810

**Contact Information:**
- **Name:** Dennis Pachet
- **Address:** 91-920 LAAULU ST., #10
- **City:** EWA BEACH
- **Zip Code:** 96706

**Contact Information:**
- **Name:** Nelson W. G. Lee
- **Address:** 820 MILILANI ST., STE 810
- **City:** HONOLULU
- **Zip Code:** 96813

**Contact Information:**
- **Name:** Med Dewey
- **Address:** P.O. BOX 78
- **City:** HONOLULU
- **Zip Code:** 96810

**Contact Information:**
- **Name:** Robert K. Osher
- **Address:** P.O. BOX 1017
- **City:** HONOLULU
- **Zip Code:** 96810

**Contact Information:**
- **Name:** Steve Thomas
- **Address:** 91-050 FT. WEAVER RD.
- **City:** EWA BEACH
- **Zip Code:** 96706

**Contact Information:**
- **Name:** Bernard R. Manalo
- **Address:** 91-920 LAAULU ST., #10
- **City:** EWA BEACH
- **Zip Code:** 96706

**Contact Information:**
- **Name:** Alice Potter
- **Address:** 91-480 MALAKOLE ST.
- **City:** KAPOLEI
- **Zip Code:** 96707

---

**Address Information:**
- **City:** HONOLULU
- **Zip Code:** 96813

---

**Contact Information:**
- **Name:** Alice Potter
- **Address:** 91-480 MALAKOLE ST.
- **City:** KAPOLEI
- **Zip Code:** 96707
<table>
<thead>
<tr>
<th>TO</th>
<th>INIT.</th>
<th>TO</th>
<th>INIT.</th>
<th>FOR</th>
<th>PLEASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAUER, G.</td>
<td></td>
<td>2</td>
<td>LOUI, R.</td>
<td></td>
<td>Approval</td>
</tr>
<tr>
<td>CHING, F.</td>
<td></td>
<td>4</td>
<td>NAKAMA, L.</td>
<td></td>
<td>Signature</td>
</tr>
<tr>
<td>FUJII, N.</td>
<td></td>
<td></td>
<td>NAKANO, D.</td>
<td></td>
<td>Information</td>
</tr>
<tr>
<td>HARDY, R.</td>
<td></td>
<td></td>
<td>OHYE, M.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HIGA, D.</td>
<td></td>
<td></td>
<td>SAKODA, E.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HIRANO, E.</td>
<td></td>
<td></td>
<td>SUBIA, S.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ICE, C.</td>
<td></td>
<td>2</td>
<td>SWANSON, S.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IMATA, R.</td>
<td></td>
<td></td>
<td>UWANE, J.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JINNAI, R.</td>
<td></td>
<td></td>
<td>YODA, K.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>KUNIMURA, I.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PLEASE:**

- See Me
- Review & Comment
- Take Action
- Type Draft
- Type Final
- File
- Xerox copies

**Memo:** Rae - please note that although industrial use
we are attaching 1000 CI limit to them
since:

1) Not marketable
2) actual CI⁻ x 500 mg/l
3) They are using some for irrigation adding
current action was only for industrial use.
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King St.  
Honolulu, HI 96813

Dear Mr. Sprague:

Issuance of Water Use Permit for Well Nos. 1902-03 & 04  
Puuloa Ground Water Management Area, Oahu

This letter transmits your water use permit forHonouliuli STP 1 Well (Well No. 1902-03) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on March 15, 1997. Honouliuli STP 2 Well (Well No. 1902-04) was administratively added to the water use permit as a backup source on December 8, 1993. We apologize for this late issuance of your official permit document.

Please be sure to read the conditions of your approved permit. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

Be advised that, pursuant to Hawaii Administrative Rule 13-168-7, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report forms. You should make copies of the enclosed report forms as needed.

Second, Hawaii Administrative Rule 13-13-171-42 requires you to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Puuloa Ground Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission’s overall Water Shortage Plan.

If you have any questions, please call the Commission staff at 587-0218.

Aloha,

MICHAEL D. WILSON  
Chairperson

Attachments
GROUND WATER USE PERMIT
WUP NO. 160

PERMITTEE

Applicant/Water User
Address DEPARTMENT OF WASTEWATER MANAGEMENT
650 S. KING ST.
HONOLULU, HI 96813

Landowner of Source
Address DEPARTMENT OF WASTEWATER MANAGEMENT
650 S. KING ST.
HONOLULU, HI 96813

PERMITTED SOURCE INFORMATION

Island OAHU
Water Management Area PUULOA
Aquifer Sector EWA CAPROCK
Aquifer System PUULOA
System Sustainable Yield NA
Well Name HONOLULU STP 1 & 2
State Well No. 1902-03 & 04

PERMITTED USE INFORMATION

Reasonable beneficial use INDUSTRIAL
Withdrawal (12 month moving ave.) 0.500 mgd
Chloride Cap 1.000 mg/l
Location of water use
TMK # 9-1-13-7
Address 91-1501 GEIGER RD.
State land use classification NA
County zoning classification NA

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
GENERAL CONDITIONS

1. The water use authorized by the permit must be for the reasonable-beneficial use described in the permit.
2. The use must not interfere with any existing legal use of water.
3. Modification of any permit condition must be approved by the Commission.
4. The applicant must comply with all other applicable laws, rules, and ordinances.

ADDITIONAL CONDITIONS

1. The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Caprock Aquifer and establish courses of action to prevent the aquifer from becoming courses of action to prevent the aquifer from becoming too saline to use. The applicant must comply with the approved plan.
2. An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.
3. The development of the ground water source shall be completed within 24 months from the date of permit issuance.

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: ____________________________ Date: ____________________________
Printed Name: ____________________________ Firm or Title: ____________________________

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.

Attachment
DAVID Z. ARAKAWA, 2908
Corporation Counsel
MAILE R. CHUN, 4906
Deputy Corporation Counsel
City and County of Honolulu
Honolulu, Hawaii 96813
Telephone: 527-5351

Attorneys for Appellant

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, Appellant,

vs.

COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, Appellee.

CIVIL NO. 97-2778-07
(Agency Appeal)

NOTICE OF APPEAL TO CIRCUIT COURT; STATEMENT OF THE CASE; EXHIBIT A; DESIGNATION OF RECORD ON APPEAL; ORDER FOR CERTIFICATION AND TRANSMISSION OF RECORD

NOTICE IS HEREBY GIVEN that KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, Appellant above named (hereinafter "Appellant"), by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, City and County of Honolulu, pursuant to Section 91-14 of the Hawaii Revised Statutes and Rule 72 of the Hawaii Rules of Civil Procedure, hereby appeals to the Circuit Court of the First Circuit from the

CERTIFICATE OF SERVICE ATTACHED
Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu of the COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII (hereinafter "CWRM"), dated June 5, 1997, and received by Appellant on June 6, 1997, a true and correct copy of which is attached hereto as Exhibit A.


DAVID Z. ARAKAWA
Corporation Counsel

By

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

KENNETH E. SPRAGUE, Director, ) CIVIL NO. (Agency Appeal)
Department of Wastewater ) STATEMENT OF THE CASE;
Management, City and County ) EXHIBIT A
of Honolulu, )
Appellant, )

vs. )

COMMISSION ON WATER RESOURCE )
MANAGEMENT, DEPARTMENT OF )
LAND AND NATURAL RESOURCES, )
STATE OF HAWAII, )

Appellee. )

STATEMENT OF THE CASE

KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, Appellant herein (hereinafter "Appellant"), by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, City and County of Honolulu, submits the following Statement of the Case pursuant to Rule 72(e), Hawaii Rules of Civil Procedure:

1. The City and County of Honolulu (hereinafter "City") is a municipality of the State of Hawaii.

2. The Department of Wastewater Management (hereinafter "WWM") is a governmental agency of the City, and was such a governmental agency at all times mentioned and relevant herein.
3. Appellee COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII (hereinafter "CWRM") is a governmental agency of the State of Hawaii and was such a governmental agency at all times mentioned and relevant herein.

4. On or about December 11, 1991 two wells were constructed by the City, the purpose of which was to pump non-potable water from the ewa caprock for use within its Honouliuli Wastewater Treatment Plant (hereinafter "Honouliuli WWTP") for in-plant processing. The two wells were constructed with the intent of being considered as one non-potable water system. The two wells would function as a system, where one well could function as the primary well and the second well could function as a backup, or both could operate simultaneously.

5. On or about November 17, 1989 CWRM received WWM's Application for Water Use Permit (Groundwater) (hereinafter "Water Use Permit Application"), this being the first permit application under CWRM's requirements. Said Water Use Permit Application was for its well system which was constructed on or about December 11, 1991, in the area then known as the Pearl Harbor Water Management Area (currently referred to as the Puuloa System) in order to draw caprock water. The Water Use Permit Application stated that it was for a "New Well."

6. The Water Use Permit Application requested a 500,000 gallons per day of caprock water allotment from said area.
7. On or about March 15, 1990, at its CWRM meeting on the Water Use Permit Application, CWRM recommended approval of the issuance of a water use permit to the City to use 0.5 mgd of caprock water from Well No. 1902-03 for use within the Honouliuli WWTP, subject to certain conditions.

8. On or about March 15, 1990, during the CWRM meeting on the Water Use Permit Application, CWRM also amended the application to include the issuance of a well construction permit.

9. By letter dated March 26, 1990, William W. Paty, Chairperson of the Department of Land and Natural Resources, informed the City that CWRM approved the Water Use Permit Application for Well No. 1902-03 at its meeting on March 15, 1990, and that the permit was being prepared and will be sent to the Attorney General's Office for review prior to being issued.

10. To date, the City has not received its Water Use Permit and Well Construction Permit.

11. The two wells were placed into operation on or about March 30, 1993. On or about April 13, 1993, the City accepted the installation of pumps for its two wells.

12. On or about July 13, 1993, CWRM verbally informs the City that it is in violation because there is no pump installation permit for the two wells. For the first time, the City is now informed by CWRM that there should be a total of six permits for these two wells (two Water Use Permits, two Well Construction Permits, and two Pump Installation Permits).
13. After being verbally informed by CWRM, the City begins to submit its Monthly Ground Water Use Reports, the first of which was submitted on or about August 18, 1993. Each monthly submittal indicates the amount of non-potable water pumped for the month, chloride levels, and temperature.

14. On or about September 1, 1993, the City requested CWRM amend the approval of the Water Use Permit for Well No. 1902-03 to include the Pump Installation Permit. It was at this time that the City also amended the application to include the second existing well. This second well was assigned the number 1902-04 by CWRM.

15. CWRM's minutes of December 8, 1993 indicated that CWRM approved a Water Use Permit for Well No. 1902-03 on March 15, 1990. These minutes also indicate CWRM approved the well construction permit on March 15, 1990 and noted that Well No. 1902-04, which was to serve as a backup well, was drilled without a permit.

16. On December 29, 1993, an after-the-fact Well Construction Permit was issued by CWRM to the City for Well No. 1902-04, subject to conditions. CWRM notified the City that it was in violation for drilling without a permit, and CWRM fined the City $100.00. This amount was remitted to CWRM by the City on or about February 2, 1994. Also, the after-the-fact Well Construction Permit stated that the Water Use Permit for Well No. 1902-03 would be administratively amended to include Well No. 1902-04.
17. To date, the following summarizes the status of the City's Permits and Applications to the best of its knowledge:

a. A Water Use Permit for Well No. 1902-03 was approved March 15, 1990, and a Water Use Permit for Well No. 1902-04 was approved December 29, 1993; however, to date, the City has not received its permits.

b. A Well Construction Permit for Well No. 1902-03 was approved March 15, 1990; however, the City has not received this permit.

c. An after-the-fact Well Construction Permit for Well No. 1902-04 was approved December 29, 1993 and said Permit was received by the City on February 22, 1994.

d. Pump Installation Permits for Well Nos. 1902-03 and 1902-04 were approved December 8, 1993; however, the City has not received these permits.

18. To date, the City has never been issued or received Water Use Permits for its two wells, and assumes that said Permits would have set forth the specific conditions which the City would be required to comply with, including the methodology by which a compliance determination would be made.

19. On or about June 20, 1996, CWRM sent a Notice of Water Use Permit Violation, Well Nos. 1902-03 & 04 (WUP No. 160), regarding pumpage in excess of .5 mgd.

20. CWRM requested that the City provide an explanation for the overpumpage and an estimate for the length of time that it
would need to come into compliance with the terms of the permit. CWRM requested a written response by July 15, 1996.

21. On or about July 18, 1996, Appellant submitted a response to CWRM's letter of June 20, 1996 explaining major expansion and process changes that have increased the City's demand for groundwater at the Honouliuli WWTP. Appellant also stated that the City would be submitting a request to CWRM for an additional 500,000 gallons per day to meet the plant's current water demands.

22. On or about July 30, 1996, CWRM responded to the City's July 18, 1996 letter and enclosed a water use permit application form to be completed and returned to CWRM within thirty (30) days.

23. CWRM records do not indicate that a water use permit application was received from the City for an additional 500,000 gallons per day.

24. On or about February 21, 1997, CWRM requested the following from the City:

a. The City's response to CWRM's letter of July 30, 1996 requesting that the City submit the water use permit application for the additional water use, as stated in the City's July 18, 1996 letter.

b. CWRM also requested that the City provide an estimate for the length of time that it will need to come into compliance with the terms of its permit.
c. A water shortage plan for WUP No. 160 that outlines how water usage will be reduced in the event of a shortage.

d. The City's response to CWRM's letter of January 12, 1997 review comments relating to the City's permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water.

25. On or about March 10, 1997, the City responded to CWRM's letter of February 21, 1997 and stated that as of October 4, 1996, the City reduced its daily withdrawal to less than 0.5 mgd. The City also stated that it will continue to withdraw less than 0.5 mgd, but given that the method of compliance determination incorporates a running average method, the City will remain non-compliant at least until October 1997. The City stated that it could accelerate the time to comply with the 0.5 mgd by eliminating all well withdrawals and using potable water for its in-plant processes, but that that would be contradictory to the City's intent of saving a valued resource.

26. The City does not agree with CWRM's stated method of compliance determination. Furthermore, CWRM has never informed the City that compliance determination would be made utilizing this method.

27. On or about April 7, 1997, the CWRM responded to the City's letter of March 10, 1997 stating that it understood that
the City is currently limiting pumpage at Well Nos. 1902-03 & 04 to 0.5 mgd and expects to be in compliance with the 0.5 mgd allocation by October 1997. CWRM also stated that the City need not accelerate the time to comply with its current allocation by using potable water for in-plant processes, as CWRM agreed that non-potable water should be used for non-potable needs whenever possible. CWRM also stated that to date, it has not received the Water Use Permit Application for a water use permit modification for the additional 0.5 mgd. CWRM stated that if the City wished to increase its usage of the wells, it should complete and return the water use permit application form.

28. On or about May 14, 1997, CWRM had a meeting taking up certain matters on the agenda. CWRM did not provide notice of CWRM's intention to address the alleged violation of WUP No. 160 and violated the provisions of Hawaii Revised Statutes (hereinafter "HRS") Chapter 92. The staff submittal indicates a finding that WWM is in violation of WUP No. 160 for exceeding the allocation limit, and an imposition of a fine of $500 per day for the overpumpage violation for the period beginning June 1996 to May 14, 1997 ($174,000). In the alternative, CWRM minutes indicate that WWM may adhere to milestones, to be worked out by CWRM staff in conjunction with WWM staff, to ensure R-1 availability by June 30, 1999. This is the first time WWM became aware of the levying of fines.

29. On or about June 5, 1997, CWRM sent a Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04)
Puuloa Ground Water Management Area, Oahu, to Appellant. Said notice stated that this letter serves as the City's official notice of action by CWRM on the overpumpage violation of WUP No. 160.

30. CWRM stated that by a unanimous vote of CWRM at its regular meeting of May 14, 1997, CWRM found the City in violation of the water use permit for Well Nos. 1902-03, 04 for exceeding the allocation limit. CWRM stated that according to pumpage records provided by the City, the City has been pumping ground water in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years.

31. CWRM imposed a fine of $500.00 per day for the overpumpage violation, for the period beginning in June 1996, the date on which CWRM believed the City was first notified of the violation, to present. The total assessed fine was $174,000.00.

32. In the alternative, CWRM stated that the City may adhere to milestones to ensure R-1 availability by June 30, 1999, which may be satisfied by submitting detailed construction plans, schedules, and market analysis showing that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999.

33. To date, the City has never been issued or received Water Use Permits for its two wells, and assumes that said permits would have set forth the conditions which the City would be required to comply with, including the methodology by which a compliance determination would be made.
34. The City alleges that the method of compliance determination which utilizes a 12-month moving average is in violation of HRS Chapter 91.

35. Furthermore, the documents and CWRM’s actions relating to the approval of the issuance of the water use permits to the City were ambiguous as to the City’s pumping limitation.

36. In a series of meetings, the City was informed that the assessed fine amount would not be levied on the City, given the City’s involvement in an integrated resource planning process which is under way.


38. Section 13-167-32 of the Rules of Practice and Procedure for the Commission on Water Resource Management provides for judicial review of an order of CWRM, which shall be governed by HRS Chapter 91.

WHEREFORE, Appellant respectfully petitions this Honorable Court to:

1. Declare that the Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu of the COMMISSION ON WATER RESOURCE MANAGEMENT, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, dated June 5, 1997, and received by Appellant on June 6, 1997, was improper under HRS Section 91-14(g).
2. Declare that CWRM's procedures, actions and decisions were improper.

3. Grant Appellant such other and further relief as may be just, equitable and proper.


DAVID Z. ARAKAWA
Corporation Counsel

By

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
Notice Of Action
Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03-04)
Puulua Ground Water Management Area, Cahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the overpumpage violation of WUP No. 160.

By a unanimous vote of the Commission at their regular meeting of May 14, 1997, the Commission found the City and County of Honolulu, Department of Wastewater Management (DWM) in violation of the water use permit for Well Nos. 1902-03-04 (WUP No. 160) for exceeding the allocation limit.

According to pumpage records provided by DWM, DWM has been pumping groundwater from Well Nos. 1902-03-04 in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years (see Exhibit 1). By January, 1996, DWM was pumping Well Nos. 1902-03-04 at about twice the amount authorized under WUP No. 160 (1.0 mgd pumped v. 0.5 mgd authorized).

The Commission also imposed a fine of $500 per day for the overpumpage violation, for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000).

In the alternative, DWM may adhere to milestones to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by June 30, 1999. This alternative to paying the $174,000 fine may be satisfied by your submittal of detailed construction plans and schedule and market analysis that shows that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999. The June 30, 1999 date coincides with DWM's latest estimate of R-1 availability.

In the event that you choose the alternative to paying the fine, please inform us within thirty (30) days of a reasonable timeframe for submittal of your construction plans and schedule. If you intend to pay the fine, please pay the fine within thirty (30) days.

If you have any questions, please contact Lenora Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, Appellant,

VS.

COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, Appellee.

DESIGNATION OF RECORD ON APPEAL

COMES NOW Appellant KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, City and County of Honolulu, and hereby designates as the record on appeal herein the entire and complete records of the COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII (hereinafter "CWRM") relating to the final decision of CWRM as to the City and County of Honolulu's alleged violation of its allocation limit for Well Nos. 1902-03, 04 as made at CWRM meeting on May 14, 1997 or any other CWRM meetings, and as reflected in the June 5, 1997 Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu, including but not limited to any and
all pleadings, motions, intermediate rulings, evidence received
or considered, including oral testimony, exhibits, and statements
of matters officially noticed, rulings, proposed findings and
exceptions, reports, correspondence, staff memoranda, letters,
orders, proposed orders, objections, photographs, and other
papers of CWRM, and the transcripts of proceedings of the May 14,
1997 CWRM meeting or any other CWRM meetings relating to the
foregoing.


DAVID Z. ARAKAWA
Corporation Counsel

By

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

KENNETH E. SPRAGUE, Director )
of the Department of )
Wastewater Management, City )
and County of Honolulu, )

Appellant, )

vs. )

COMMISSION ON WATER RESOURCE )
MANAGEMENT, DEPARTMENT OF )
LAND AND NATURAL RESOURCES, )
STATE OF HAWAII, )

Appellee. )

ORDER FOR CERTIFICATION AND TRANSMISSION OF RECORD

TO: RAE M. LOUI
Deputy Director
Commission on Water Resource Management
c/o Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Suite 227
Honolulu, Hawaii 96813

Pursuant to Rule 72(d)(1) of the Hawaii Rules of Civil Procedure, you are hereby ordered to certify and transmit to this Court within twenty (20) days from the date of this order, or within such further time as may be allowed by the Court, the following papers: the entire and complete records of the COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII (hereinafter "CWRM") relating to the final decision of CWRM as to the City and County of Honolulu's alleged violation of its allocation limit for Well
Nos. 1902-03, 04 as made at CWRM meeting on May 14, 1997 or any other CWRM meetings, and as reflected in the June 5, 1997 Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu, including but not limited to any and all pleadings, motions, intermediate rulings, evidence received or considered, including oral testimony, exhibits, and statements of matters officially noticed, rulings, proposed findings and exceptions, reports, correspondence, staff memoranda, letters, orders, proposed orders, objections, photographs, and other papers of CWRM, and the transcripts of proceedings of the May 14, 1997 CWRM meeting or any other CWRM meetings relating to the foregoing.

DAVID Z. ARAKAWA, 2908
Corporation Counsel
MAILE R. CHUN, 4906
Deputy Corporation Counsel
City and County of Honolulu
Honolulu, Hawaii 96813
Telephone: 527-5351

Attorneys for Appellant

THE COMMISSION ON WATER RESOURCE MANAGEMENT
OF THE STATE OF HAWAII

KENNETH E. SPRAGUE, Director )
of the Department of )
Wastewater Management, City )
and County of Honolulu, )

Appellant, )

VS. )

COMMISSION ON WATER RESOURCE )
MANAGEMENT, DEPARTMENT OF )
LAND AND NATURAL RESOURCES, )
STATE OF HAWAII, )

Appellee.

PETITION FOR CONTESTED CASE HEARING IN RELATION TO THE
ISSUANCE OF WATER USE PERMIT FOR WELL NOS. 1902-03 & 04,
PUULOA GROUND WATER MANAGEMENT AREA, OAHU; EXHIBIT A

Comes now KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu (hereinafter "Petitioner"), by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, and respectfully moves the COMMISSION ON WATER RESOURCE MANAGEMENT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES OF THE STATE OF HAWAII (hereinafter "CWRM") for a contested case hearing

(CERTIFICATE OF SERVICE ATTACHED)
in relation to the Issuance of the Ground Water Use Permit for Well Nos. 1902-03 & 04, WUP No. 160, Puuloa Ground Water Management Area, Oahu, which was issued on July 16, 1997, a true and correct copy of which is attached hereto as Exhibit A. Said permit, though issued July 16, 1997, appears to be effective as of March 15, 1995.

I. LEGAL AUTHORITY

This request for a contested case hearing is based on H.R.S. Chapter 91, and the Rules of Practice and Procedure for the Commission on Water Resource Management, Chapter 13-167.

II. TERMS AND CONDITIONS OF THE GROUND WATER USE PERMIT THAT ARE CONTESTED

A. Compliance Methodology

Petitioner contests the compliance methodology stated in the Ground Water Use Permit. The CWRM has established a 12-month moving average basis to determine whether or not Petitioner is in compliance with its pumping limitation for Well Nos. 1902-03 & 04.

However, none of the Administrative Rules of the State Water Code, Title 13, Department of Land and Natural Resources, have been adopted by CWRM pursuant to H.R.S. Chapter 91. No public hearing has been held by CWRM as to any particular type of compliance methodology that would be required of any permittee submitting an application to CWRM for a water use permit. Among other reasons, Petitioner, therefore, contests the use of the 12-month moving average basis in determining compliance.
B. Ambiguity in Application of the Chloride Cap Limitation

The Ground Water Use Permit provides for a chloride cap limitation of 1,000 mg/l. The Ground Water Use Permit also states the date of March 15, 1995, as the date that CWRM approved of the Petitioner’s Ground Water Use Permit. However, it is unclear as to whether or not the chloride cap limitation applies retroactively to March 15, 1995, or if the chloride cap limitation applies from the date of issuance of the permit, July 16, 1997.

This ambiguity in the terms and conditions of the Ground Water Use Permit is inappropriate, as it does not allow fair notice to the Petitioner. Petitioner, therefore, contests the chloride cap limitation and the reference to the March 15, 1995 approval date.

C. Ground Water Use Permit General Condition No. 3

Petitioner contests Ground Water Use Permit General Condition No. 3 which states as follows:

Modification of any permit condition must be approved by the Commission.

Petitioner contests this general condition as it relates to the chloride cap limitation of 1,000 mg/l. There is no other mention of the chloride cap limitation. Therefore, the chloride cap limitation is considered to be a modification of the permit conditions, and must be approved by the Commission.

There being no indication that the Commission approved this modification, Petitioner contests General Condition No. 3.
D. Ground Water Use Permit Additional Condition No. 1

Petitioner contests Ground Water Use Permit Additional Condition No. 1 which states as follows:

The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Caprock Aquifer and establish courses of action to prevent the aquifer from becoming too saline to use. The applicant must comply with the approved plan.

What the "approved plan" is, is not indicated. Therefore, the additional condition is ambiguous as to what the "approved plan" is. Additional Condition No. 1 is inappropriate, as it does not allow fair notice to the Petitioner. Petitioner, therefore, contests Additional Condition No. 1.

E. Ground Water Use Permit Additional Condition No. 2

Petitioner contests Ground Water Use Permit Additional Condition No. 2 which states as follows:

An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.

Petitioner contests this additional condition as it relates to the approved flowmeter. There is no other mention of the installation of an approved flowmeter. Additionally, there is no mention as to the identity of the approving agency, nor the criteria by which said approval shall be granted. Therefore, the approved flowmeter is considered to be a modification of the permit conditions, and must be approved by the Commission.

There being no indication that the Commission approved this modification, Petitioner contests Additional Condition No. 2.
III. BASIC FACTS AND ISSUES RAISED

1. The City and County of Honolulu (hereinafter "City") is a municipality of the State of Hawaii.

2. The Department of Wastewater Management (hereinafter "WWM") is a governmental agency of the City, and was such a governmental agency at all times mentioned and relevant herein.

3. The COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII (hereinafter "CWRM") is a governmental agency of the State of Hawaii and was such a governmental agency at all times mentioned and relevant herein.

4. On or about December 11, 1991 two wells were constructed by the City, the purpose of which was to pump non-potable water from the ewa caprock for use within its Honouliuli Wastewater Treatment Plant (hereinafter "Honouliuli WWTP") for in-plant processing. The two wells were constructed with the intent of being considered as one non-potable water system. The two wells would function as a system, where one well could function as the primary well and the second well could function as a backup, or both could operate simultaneously.

5. On or about November 17, 1989 CWRM received WWM's Application for Water Use Permit (Groundwater) (hereinafter "Water Use Permit Application"), this being the first permit application under CWRM's requirements. Said Water Use Permit Application was for its well system which was constructed on or about December 11, 1991, in the area then known as the Pearl Harbor Water Management Area (currently referred to as the Puuloa
System) in order to draw caprock water. The Water Use Permit Application stated that it was for a "New Well."

6. The Water Use Permit Application requested a 500,000 gallons per day of caprock water allotment from said area.

7. On or about March 15, 1990, at its CWRM meeting on the Water Use Permit Application, CWRM recommended approval of the issuance of a water use permit to the City to use 0.5 mgd of caprock water from Well No. 1902-03 for use within the Honouliuli WWTP, subject to certain conditions.

8. On or about March 15, 1990, during the CWRM meeting on the Water Use Permit Application, CWRM also amended the application to include the issuance of a well construction permit.

9. By letter dated March 26, 1990, William W. Paty, Chairperson of the Department of Land and Natural Resources, informed the City that CWRM approved the Water Use Permit Application for Well No. 1902-03 at its meeting on March 15, 1990, and that the permit was being prepared and will be sent to the Attorney General's Office for review prior to being issued.

10. To date, the City has not received its Well Construction Permit.

11. On July 16, 1997, CWRM issued the City its Ground Water Use Permit, and there appears to be an indication that said permit has been effective since March 15, 1995.

12. The two wells were placed into operation on or about March 30, 1993. On or about April 13, 1993, the City accepted the installation of pumps for its two wells.
13. On or about July 13, 1993, CWRM verbally informs the City that it is in violation because there is no pump installation permit for the two wells. For the first time, the City is now informed by CWRM that there should be a total of six permits for these two wells (two Water Use Permits, two Well Construction Permits, and two Pump Installation Permits).

14. After being verbally informed by CWRM, the City begins to submit its Monthly Ground Water Use Reports, the first of which was submitted on or about August 18, 1993. Each monthly submittal indicates the amount of non-potable water pumped for the month, chloride levels, and temperature.

15. On or about September 1, 1993, the City requested CWRM amend the approval of the Water Use Permit for Well No. 1902-03 to include the Pump Installation Permit. It was at this time that the City also amended the application to include the second existing well. This second well was assigned the number 1902-04 by CWRM.

16. CWRM’s minutes of December 8, 1993 indicated that CWRM approved a Water Use Permit for Well No. 1902-03 on March 15, 1990. These minutes also indicate CWRM approved the well construction permit on March 15, 1990 and noted that Well No. 1902-04, which was to serve as a backup well, was drilled without a permit.

17. On December 29, 1993, an after-the-fact Well Construction Permit was issued by CWRM to the City for Well No. 1902-04, subject to conditions. CWRM notified the City that it was in violation for drilling without a permit, and CWRM fined
the City $100.00. This amount was remitted to CWRM by the City on or about February 2, 1994. Also, the after-the-fact Well Construction Permit stated that the Water Use Permit for Well No. 1902-03 would be administratively amended to include Well No. 1902-04.

18. To date, the following summarizes the status of the City’s Permits and Applications to the best of its knowledge:
   a. A Water Use Permit for Well No. 1902-03 was approved March 15, 1990, and a Water Use Permit for Well No. 1902-04 was approved December 29, 1993; the City received WUP No. 160 on July 16, 1997, and there appears to be an indication that said permit has been effective since March 15, 1995.
   b. A Well Construction Permit for Well No. 1902-03 was approved March 15, 1990; however, the City has not received this permit.
   c. An after-the-fact Well Construction Permit for Well No. 1902-04 was approved December 29, 1993 and said Permit was received by the City on February 22, 1994.
   d. Pump Installation Permits for Well Nos. 1902-03 and 1902-04 were approved December 8, 1993; however, the City has not received these permits.

19. On or about June 20, 1996, CWRM sent a Notice of Water Use Permit Violation, Well Nos. 1902-03 & 04 (WUP No. 160), regarding pumpage in excess of .5 mgd.

20. CWRM requested that the City provide an explanation for the overpumpage and an estimate for the length of time that it
would need to come into compliance with the terms of the permit. CWRM requested a written response by July 15, 1996.

21. On or about July 18, 1996, the City submitted a response to CWRM's letter of June 20, 1996 explaining major expansion and process changes that have increased the City's demand for groundwater at the Honouliuli WWTP. WWM also stated that the City would be submitting a request to CWRM for an additional 500,000 gallons per day to meet the plant's current water demands.

22. On or about July 30, 1996, CWRM responded to the City's July 18, 1996 letter and enclosed a water use permit application form to be completed and returned to CWRM within thirty (30) days.

23. CWRM records do not indicate that a water use permit application was received from the City for an additional 500,000 gallons per day.

24. On or about February 21, 1997, CWRM requested the following from the City:

   a. The City's response to CWRM's letter of July 30, 1996 requesting that the City submit the water use permit application for the additional water use, as stated in the City's July 18, 1996 letter.

   b. CWRM also requested that the City provide an estimate for the length of time that it will need to come into compliance with the terms of its permit.
c. A water shortage plan for WUP No. 160 that outlines how water usage will be reduced in the event of a shortage.

d. The City's response to CWRM's letter of January 12, 1997 review comments relating to the City's permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water.

25. On or about March 10, 1997, the City responded to CWRM's letter of February 21, 1997 and stated that as of October 4, 1996, the City reduced its daily withdrawal to less than 0.5 mgd. The City also stated that it will continue to withdraw less than 0.5 mgd, but given that the method of compliance determination incorporates a running average method, the City will remain non-compliant at least until October 1997. The City stated that it could accelerate the time to comply with the 0.5 mgd by eliminating all well withdrawals and using potable water for its in-plant processes, but that would be contradictory to the City's intent of saving a valued resource.

26. The City does not agree with CWRM's stated method of compliance determination. Furthermore, CWRM has never informed the City that compliance determination would be made utilizing this method.

27. On or about April 7, 1997, the CWRM responded to the City's letter of March 10, 1997 stating that it understood that the City is currently limiting pumpage at Well Nos. 1902-03 & 04 to 0.5 mgd and expects to be in compliance with the 0.5 mgd
allocation by October 1997. CWRM also stated that the City need not accelerate the time to comply with its current allocation by using potable water for in-plant processes, as CWRM agreed that non-potable water should be used for non-potable needs whenever possible. CWRM also stated that to date, it has not received the Water Use Permit Application for a water use permit modification for the additional 0.5 mgd. CWRM stated that if the City wished to increase its usage of the wells, it should complete and return the water use permit application form.

28. On or about May 14, 1997, CWRM had a meeting taking up certain matters on the agenda. CWRM did not provide notice of CWRM's intention to address the alleged violation of WUP No. 160 and violated the provisions of Hawaii Revised Statutes (hereinafter "HRS") Chapter 92. The staff submittal indicates a finding that WWM is in violation of WUP No. 160 for exceeding the allocation limit, and an imposition of a fine of $500 per day for the overpumpage violation for the period beginning June 1996 to May 14, 1997 ($174,000). In the alternative, CWRM minutes indicate that WWM may adhere to milestones, to be worked out by CWRM staff in conjunction with WWM staff, to ensure R-1 availability by June 30, 1999. This is the first time WWM became aware of the levying of fines.

29. On or about June 5, 1997, CWRM sent a Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu, to WWM. Said notice stated that this letter serves as the City's official notice of action by CWRM on the overpumpage violation of WUP No. 160.
30. CWRM stated that by a unanimous vote of CWRM at its regular meeting of May 14, 1997, CWRM found the City in violation of the water use permit for Well Nos. 1902-03, 04 for exceeding the allocation limit. CWRM stated that according to pumpage records provided by the City, the City has been pumping ground water in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years.

31. CWRM imposed a fine of $500.00 per day for the overpumpage violation, for the period beginning in June 1996, the date on which CWRM believed the City was first notified of the violation, to present. The total assessed fine was $174,000.00.

32. In the alternative, CWRM stated that the City may adhere to milestones to ensure R-1 availability by June 30, 1999, which may be satisfied by submitting detailed construction plans, schedules, and market analysis showing that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999.

33. The City alleges that the method of compliance determination which utilizes a 12-month moving average is in violation of HRS Chapter 91.

34. Furthermore, the documents and CWRM’s actions relating to the approval of the issuance of the water use permits to the City were ambiguous as to the City’s pumping limitation.

35. In a series of meetings, the City was informed that the assessed fine amount would not be levied on the City, given the City’s involvement in an integrated resource planning process which is under way.


IV. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully petitions the Commission on Water Resource Management to grant it a contested case hearing in relation to the Issuance of the Ground Water Use Permit for Well Nos. 1902-03 & 04, WUP No. 160, Puuloa Ground Water Management Area, Oahu, which was issued on July 16, 1997.

DATED: Honolulu, Hawaii, JUL 23 1997

DAVID Z. ARAKAWA
Corporation Counsel

By MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King St.  
Honolulu, HI 96813

Dear Mr. Sprague:

Issuance of Water Use Permit for Well Nos. 1902-03 & 04  
Punaloa Ground Water Management Area, Oahu

This letter transmits your water use permit for Honolulu STP 1 Well (Well No. 1902-03)  
for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis that was  
approved by the Commission on Water Resource Management (Commission) on March 15, 1995.  
Honolulu STP 2 Well (Well No. 1902-04) was administratively added to the water use permit as a  
backup source on December 8, 1993. We apologize for this late issuance of your official permit  
document.

Please be sure to read the conditions of your approved permit. If you accept these terms,  
please sign and return one copy of this permit to the Commission and retain a copy for your  
record.

Be advised that, pursuant to Hawaii Administrative Rule 13-168-7, you are required to keep a  
record of your monthly total pumpage, water level, salinity, and water temperature. This information  
must be submitted to the Commission on a regular monthly basis using the enclosed water use report  
forms. You should make copies of the enclosed report forms as needed.

Second, Hawaii Administrative Rule 13-13-171-42 requires you to submit a water shortage plan  
to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Punaloa Ground Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage  
from all sources. The Commission is required, by law, to formulate a plan to implement such area-  
wide reductions, which should accommodate, include, and be consistent with your plans. Therefore,  
your help, by submitting your water shortage plan, is greatly needed in formulating the Commission's  
overall Water Shortage Plan.

If you have any questions, please call the Commission staff at 587-0218.

Aloha,

[Signature]

MICHAEL D. WILSON  
Chairperson

Attachments
# GROUND WATER USE PERMIT

**WUP NO. 160**

### PERMITTEE

<table>
<thead>
<tr>
<th>Applicant/Water User</th>
<th>Landowner of Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address</strong></td>
<td><strong>Address</strong></td>
</tr>
<tr>
<td>DEPARTMENT OF WASTEWATER MANAGEMENT</td>
<td></td>
</tr>
<tr>
<td>690 S. KING ST.</td>
<td></td>
</tr>
<tr>
<td>HONOLULU, HI 96813</td>
<td></td>
</tr>
<tr>
<td>DEPARTMENT OF WASTEWATER MANAGEMENT</td>
<td></td>
</tr>
<tr>
<td>690 S. KING ST.</td>
<td></td>
</tr>
<tr>
<td>HONOLULU, HI 96813</td>
<td></td>
</tr>
</tbody>
</table>

### PERMITTED SOURCE INFORMATION

<table>
<thead>
<tr>
<th>Island</th>
<th>OAHU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>PUUOLA</td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>EWA CAPROCK</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>PUUOLA</td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>NA</td>
</tr>
<tr>
<td>Well Name</td>
<td>HONOLULU STP 1 &amp; 2</td>
</tr>
<tr>
<td>State Well No.</td>
<td>1902-03 &amp; 04</td>
</tr>
</tbody>
</table>

### PERMITTED USE INFORMATION

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>0.300 mgd</td>
</tr>
<tr>
<td>Chloride Cap</td>
<td>1,000 mg/l</td>
</tr>
<tr>
<td>Location of water use</td>
<td></td>
</tr>
<tr>
<td>TMK #</td>
<td>9-1-13-7</td>
</tr>
<tr>
<td>Address</td>
<td>91-1301 GEIGER RD.</td>
</tr>
<tr>
<td>State land use classification</td>
<td>NA</td>
</tr>
<tr>
<td>County zoning classification</td>
<td>NA</td>
</tr>
</tbody>
</table>

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decennial law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:

---

000134
GROUND WATER USE PERMIT
C&C DWWM, Well Nos. 1902-03 & 04, WUP No. 160

Page 2

GENERAL CONDITIONS

1. The water use authorized by the permit must be for the reasonable-beneficial use described in the permit.

2. The use must not interfere with any existing legal use of water.

3. Modification of any permit condition must be approved by the Commission.

4. The applicant must comply with all other applicable laws, rules, and ordinances.

ADDITIONAL CONDITIONS

1. The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Cape Fear Aquifer and establish courses of action to prevent the aquifer from becoming unsuitable for use. The applicant must comply with the approved plan.

2. An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.

3. The development of the ground water source shall be completed within 24 months from the date of permit issuance.

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: _______________________________ Date: __________________

Printed Name: _______________________________ Firm or Title: _______________________________

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.

Attachment
STATE OF HAWAII
COMMISSION ON WATER RESOURCE MANAGEMENT
DEPARTMENT OF LAND AND NATURAL RESOURCES

MONTHLY GROUND WATER USE REPORT
City and County of Honolulu, Dept. of Wastewater Management
650 S. King St.
Honolulu, Hawaii 96813

Month of ____________, 19__

RETURNED METER - Please verify that your meter is returned and meter gauge is in good condition. Meter gauge should be returned with each report.

Co. Name: Honouliuli STP 1 & 2

<table>
<thead>
<tr>
<th>1992-93 &amp; 04</th>
<th>Honouliuli STP 1 &amp; 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Flow meter, electrical consumption, weir of flume, not measured (estimated).
** Measurement should be taken while pump is NOT running just prior to a pumping cycle;
  if measurement is taken while pump is running, please indicate so.

Other comments or additional information (e.g. - date and method of chloride measurement; how pumpage amounts are estimated; etc...):

Submitted by (print) __________________________       Title __________________________

Signature __________________________       Date __________________________

Form mgwurf.fm (10/96)
# Monthly Ground Water Delivery Report

**Information to be used by U.S. Geological Survey**

City and County of Honolulu, Dept. of Wastewater Management
850 S. King St.
Honolulu, HI 96813

**Month of: [__]__**

**Instructions:** Please type or print clearly. Complete this form to report total monthly ground water use and other information from each of your wells. Mail to: Commission on Water Resource Management, P.O. Box 621, Honolulu HI 96806. For assistance, please call (808) 587-0294.

<table>
<thead>
<tr>
<th>AO: Agriculture</th>
<th>AO: Agriculture non-irrigation use (livestock, cane wash, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C: Commercial</td>
<td>D: Domestic</td>
</tr>
<tr>
<td>D: Drip</td>
<td>H: Hydroelectric power generation - Indicates KWH of power generated</td>
</tr>
<tr>
<td>F: Irrigation - F: Fuel power generation - cooling</td>
<td></td>
</tr>
<tr>
<td>F: Irrigation - F: Irrigation - Furrow</td>
<td></td>
</tr>
<tr>
<td>F: Irrigation - F: Irrigation - Seepage</td>
<td></td>
</tr>
</tbody>
</table>

* Use of water code:

**For estimated values use code:**

- P: Power consumption
- T: Total time of operation
- D: Comparison with past data
- X: Other means - (indicate method)

Other comments or additional information:

Submitted by (print) ___________________________  Title ___________________________

Signature ___________________________  Date ___________________________

Form mgwdf.fm (11/96)
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof was served upon the following by mailing the same, postage prepaid, on JUL 23 1997:

WILLIAM M. TAM, ESQ.
Deputy Attorney General
465 South King Street
Room 300
Honolulu, Hawaii 96813

Attorney for Appellee

MAILE R. CHUN
Deputy Corporation Counsel
July 17, 1997

VIA FACSIMILE AND U.S. MAIL

Mr. Michael D. Wilson, Chair
Ms. Rae M. Loui, Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Room 227
Honolulu, Hawaii 96813

Dear Chair Wilson and Ms. Loui:

Re: Notice of Action - Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04)
Puu Loa Ground Water Management Area, Oahu
Notice of Appeal

Pursuant to Rule 10 of the Hawaii Rules of Appellate Procedure, the City, as appellant in the above mentioned case, shall order from the reporter, the transcript of the proceedings held on May 14, 1997 (the regular meeting of the Commission on Water Resource Management, Agenda Item No. 5) in relation to the notice of violation and fine against the City.

Pursuant to Rule 11(b) of the Hawaii Rules of Appellate Procedure, upon receipt of an order for a transcript, the reporter shall acknowledge at the foot of the order the fact that he has received it and the date on which he expects to have the transcript completed and shall transmit the order, so endorsed, to the clerk of the Supreme Court. If the transcript cannot be completed within 30 days of receipt of the order, the reporter shall request an extension of time from the clerk of the Supreme Court before the expiration of the 30 days. A failure to make such a request by the reporter may result in a fine from the Supreme Court. Please review Rule 11 for additional duties and responsibilities.
Please bill the city for the cost of the transcript. If you have any questions or concerns, please call me at 527-5351. Thank you for your attention to this matter.

Very truly yours,

MAILE R. CHUN
Deputy Corporation Counsel

cc: Kenneth E. Sprague, Director
    Department of Wastewater Management
    Cheryl K. Okuma-Sepe, Deputy Director
    Department of Wastewater Management
DATE: JULY 17, 1997

TO: MR. MICHAEL D. WILSON, CHAIR
    MS. RAE M. LOUI, DEPUTY DIRECTOR
    COMMISSION ON WATER RESOURCE MANAGEMENT

ORGANIZATION/OFFICE: DEPARTMENT OF LAND AND NATURAL RESOURCES

FAX TELEPHONE: 587-0219

FROM: MAILE R. CHUN
      DEPUTY CORPORATION COUNSEL

TELEPHONE: 527-5351

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET: 3

IF YOU EXPERIENCE DIFFICULTY IN RECEIVING THIS TRANSMISSION, OR YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL EDEN AT (808) 527-5635.

MESSAGE:
July 17, 1997

VIA FACSIMILE AND U.S. MAIL

Mr. Michael D. Wilson, Chair
Ms. Rae M. Loui, Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Room 227
Honolulu, Hawaii 96813

Dear Chair Wilson and Ms. Loui:

Re: Notice of Action - Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04)
Puuloa Ground Water Management Area, Oahu
Notice of Appeal

Pursuant to Rule 10 of the Hawaii Rules of Appellate Procedure, the City, as appellant in the above mentioned case, shall order from the reporter, the transcript of the proceedings held on May 14, 1997 (the regular meeting of the Commission on Water Resource Management, Agenda Item No. 5) in relation to the notice of violation and fine against the City.

Pursuant to Rule 11(b) of the Hawaii Rules of Appellate Procedure, upon receipt of an order for a transcript, the reporter shall acknowledge at the foot of the order the fact that he has received it and the date on which he expects to have the transcript completed and shall transmit the order, so endorsed, to the clerk of the Supreme Court. If the transcript cannot be completed within 30 days of receipt of the order, the reporter shall request an extension of time from the clerk of the Supreme Court before the expiration of the 30 days. A failure to make such a request by the reporter may result in a fine from the Supreme Court. Please review Rule 11 for additional duties and responsibilities.
Mr. Michael D. Wilson, Chair  
Ms. Rae M. Loui, Deputy Director  
July 17, 1997  
Page 2

Please bill the city for the cost of the transcript. If you have any questions or concerns, please call me at 527-5351. Thank you for your attention to this matter.

Very truly yours,

MAILE R. CHUN  
Deputy Corporation Counsel

MRC:ey

cc: Kenneth E. Sprague, Director  
Department of Wastewater Management  
Cheryl K. Okuma-Sepe, Deputy Director  
Department of Wastewater Management
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, Plaintiff,

vs.

COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, Defendant.

CIVIL NO. 97-2779-07 (Declaratory Relief)
COMPLAINT; SUMMONS

Plaintiff KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu (hereinafter "Director"), by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, alleges a cause of action against the COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII (hereinafter "CWRM"), as follows:

[Document continues]
1. The City and County of Honolulu (hereinafter "City") is a municipality of the State of Hawaii.

2. The Department of Wastewater Management (hereinafter "WWM") is a governmental agency of the City.

3. The CWRM is a governmental agency of the State of Hawaii and was such a governmental agency at all times mentioned and relevant herein.

4. On or about December 11, 1991, two wells were constructed by WWM, the purpose of which was to pump non-potable water from the ewa caprock for use within its Honouliuli Wastewater Treatment Plant (hereinafter "Honouliuli WWTP") for in-plant processing. The two wells were constructed with the intent of being considered as one non-potable water system. The two wells would function as a system, where one well could function as the primary well and the second well could function as a backup, or both could operate simultaneously.

5. On or about November 17, 1989, CWRM received WWM's Application for Water Use Permit (Groundwater) (hereinafter "Water Use Permit Application"). Said Water Use Permit Application was for WWM's well system which was constructed on or about December 11, 1991, in the area then known as the Pearl Harbor Water Management Area (currently referred to as the Puuloa System) in order to draw caprock water. The Water Use Permit Application stated that it was for a "New Well."

6. The Water Use Permit Application requested an allocation of 500,000 gallons per day of caprock water.
7. On or about March 15, 1990, at its public meeting on the Water Use Permit Application, CWRM recommended approval of the issuance of a water use permit to the WWM to use 0.5 mgd of caprock water from Well No. 1902-03 for use within the Honouliuli WWTP, subject to certain conditions.

8. On or about March 15, 1990, during the CWRM meeting on the Water Use Permit Application, CWRM also amended the application to include the issuance of a well construction permit.

9. By letter dated March 26, 1990, William W. Paty, Chairperson of the Department of Land and Natural Resources, informed WWM that CWRM approved the Water Use Permit Application for Well No. 1902-03 at its meeting on March 15, 1990, and that the permit was being prepared and would be sent to the Attorney General’s Office for review prior to issuance to WWM.

10. To date, the WWM or the City have not received its Water Use Permit and Well Construction Permit.

11. The two wells were placed into operation on or about March 30, 1993. On or about April 13, 1993, the WWM accepted the installation of pumps for its two wells.

12. On or about July 13, 1993, CWRM verbally informed WWM that it is in violation because there is no pump installation permit for the two wells. WWM learns for the first time that CWRM requires a total of six permits for WWM’s two wells (two Water Use Permits, two Well Construction Permits, and two Pump Installation Permits).
13. Upon verbal instructions from CWRM, WWM submitted Monthly Ground Water Use Reports, the first of which was submitted on or about August 18, 1993. Each monthly submittal indicates the amount of non-potable water pumped for the month, chloride levels, and temperature.

14. On or about September 1, 1993, WWM requested that CWRM amend the approval of the Water Use Permit for Well No. 1902-03 to include the Pump Installation Permit. It was at this time that WWM also amended the application to include the second existing well. This second well was assigned the number 1902-04 by CWRM.

15. CWRM's minutes of December 8, 1993 indicated that CWRM approved a Water Use Permit for Well No. 1902-03 on March 15, 1990. These minutes also indicate CWRM approved the well construction permit on March 15, 1990 and noted that Well No. 1902-04, which was to serve as a backup well, was drilled without a permit.

16. On December 29, 1993, an after-the-fact Well Construction Permit was issued by CWRM to WWM for Well No. 1902-04, subject to conditions. CWRM notified WWM that it was in violation for drilling without a permit, and CWRM fined WWM $100.00. This amount was remitted to CWRM by the City on or about February 2, 1994. Also, the after-the-fact Well Construction Permit stated that the Water Use Permit for Well No. 1902-03 would be administratively amended to include Well No. 1902-04.

-4-
17. To date, the following summarizes the status of WWM's Permits and Applications to the best of its knowledge:

   a. A Water Use Permit for Well No. 1902-03 was approved March 15, 1990, and a Water Use Permit for Well No. 1902-04 was approved December 29, 1993; however, to date, WWM or the City have not received its permits.

   b. A Well Construction Permit for Well No. 1902-03 was approved March 15, 1990; however, the WWM or the City have not received this permit.

   c. An after-the-fact Well Construction Permit for Well No. 1902-04 was approved December 29, 1993 and said Permit was received by WWM on February 22, 1994.

   d. Pump Installation Permits for Well Nos. 1902-03 and 1902-04 were approved December 8, 1993; however, WWM has not received these permits.

18. To date, WWM has not been issued has never received Water Use Permits for its two wells. WWM assumes that said Permits would have set forth the specific conditions which the WWM and the City would be required to comply with, including the methodology by which a compliance determination would be made.

19. On or about June 20, 1996, CWRM sent WWM a Notice of Water Use Permit Violation, Well Nos. 1902-03 & 04 (WUP No. 160), regarding pumpage in excess of the .5 mgd allocation.

20. CWRM requested that WWM provide an explanation for the overpumpage and an estimate for the length of time that it would
need to come into compliance with the terms of the permit. CWRM requested a written response by July 15, 1996.

21. On or about July 18, 1996, WWM submitted a response to CWRM's letter of June 20, 1996 explaining major expansion and process changes that have increased WWM's demand for groundwater at the Honouliuli WWTP. WWM stated it would submit a request to CWRM for an additional 500,000 gallons per day to meet the plant's current water demands.

22. On or about July 30, 1996, CWRM responded to WWM's July 18, 1996 letter and enclosed a water use permit application form to be completed and returned to CWRM within thirty (30) days.

23. CWRM records do not indicate that a water use permit application was received from WWM for an additional 500,000 gallons per day.

24. On or about February 21, 1997, CWRM requested the following from WWM:

   a. WWM's response to CWRM's letter of July 30, 1996 requesting that WWM submit the water use permit application for the additional water use, as stated in WWM's July 18, 1996 letter.

   b. CWRM also requested that WWM provide an estimate for the length of time that it will need to come into compliance with the terms of its permit.
c. A water shortage plan for WUP No. 160 that outlines how water usage will be reduced in the event of a shortage.

d. WWM’s response to CWRM’s letter of January 12, 1997 review comments relating to WWM’s permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water.

25. On or about March 10, 1997, WWM responded to CWRM’s letter of February 21, 1997 and stated that as of October 4, 1996, WWM reduced its daily withdrawal to less than 0.5 mgd. WWM also stated that it will continue to withdraw less than 0.5 mgd, but given that the method of compliance determination incorporates a 12-month moving average method of calculation, WWM would remain non-compliant until October 1997. WWM stated that it could accelerate the time to comply with the 0.5 mgd by eliminating all well withdrawals and using potable water for its in-plant processes, but that that would be contradictory to the City’s intent of saving a valued resource.

26. CWRM’s 12-month moving average method of compliance is not supported by statute or regulations. Furthermore, CWRM has never informed WWM that compliance determination would be made utilizing this method.

27. On or about April 7, 1997, CWRM responded to WWM’s letter of March 10, 1997 stating that it understood that WWM is currently limiting pumpage at Well Nos. 1902-03 & 04 to 0.5 mgd
and expects to be in compliance with the 0.5 mgd allocation by October 1997. CWRM also stated that WWM need not accelerate the time to comply with its current allocation by using potable water for in-plant processes. CWRM agreed that non-potable water should be used for non-potable needs whenever possible. CWRM also stated that to date, it has not received the Water Use Permit Application for a water use permit modification for the additional 0.5 mgd. CWRM stated that if WWM wished to increase its usage of the wells, it should complete and return the water use permit application form.

28. On or about May 14, 1997, CWRM had a meeting taking up certain matters on the agenda. CWRM did not provide notice of CWRM's intention to address the alleged violation of WUP No. 160 and violated the provisions of Hawaii Revised Statutes (hereinafter "HRS") Chapter 92. The staff submittal indicates a finding that WWM is in violation of WUP No. 160 for exceeding the allocation limit, and an imposition of a fine of $500 per day for the overpumpage violation for the period beginning June 1996 to May 14, 1997 ($174,000). In the alternative, CWRM minutes indicate that WWM may adhere to milestones, to be worked out by CWRM staff in conjunction with WWM staff, to ensure R-1 availability by June 30, 1999. This is the first time WWM became aware of the levying of fines.

29. On or about June 5, 1997, CWRM sent a Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu, to the Director. Said
notice stated that this letter serves as WWM's official notice of action by CWRM on the overpumpage violation of WUP No. 160.

30. CWRM stated that by a unanimous vote of CWRM at its regular meeting of May 14, 1997, CWRM found WWM in violation of the water use permit for Well Nos. 1902-03, 04 for exceeding the allocation limit. CWRM stated that according to WWM's pumpage records WWM has been pumping ground water in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years.

31. CWRM imposed a fine of $500.00 per day for the overpumpage violation, for the period beginning in June 1996, the date on which CWRM believed WWM was first notified of the violation, to present. The total assessed fine was $174,000.00.

32. In the alternative, CWRM stated that WWM may adhere to milestones to ensure R-1 availability by June 30, 1999, which may be satisfied by submitting detailed construction plans, schedules, and market analysis showing that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999.

33. To date, WWM has never been issued or received Water Use Permits for its two wells and assumes that said permits would have set forth the conditions which WWM would be required to comply with, including the methodology by which a compliance determination would be made.
34. WWM alleges that the method of compliance determination which utilizes a 12-month moving average is in violation of HRS Chapter 91.

35. Furthermore, the documents and CWRM's actions relating to the approval of the issuance of the water use permits to WWM were ambiguous as to WWM's pumping limitation.

36. In a series of meetings, WWM was informed that a fine would not be levied on WWM, since WWM made a commitment to funding an integrated resource planning process.


38. Section 174C-12, HRS and Section 13-167-32 of the Rules of Practice and Procedure for the Commission on Water Resource Management provide for judicial review of an order of CWRM in accord with HRS Chapter 91.

WHEREFORE, Plaintiff respectfully petitions this Honorable Court:

1. Pursuant to the Court's powers under HRS Section 91-14(a), to declare that the Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu of the COMMISSION ON WATER RESOURCE MANAGEMENT, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, dated June 5, 1997, and received by Plaintiff on June 6, 1997, null and void;
2. Pursuant to the Court's powers under HRS Section 603-23, enjoin CWRM from levying penalties upon WWM for alleged violations of WUP No. 160;

3. Pursuant to this Court's powers under HRS Section 91-7, to declare that CWRM's procedures, actions and decisions were improper and illegal;

4. To declare that the decision made at the CWRM's meeting on May 14, 1997 is null and void as a matter of law pursuant to HRS Chapters 91 and/or 92;

5. Grant Plaintiff such other and further relief as may be just, equitable and proper.


DAVID Z. ARAKAWA  
Corporation Counsel

By

MAILE R. CHUN  
Deputy Corporation Counsel  
Attorneys for Appellant
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

KENNETH E. SPRAGUE, Director
of the Department of
Wastewater Management, City
and County of Honolulu,

Plaintiff,

vs.

COMMISSION ON WATER RESOURCE
MANAGEMENT, DEPARTMENT OF
LAND AND NATURAL RESOURCES,
STATE OF HAWAII,

Defendant.

CIVIL NO. (Declaratory Relief)
SUMMONS

SUMMONS

STATE OF HAWAII
To the above-named Defendant:

You are hereby summoned and required to serve upon David Z. Arakawa and Maile R. Chun, Plaintiff's attorneys, whose address is 530 South King Street, Room 110, Honolulu, Hawaii 96813, an answer to the Complaint which is herewith served upon you within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the general public, unless a judge of the above-entitled court permits, in writing on this summons, personal delivery during those hours.
A failure to obey this summons may result in an entry of default and default judgment against the disobeying person or party.

DATED: Honolulu, Hawaii, _________________________________.

N. ANAYA
CLERK OF THE ABOVE-ENTITLED COURT

-2-
The Commission on Water Resource Management

Kenneth E. Sprague, Director
of the Department of
Wastewater Management, City
and County of Honolulu,
Appellant,

vs.

Commission on Water Resource
Management, Department of
Land and Natural Resources,
State of Hawaii,
Appellee.

DIRECTOR OF THE DEPARTMENT OF WASTEWATER MANAGEMENT'S MOTION FOR RECONSIDERATION OF THE COMMISSION ON WATER RESOURCE MANAGEMENT'S FINAL DECISION IN ITS NOTICE OF ACTION, OVERPUMPAGE VIOLATION OF WUP NO. 160 (WELL NOS. 1902-03, 04), PUUOLA GROUND WATER MANAGEMENT AREA, OAHU, DATED JUNE 5, 1997; EXHIBIT A

Comes now Appellant KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu (hereinafter "WWM Director"), by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, and respectfully moves the COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL

Certificate of Service Attached
RESOURCES, STATE OF HAWAI'I (hereinafter "CWRM") to reconsider its final decision and order in its Notice of Action, Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04), Puuloa Ground Water Management Area, Oahu, dated June 5, 1997, a true and correct copy of which is attached hereto as Exhibit A.

The WWM Director is requesting that the CWRM reconsider its final decision and order based on the substantial injustice that would be placed on the Department of Wastewater Management (hereinafter "WWM") in this case.

WWM bases its motion on the following:

1. The 12-month moving average that CWRM employs to determine compliance with water use allocation has not been adopted by statute or by rule and, therefore, violates Chapter 91, Hawaii Revised Statutes (hereinafter "HRS").

2. HRS Section 174C-15 enables CWRM to impose a fine for each day that a violation occurs. On May 14, 1997, CWRM voted to assess WWM a fine of $500 per day for the period beginning June 20, 1996 to May 14, 1997. WWM asserts and the record of pumpage for WUP 160 confirms that WWM was in compliance with its allocation limits after October 4, 1996. WWM did not violate its allocation during the period October 5, 1996 to May 14, 1997, but yet CWRM assessed WWM a $500 fine for each of those days.

3. CWRM justifies its levy of a fine for the period October 5, 1996 to May 14, 1997 by way of the 12-month moving average. There is no authority for the 12-month moving average in the statute or the rules. This policy of CWRM has not been
adopted as a rule pursuant to HRS Chapter 91, and its application to the instant case is illegal and imposes a substantial injustice upon WWM.

4. The agenda for CWRM's May 14, 1997 meeting did not list CWRM's intent to address the alleged overpumping violation by WWM's pertaining to WUP No. 160. The improper notice was in violation of HRS Chapters 91 and/or 92.


DAVID Z. ARAKAWA
Corporation Counsel

By

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
Notice Of Action
Overpumpage Violation of WUP No.160 (Well Nos. 1902-03, 04)
Public Ground Water Management Area, Oahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the overpumpage violation of WUP No. 160.

By a unanimous vote of the Commission at its regular meeting of May 14, 1997, the Commission found the City and County of Honolulu, Department of Wastewater Management (DWM) in violation of the water use permit for Well Nos. 1902-03,04 (WUP No. 160) for exceeding the allocation limit.

According to pumping records provided by DWM, DWM has been pumping ground water from Well Nos. 1902-03,04 in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years (see Exhibit 1). By January 1996, DWM was pumping Well Nos. 1902-03,04 at about twice the amount authorized under WUP No. 160 (1.0 mgd pumped v. 0.5 mgd authorized).

The Commission also imposed a fine of $500 per day for the overpumpage violation, for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000).

In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by June 30, 1999. This alternative to paying the $174,000 fine may be satisfied by your submittal of detailed construction plans and schedule and market analysis that shows that the infrastructure, administration, and operations for R-1 delivery to users in the cupreek will be completed by June 30, 1999. The June 30, 1999 date coincides with DWM's latest estimate of R-1 availability.

In the event that you choose the alternative to paying the fine, please inform us within thirty (30) days of a reasonable timeframe for submittal of your construction plans and schedule. If you intend to pay the fine, please pay the fine within thirty (30) days.

If you have any questions, please contact Lenora Nakama at 587-0218.

Sincerely,

[Signature]
RAE M. LOUI
Deputy Director
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof was served upon the following by mailing the same, postage prepaid, on July 8, 1997:

WILLIAM M. TAM, ESQ.
Deputy Attorney General
465 South King Street
Room 300
Honolulu, Hawaii 96813

Attorney for Appellee

MAILE R. CHUN
Deputy Corporation Counsel
July 7, 1997

Mr. Michael D. Wilson, Chair
Ms. Rae M. Loui, Deputy Director
Commission on Water Resources Management
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Room 227
Honolulu, Hawaii 96813

Dear Chair Wilson and Ms. Loui:

Re: Notice of Action - Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu

Notice of Appeal

Pursuant to Hawaii Revised Statutes Section 91-14, Kenneth E. Sprague, Director of the Department of Wastewater Management, City and County of Honolulu, herein submits the enclosed Notice of Appeal; Exhibit A, appealing the Commission on Water Resources Management's decision dated June 5, 1997 and received by the Department of Wastewater Management on June 6, 1997.

If you have any questions, please feel free to contact me at 527-5351.

Very truly yours,

MAILLE R. CHUN
Deputy Corporation Counsel

MRC:ek
Enc.
cc: William M. Tam, Esq.
L-CWRM1.MRC

000106
Notice is hereby given that KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, Appellant above named (hereinafter "Appellant"), by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, City and County of Honolulu, appeals to the Supreme Court of the State of Hawaii from the final decision and order of the COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, DATED JUNE 5, 1997.)
STATE OF HAWAII in its Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu, dated June 5, 1997, a true and correct copy of which is attached hereto as Exhibit A.

This appeal is brought pursuant to Section 91-14 of the Hawaii Revised Statutes and Rules 3 and 4 of the Hawaii Rules of Appellate Procedure.


DAVID Z. ARAKAWA
Corporation Counsel

By

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
Notice Of Action
Overpumpage Violation of WUP No.160 (Well Nos. 1902-03, 04)
Punalu Ground Water Management Area, Oahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the overpumpage violation of WUP No. 160.

By a unanimous vote of the Commission at their regular meeting of May 14, 1997, the Commission found the City and County of Honolulu, Department of Wastewater Management (DWM) in violation of the water use permit for Well Nos. 1902-03,04 (WUP No. 160) for exceeding the allocation limit.

According to pumpage records provided by DWM, DWM has been pumping ground water from Well Nos. 1902-03,04 in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years (see Exhibit 1). By January, 1996, DWM was pumping Well Nos. 1902-03,04 at about twice the amount authorized under WUP No. 160 (1.0 mgd pumped v. 0.5 mgd authorized).

The Commission also imposed a fine of $500 per day for the overpumpage violation, for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000).

In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by June 30, 1999. This alternative to paying the $174,000 fine may be satisfied by your submittal of detailed construction plans and schedule and market analysis that shows that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999. The June 30, 1999 date coincides with DWM's latest estimate of R-1 availability.

In the event that you choose the alternative to paying a fine, please inform us within thirty (30) days of a reasonable timeframe for submittal of your construction plans and schedule. If you intend to pay the fine, please pay the fine within thirty (30) days.

If you have any questions, please contact Lenora Nakama at 587-0218.

Sincerely,

[Signature]
RAE M. LOUI
Deputy Director
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof was served upon the following by mailing the same, postage prepaid, on July 7, 1997:

WILLIAM M. TAM, ESQ.
Deputy Attorney General
465 South King Street
Room 300
Honolulu, Hawaii 96813
Attorney for Appellee

MAILE R. CHUN
Deputy Corporation Counsel
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King Street  
Honolulu, HI 96813  

Dear Mr. Sprague:  

Notice Of Action  
Overpumpage Violation of WUP No.160 (Well Nos. 1902-03, 04)  
Puuloa Ground Water Management Area, Oahu  

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the overpumpage violation of WUP No. 160.  

By a unanimous vote of the Commission at their regular meeting of May 14, 1997, the Commission found the City and County of Honolulu, Department of Wastewater Management (DWM) in violation of the water use permit for Well Nos. 1902-03,04 (WUP No. 160) for exceeding the allocation limit.  

According to pumpage records provided by DWM, DWM has been pumping ground water from Well Nos. 1902-03,04 in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years (see Exhibit 1). By January, 1996, DWM was pumping Well Nos. 1902-03,04 at about twice the amount authorized under WUP No. 160 (1.0 mgd pumped v. 0.5 mgd authorized).  

The Commission also imposed a fine of $500 per day for the overpumpage violation, for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000).  

In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by June 30, 1999. This alternative to paying the $174,000 fine may be satisfied by your submittal of detailed construction plans and schedule and market analysis that shows that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999. The June 30, 1999 date coincides with DWM's latest estimate of R-1 availability.  

In the event that you choose the alternative to paying a fine, please inform us within thirty (30) days of a reasonable timeframe for submittal of your construction plans and schedule. If you intend to pay the fine, please pay the fine within thirty (30) days.  

If you have any questions, please contact Lenore Nakama at 587-0218.  

Sincerely,  

[Signature]  
RAE M. LOUI  
Deputy Director  

LN:ss  
Attachment
STAFF SUBMITTAL

for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

May 14, 1997
Honolulu, Oahu

APPLICATIONS FOR WATER USE PERMITS
APPLICATIONS FOR WELL CONSTRUCTION/PUMP INSTALLATION PERMITS
Requests for New and Continued Nonpotable Urban Uses

ALLOCATION PLAN FOR WATER USE PERMITS
Ewa Caprock Ground Water Management Area, Oahu

APPLICANT(S):
(Well Nos. 1905-08,10)
The Estate of James Campbell
1001 Kamokila Blvd.
Kapolei, HI 96707

(Well Nos. 2003-04,07)
State of Hawai'i,
Housing Finance & Development Corp.
7 Waterfront Plaza, Suite 300
500 Ala Moana Blvd.
Honolulu, HI 96813

(Well Nos. 2003-01,02,05)
Kapolei People's Inc.
91-701 Farrington Hwy.
Kapolei, HI 96707

(Well Nos. 1900-02,17 to 20 & 1901-03)
Hawaii Prince Golf Club
91-1200 Fort Weaver Rd.
Ewa Beach, HI 96706

LANDOWNER(S):
Same

Same

Same

Same
LOCATION MAP: See Exhibit 1

BACKGROUND:

A brief description of the proposed uses and background information are provided in Exhibit 2. Please refer to the previous item on this agenda, which provides additional pertinent background information on the Ewa Caprock situation.

ANALYSIS/ISSUES:

PCUG NONPOTABLE WATER MASTER PLAN

The staff's comments regarding the latest Puuloa Caprock Users Group (PCUG) Nonpotable Water Master Plan, dated January 22, 1997, are shown in Exhibit 3. Given the numerous outstanding issues and questions regarding the latest draft plan, and the fact that it is unsigned by the group members, the staff is not recommending that the Commission adopt the draft plan as a complete package.
However, the efforts of the PCUG have provided valuable information to the Commission on the hydrology of the caprock aquifer (refer to previous agenda item), future nonpotable demands, reclaimed water supply, and users’ commitments to convert to reclaimed water. This has allowed the staff to develop a modified allocation and interim management plan for the Ewa Caprock Aquifer Systems (Exhibits 4 and 5). The objectives of the staff’s proposed interim management plan are to:

- Protect the water resource
- Protect existing uses
- Conform to the county’s land use plans for the area (ie. urbanization)
- Bring permitted uses more in line with actual uses
- Recognize the correlative rights of landowners

The details of the staff’s proposed interim management plan and implementation thereof is discussed in the following sections.

AGRICULTURAL PERMITTED USES, PUULOA AQUIFER SYSTEM

Agricultural uses account for 10.630 mgd of current permitted uses in Puuloa. These water use permits were originally approved for Oahu Sugar Company’s (OSCo) sugarcane agriculture, but have since been transferred to the respective landowners at the source locations. The current permitted users and allocations are shown in Exhibit 5 (Pre-1978 Permanent Permits).

With the exception of Haseko (Ewa), Inc. (Haseko), agricultural allocations have not been used since OSCo ceased operations. However, again with the exception of Haseko, agricultural permittees will not voluntarily relinquish any part of the allocations.

Haseko has indicated that, based on their agricultural acreage and projected demands, only 1.800 mgd of agricultural water is needed. Accordingly, the staff is recommending that the Commission reduce Haseko’s agricultural use permit (WUP No. 192) by 0.860 mgd.

Assuming that the Commission has adopted the recommendation on the previous agenda item to establish a 1,000 mg/l chloride cap for irrigation wells, the staff recommends that the Commission require agricultural permittees to conduct a new pump test to confirm that the sources can sustain withdrawals at the current permitted amounts with chlorides less than or equal to 1,000 mg/l.

The Department of the Navy (Navy) and The Estate of James Campbell (Campbell) have both indicated an inability to conduct a pump test due to the lack of power, that they have no immediate plans to use the well, yet neither have proposed any reasonable alternative pump test procedure.

On the other hand, Haseko has indicated their willingness to perform a pump test and has proposed a pump test procedure. The staff and Haseko are in the process of working out an acceptable pump test; the final pump test procedure will be designed to address the sustainable well capacity and provide additional hydrologic information on the caprock aquifer. The staff
Staff Submittal

May 14, 1997

recommends that the Commission delegate the authority to the Commission staff to approve the final pump test procedure. Further, the staff recommends that the Commission require all agricultural permittees to conduct a pump test, similar to Haseko's, prior to reactivation of the wells to establish the sustainable capacity of the individual well source in accordance with the interim management plan. Haseko's preliminary pump test procedure is shown in Exhibit 6.

Finally, the staff is planning to recommend that the Commission revoke water use permits due to four (4) years continuous nonuse, as provided for in §174C-58(4) HRS. The dates on which these permits may begin to be revoked, assuming no new agriculture occurs on the former sugarcane lands and amounts are based on the twelve-month moving average withdrawal (12-MAV), are shown in Table 1:

<table>
<thead>
<tr>
<th>Permittee</th>
<th>Well Name/No.</th>
<th>Permitted Use</th>
<th>4-yr Nonuse Begins</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>EP 21/2000-01</td>
<td>2.08</td>
<td>10/98</td>
</tr>
<tr>
<td>Haseko</td>
<td>EP 27/1902-01</td>
<td>2.66</td>
<td>10/98</td>
</tr>
<tr>
<td>Navy</td>
<td>EP 23/2001-01</td>
<td>5.89</td>
<td>9/97</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td><strong>10.63</strong></td>
<td></td>
</tr>
</tbody>
</table>

The Commission may wish to consider that the 4-year nonuse is based on the day usage stopped, rather than using the 12-MAV as has been done in the past. This would speed the revocation period, but would deviate from past revocation policy and would allow the 4-year period of nonuse to be more easily extended.

**APPLICATIONS FOR WATER USE PERMITS, PUUOLA AQUIFER SYSTEM**

Applications for water use permits in Puuola are summarized in Exhibit 5 (Expired Interim Permits (1-yr)). Recommended allocations, based on either projected or actual usages, are also shown. Issues relating to the proposed interim management plan are discussed below:

- **Request for Variance from 1,000 mg/l Chloride Cap**

  Hawaii Prince Golf Club (Hawaii Prince) has requested a variance from the 1,000 mg/l chloride cap for existing irrigation wells that currently exceed the standard. Hawaii Prince is planning to jointly develop a new well, Area 30 Well (Well No. 2001-12), with Gentry Investment Co. to be located in the Ewa by Gentry project. During daytime hours, well water will be delivered to the Hawaii Prince golf course for irrigation use. At night, the well will provide irrigation supply for roadways, multi-family parcels, parks, and other common areas in Ewa by Gentry.

  Because there is no other feasible alternative source of nonpotable water for the existing Hawaii Prince golf course at this time, the staff recommends that the Commission approve the variance until the new Area 30 Well comes on line.
Requests for Variance from Non-Renewal of Unused Interim Permits

Haseko and Gentry have requested variances from the staff’s proposed interim management plan (Exhibit 4), which recommends denial without prejudice for unused one-year interim permits.

Haseko received approval for a one-year interim water use permit for 1.5 mgd for Well No. 1902-01 for golf course and landscape irrigation and dust control in July, 1994. No water has been used under this permit to date.

Gentry received approval for a one-year interim water use permit for 0.130 mgd for Well No. 2002-15 for landscape irrigation surrounding their proposed golf course in January, 1995. No water has been used under this permit to date. However, Gentry has stated that, because of the delays in obtaining the required water allocation and well permit, water for the initial planting and dust control is being provided by a BWS hook-up to a fire hydrant. Water use has averaged over .125 mgd for the past year. Gentry has recently received zoning approval for the golf course and is requesting an increase in permitted use to bring the total allocation to 0.690 mgd for the golf course and landscape irrigation.

To support their requests, these applicants have provided golf course plans and specifications and other documentation to show that the need for golf course irrigation water is imminent. Gentry states that uncertainty regarding the water allocation is the only thing that is holding up their golf course development. Haseko has submitted a schedule for the permitting of their golf course which shows a possible need for water as early as January, 1998. The staff feels that, based on the information provided, the demands for golf course and other irrigation water appears imminent.

Gentry also received approval for a one-year interim permit for 0.022 mgd for Well No. 2001-10 for landscape irrigation. The well construction and testing was recently completed. The condominium project is under construction and the first units will be occupied in May, 1997. Water use will commence shortly thereafter.

Request for Variance from Domestic Consumption Guideline

Hawaii Prince has requested a variance from the 4,000 gpd/ac duty that the staff uses as a guideline for reasonable turf irrigation requirement (Domestic Consumption Guideline for Schools, Parks in Hawaii Water System Standards, 1985).

The recommended allocation for a new interim permit for Hawaii Prince (Exhibit 5) is derived from information provided by Hawaii Prince that supports an irrigation requirement for 4,700 gpd/ac for plant evapotranspiration based on rainfall and pan evaporation data, plus an additional 10% due to application inefficiencies because of the windy site, plus an additional 20% for leaching to avoid salt-buildup. The staff is not recommending approval for an additional 0.150 mgd requested by Hawaii Prince to offset evaporative losses from the 32-acres of open lake surfaces.
-Reclaimed Water

Reclaimed water is needed to address the current overallocation problem and for future nonpotable supply. The forecasted usage of nonpotable water by users in the Puuloa Aquifer System is at least 10 mgd by 2001, exceeding the recharge to the caprock aquifer.

The PCUG Plan indicates a commitment on the part of four (4) private users to utilize reclaimed water (Haseko, Gentry, Ewa Beach International Golf Club, and Hawaii Prince Golf Club). The 309 Consent Decree specifies a July 1, 1998 date for the reuse of 2.0 mgd, and these private users have indicated conversion to reclaimed water for specific amounts, totalling 1.0 mgd, by July, 1998.

However, we understand that the Department of Wastewater Management (DWM) is now looking towards a June 30, 1999 date for R-1 delivery. The PCUG plan shows a commitment by the private users to utilize 1.5 mgd by July, 1999. The staff recommends that the Commission attach a special condition to all water use permits approved for these users to sign a contract within 12 months with DWM to buy reclaimed water at the amounts specified in the PCUG plan for July, 1999. The schedule for reclaimed water may be reviewed at a later date as we get closer to the July 1, 1998 date for the first increment of reuse. A summary of the DWM Consent Order and Decree related to reuse and private users commitments are shown in Exhibit 7. If the Commission were to accept this extended period for reuse, it would also allow complete revocations of agricultural permits to be based on the 12-MAV, which has been the past policy of the Commission.

-Conditions for a Water Use Permit

Section 174C-49(a) of the State Water Code establishes seven (7) criteria that must be met to obtain a water use permit:

1. Can be accommodated with the available water source.

Again, assuming the Commission has approved the staff's recommendation in the previous agenda item regarding the establishment of sustainable capacities for individual irrigation wells at 1,000 mg/l of chloride, as determined through a pumping test, then the proposed uses can be accommodated with the available water source.

2. Is a reasonable-beneficial use as defined in section 174C-3.

Section 174C-3 HRS defines "reasonable-beneficial use" is

"...the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest".

The recommended allocations in Exhibit 5 are based on actual usage or projected demand using the Domestic Consumption Guideline (Hawaii Water System...
Standards, 1985). Where a variance from this guideline has been requested and is reflected in Exhibit 5, the applicant has provided sufficient and appropriate justification. Other reasonable-beneficial use criteria are analyzed in the following sections.

(3) Will not interfere with any existing legal use of water.

The limitations in pumpage, imposed by the duty used to estimate reasonable water use and the 1,000 mg/l chloride cap, should preclude interference with other existing legal uses. Many of these uses are ongoing, and no claim of interference has occurred as yet. Finally, Standard Condition 3 for water use permits provides for modification or revocation of the permit if any interference with other existing legal uses results.

(4) Is consistent with the public interest.

These reasonable-beneficial uses of brackish, nonpotable water for golf course, landscape, and other urban irrigation uses, where no adverse impacts to other existing legal uses will result, are deemed to be in the public interest.

(5) Is consistent with state and county general plans and land use designations.

These proposed uses are consistent with the state and county general plans and land use designations.

(6) Is consistent with county land use plans and policies.

These proposed uses are consistent with county land use plans and policies.

(7) Will not interfere with the rights of the department of Hawaiian home lands as provided in section 221 of the Hawaiian Homes Commission Act.

All permits are subject to the prior rights of Hawaiian home lands. The Department of Hawaiian Home Lands (DHHL) and the Office of Hawaiian Affairs have reviewed this application. No objections or concerns were raised.

- **Recommended Duration of New Interim Water Use Permits**

The recommended duration of any new interim water use permits is to October, 1998 (to coincide with complete revocation of the Navy's permit and beginning revocation of other unused agricultural permits) or until such time that a significant change in permitted, actual, or projected uses or water supply occurs. It also provides a milestone date to check on the progress of wastewater reuse, the availability of which is now scheduled for July, 1999.
• Chloride Sampling Protocol

Assuming the Commission has approved the staff’s recommendation in the previous agenda item regarding the establishment of sustainable capacities for individual irrigation wells at 1,000 mg/l of chloride, the staff recommends that the Commission condition all interim permits on weekly chloride sampling according the attached protocol (Exhibit 8). Weekly chloride measurements are desired for at least one (1) year so that the relation of water chemistry to the hydrology of the caprock may be better understood.

OTHER PERMITTED USES, PUUOLA AQUIFER SYSTEM

• Sogo Hawaii, Inc./Puuloa Homes, Ltd. dba Ewa Beach International Golf Club for Well Nos. 1900-21, 22 & 1959-08

Permanent permits have been approved for irrigation use for Ewa Beach International Golf Club for: 1) Well No. 1900-21 for 0.100 mgd and 2) Well Nos. 1900-22 & 1959-08 for 0.600 mgd.

A review of the pumpage data shows that actual pumpage at Well Nos. 1900-22 & 1959-08 has been consistently less than the 0.600 mgd allocation for the wells for about the last four (4) years (Exhibit 9). However, pumpage at Well No. 1900-21 is currently exceeding the 0.100 mgd allocation (Exhibit 10). We understand that all three (3) sources are located at the Ewa Beach International Golf Club (EBIGC) for the golf course irrigation supply.

In a letter dated April 7, 1997, we proposed that the allocations be combined under a single water use permit that would supersede the two (2) existing water use permits (WUP Nos. 170 and 367) to allow flexibility in pumping the wells and avoid overpumpage violations at Well No. 1900-21 in the future. We advised EBIGC that the staff would recommend that the Commission approve and issue a new interim permit for the three (3) sources, subject to the standard conditions and any special conditions that may be attached to caprock wells (EBIGC is a member of PCUG which has committed to conversion to R-1). If EBGIC would be amenable to this proposal, the staff would recommend that the Commission not pursue the current overpumpage at Well No. 1900-21 as a violation subject to fines.

We requested a written response to our April 7, 1997 letter in twenty (20) days, however, we understand that EBIGC is currently in the process of being sold, and our contact person, the golf course manager, has been terminated. The staff recommends deferring these issues to a later date when a new contact person can be identified. However, we will hold EBIGC to the water shortage plan that was previously submitted. (A water shortage plan for Puuola is discussed below).
DWM for Well Nos. 1902-03 & 04

Pumpage at the Honouliuli Wastewater Treatment Plant has exceeded the 0.500 mgd allocation for the wells since the beginning of 1995 (Exhibit 11). We understand that DWM is currently limiting pumpage to 0.5 mgd and expects to be in compliance with the allocation by October, 1997. A water use permit was never issued.

The staff recommends that the Commission find DWM in violation of WUP No. 160 for exceeding their allocation limit and establish a fine of $500 per day for the overpumpage violation beginning in June, 1996, the date on which DWM was first notified of the violation, to present. The cash fine would amount to $174,000. In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by June 30, 1999.

WATER SHORTAGE PLAN, PUULOA AQUIFER SYSTEM

The staff is also recommending that the Commission adopt a water shortage plan for the Puuloa Aquifer System. Administrative Rule 13-171-42 provides:

"(a) The commission shall formulate a plan for implementation during periods of water shortage. As a part of the plan, the commission shall adopt a reasonable system of permit classification according to source of water supply, method of extraction or diversion, use of water, or a combination thereof.

(b) In accordance with this chapter, the commission may impose such restrictions on one or more classes of permits as may be necessary to protect the water resources of the area from serious harm and to restore them to their previous condition.

(c) All permittees, unless exempted by the commission, shall submit a water shortage plan outlining how it will reduce its own water use in case of a shortage. Every water shortage plan shall be subject to approval or modification by the commission."

That staff proposes a permit classification system according to type of use. The highest priority of nonpotable use will be agriculture because the State's policy is to promote agriculture, and also because agricultural correlative uses are assured through the 1978 Constitutional Amendment. The second priority in water use is golf course irrigation because of the economic impacts that may result from inadequate water supply. The lowest priority in water use is landscape irrigation and dust control.

Although it is uncertain whether a water shortage could occur given the proposed 1,000 mg/l chloride caps on individual wells, the staff feels that the current situation in the caprock warrants a water shortage plan that can be implemented immediately in the event of unforeseen circumstances that may require area-wide cutbacks in pumpage.
The priorities assigned to each permitted use and the maximum reductions indicated in the individual users' water shortage plans are shown in the last two columns of Exhibit 5. Individual water shortage plans outline smaller initial cutbacks (i.e., 10% to 30%), however under the most severe shortage situations, Exhibit 5 shows the maximum reduction in Puuloa Aquifer System pumpage will be at least 3.718 mgd.

Water shortage plans were requested from all of the users in Puuloa, with the exception of USFWS. Some of the users have requested extensions (Navy, DWM). Others have not responded to our request (Gentry Homeowners Associations). The staff will continue to work with these users to come up with their individual plans. Submittal of water shortage plans are a condition of the water use permits. We appreciate the concessions made by the users who have submitted reasonable water shortage plans.

The staff recommends that the Commission delegate the authority to the Chairperson to approve or modify individual water shortage plans, pursuant to §13-171-42(c) HAR. For the Puuloa Aquifer System water shortage plan, the staff recommends that the Commission approve the proposed permit classification system and delegate the authority to the Chairperson to approve the regional water shortage plan.

APPLICATIONS FOR WELL CONSTRUCTION/PUMP INSTALLATION PERMITS, PUULOA AQUIFER SYSTEM

There are two (2) pending applications for well construction/pump installation permits in Puuloa:

- Gentry Golf Course Well (Well No. 2002-15)
- Gentry Keanui Area 30 Well (Well No. 2001-12)

In adopting the Hawaii Well Construction and Pump Installation Standards on January 23, 1997, the Commission also delegated the authority to the Chairperson to approve well construction and well modification permit applications statewide, unless the Chairperson determines that the matter should be decided by the Commission. However, because no sustainable yield was established for Puuloa and it appears to be overallocated, the staff is submitting these applications to the full Commission for approval.

In the event that the Commission approves the staff's proposed interim management plan, which provides for the establishment of chloride caps instead of a sustainable yield number, then future well construction permit applications may be approved administratively, prior to pump installation and water use permit approvals, which would require Commission action.
APPLICATIONS FOR WATER USE PERMITS, KAPOLEI AQUIFER SYSTEM

Exhibit 13 shows current total allocations in this system to be 2.946 mgd. Chlorides in this area are actually improving, which indicates that an overallocation situation does not exist in this area, unlike the Puuloa Aquifer System. Since a potential overallocation situation does not exist in this area, the staff recommends that the Commission approve the pending requests for new interim permits, as described in the applications and Exhibit 2, for the requested amounts:

Table 2. Summary of Water Use Permit Applications, Kapolei Aquifer System

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Well Name/No.</th>
<th>Recommended Allocation (mgd)</th>
<th>Proposed Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell Estate</td>
<td>Kapolei Irr (1905-08,10)</td>
<td>0.302</td>
<td>Landscape Irrigation</td>
</tr>
<tr>
<td>State HFDC</td>
<td>Kapolei Irr C-1,D (2003-04,07)</td>
<td>0.494</td>
<td>Dust Control, Irrigation</td>
</tr>
<tr>
<td>Kapolei People’s Inc.</td>
<td>Kapolei Irr A,B,E (2003-01,02,05)</td>
<td>1.000</td>
<td>Golf Course Irrigation</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section 174C-49(a) of the State Water Code establishes seven (7) criteria that must be met to obtain a water use permit:

1. Can be accommodated with the available water source.

Again, assuming the Commission has approved the staff’s recommendation in the previous agenda item regarding the establishment of sustainable capacities for individual irrigation wells at 1,000 mg/l of chloride, as determined through a pumping test, then the proposed uses can be accommodated with the available water source.

2. Is a reasonable-beneficial use as defined in section 174C-3.

Section 174C-3 HRS defines "reasonable-beneficial use" as "...the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest".

The recommended allocations in Table 2 are based on actual usage or projected demand using the Domestic Consumption Guideline (Hawaii Water System Standards, 1985). Where a variance from this guideline has been requested and is reflected in Exhibit 5, the applicant has provided sufficient and appropriate justification. Other reasonable-beneficial use criteria are analyzed in the following sections.
(3) Will not interfere with any existing legal use of water.

The limitations in pumpage, imposed by the duty used to estimate reasonable water use and the 1,000 mg/l chloride cap, should preclude interference with other existing legal uses. Many of these uses are ongoing, and no claim of interference has occurred as yet. Finally, Standard Condition 3 for water use permits provides for modification or revocation of the permit if any interference with other existing legal uses results.

(4) Is consistent with the public interest.

These reasonable-beneficial uses of brackish, nonpotable water for golf course, landscape, and other urban irrigation uses, where no adverse impacts to other existing legal uses will result, are deemed to be in the public interest.

(5) Is consistent with state and county general plans and land use designations.

These proposed uses are consistent with the state and county general plans and land use designations.

(6) Is consistent with county land use plans and policies.

These proposed uses are consistent with county land use plans and policies.

(7) Will not interfere with the rights of the department of Hawaiian home lands as provided in section 221 of the Hawaiian Homes Commission Act.

All permits are subject to the prior rights of Hawaiian home lands. The Department of Hawaiian Home Lands (DHHL) and the Office of Hawaiian Affairs have reviewed this application. No objections or concerns were raised.

RECOMMENDATIONS:

The staff recommends that the Commission:

1. Modify WUP No. 192 for Haseko (Ewa), Inc. by reducing the permitted use amount from 2.660 mgd to 1.800 mgd and by replacing the conditions of WUP No. 192 with the standard conditions shown in Attachment A, and the following special condition:

   a. Standard Condition 18 for interim water use permits shall not apply.

2. Require Haseko (Ewa), Inc. to conduct a pump test within one (1) month from the date of this submittal to confirm that the source can sustain withdrawals at the modified permitted amount without exceeding 1,000 mg/l of chloride.
a. Delegate the authority to the Commission staff to approve or modify the proposed pump test procedure.

3. Require The Estate of James Campbell to propose a pump test and conduct such test prior to reactivation of Well No. 2000-01 to confirm that the source can sustain withdrawals at the current permitted amount without exceeding 1,000 mg/l of chloride.

   a. Delegate the authority to the Commission staff to approve or modify the proposed pump test procedure.

4. Require the Department of Navy to propose a pump test, to be approved by the Commission staff, and conduct such test prior to reactivation of Well No. 2001-01 to confirm that the source can sustain withdrawals at the current permitted amount without exceeding 1,000 mg/l of chloride.

   a. Delegate the authority to the Commission staff to approve or modify the proposed pump test procedure.

5. Approve the issuance of interim permits for the Puuloa Aquifer System to the applicants listed above for the reasonable-beneficial uses and sources described in the applications for the Recommended Allocations shown in Exhibit 5, subject to the standard water use permit conditions in Attachment A and the following special conditions:

   a. The duration of the interim permits shall be to October, 1998 or until such time that a significant change in permitted, actual, or projected use or water supply occurs.

   b. Require adherence to the chloride sampling protocol shown in Exhibit 8 and the submittal of weekly chloride data.

   c. Require adherence to the Conservation Conditions shown in Exhibit 12.

   d. Require the following PCUG members to sign a contract within twelve (12) months with the City Department of Wastewater Management to buy reclaimed water by July 1, 1999 for the cumulative amounts specified in Exhibit 7 (Pro-Rata Share):

      1) Gentry Investment Co. - Commitment to use a total of 0.430 mgd of R-1 by July, 1999 for a corresponding reduction in allocation for Well No. 2002-15 and Well No. 2001-10.

      2) Haseko (Ewa), Inc. - Commitment to use a total of 0.40 mgd of R-1 by July, 1999 for a corresponding reduction in allocation for Well No. 1902-01.
3) Hawaii Prince Golf Club - Commitment to use a total of 0.40 mgd of R-1 by July, 1999 for a corresponding reduction in allocation for Well Nos. 1900-02, 17 to 20 & 1901-03.

4) Ewa Beach International Golf Club - Commitment to use a total of 0.27 mgd of R-1 by July, 1999 for a corresponding reduction in allocation for Well Nos. 1900-21,22 & 1959-08.

6. Find the Department of Wastewater Management in violation of WUP No. 160 for exceeding their allocation limit.

7. Impose a fine of $500 per day for the overpumpage violation in Recommendation 6 for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000). In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by June 30, 1999.

8. Approve a permit classification system for the Puuloa Aquifer System by type of use, with agriculture the highest priority use, followed by golf course irrigation, followed by landscape irrigation and dust control.

9. Delegate the authority to the Chairperson to approve individual water shortage plans and the regional water shortage plan for the Puuloa Aquifer System.

10. Approve well construction permits for the following wells, subject to the standard conditions shown in Attachment B, and any special conditions that may be required to ensure compliance with the Hawaii Well Construction and Pump Installation Standards (January 1997).

a. Gentry Golf Course Well (Well No. 2002-15)
b. Gentry Area 30 Well (Well No. 2001-12)

11. Approve the issuance of interim water use permits for the Kapolei Aquifer System to the applicants listed above for the reasonable-beneficial uses and sources described in the applications for requested quantities shown in Exhibit 2, subject to the standard water use permit conditions in Attachment A and the following special conditions:

a. The duration of the interim permits shall be to October, 1998 or until such time that a significant change in permitted, actual, or projected use or water supply occurs.

b. Require adherence to the chloride sampling protocol shown in Exhibit 8 and the submittal of weekly chloride data.
c. Require adherence to the Conservation Conditions shown in Exhibit 12.

Respectfully submitted,

[Signature]

RAE M. LOUI
Deputy Director

<table>
<thead>
<tr>
<th>Attachment(s):</th>
<th>Exhibit(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td>A (Standard Conditions for a Water Use Permit)</td>
<td>1 (Location Map)</td>
</tr>
<tr>
<td>B (Standard Conditions for a Well Construction Permit)</td>
<td>2 (Summary of Pending Water Use Permit Applications)</td>
</tr>
<tr>
<td></td>
<td>3 (CWRM Comments on January 22, 1997 PCUG Plan)</td>
</tr>
<tr>
<td></td>
<td>4 (Interim Management Plan)</td>
</tr>
<tr>
<td></td>
<td>5 (Allocation Plan)</td>
</tr>
<tr>
<td></td>
<td>6 (Preliminary Pump Test Procedure for Agricultural Wells)</td>
</tr>
<tr>
<td></td>
<td>7 (DWM Consent Order and Decree)</td>
</tr>
<tr>
<td></td>
<td>8 (Chloride Sampling Protocol)</td>
</tr>
<tr>
<td></td>
<td>9 (Graph of Pumpage for Well No. 1900-21)</td>
</tr>
<tr>
<td></td>
<td>10 (Graph of Pumpage for Well Nos. 1900-22 &amp; 1959-08)</td>
</tr>
<tr>
<td></td>
<td>11 (Graph of Pumpage for Well Nos. 102-03 &amp; 04)</td>
</tr>
<tr>
<td></td>
<td>12 (Conservation Conditions)</td>
</tr>
<tr>
<td></td>
<td>13 (Current Permitted Uses, Kapolei Aquifer System)</td>
</tr>
</tbody>
</table>
STANDARD WATER USE PERMIT CONDITIONS

1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

4. The ground water use here must not interfere with surface or other ground water rights or reservations.

5. The ground water use here must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and submittal, as amended, approved by the Commission at its May 14, 1997 meeting are incorporated into this permit by reference.

8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.

ATTACHMENT A
9. This permit may be modified by the Commission and the amount of water initially granted to the permittee may be reduced if the Commission determines it is necessary to:

a. protect the water sources (quantity or quality);
b. meet other legal obligations including other correlative rights;
c. insure adequate conservation measures;
d. require efficiency of water uses;
e. reserve water for future uses, provided that all legal existing uses of water as of June, 1987 shall be protected;
f. meet legal obligations to the Department of Hawaiian Home Lands, if applicable; or
g. carry out such other necessary and proper exercise of the State’s and the Commission’s police powers under law as may be required.

Prior to any reduction, the Commission shall give notice of its proposed action to the permittee and provide the permittee an opportunity to be heard.

10. If the ground water source does not presently exist, the new well shall be completed, i.e. able to withdraw water for the proposed use on a regular basis, within twenty-four (24) months from the date the water use permit is approved.

11. An approved flowmeter(s) must be installed to measure monthly withdrawals and a monthly record of withdrawals, salinity, temperature, and pumping times must be kept and reported to the Commission on Water Resource Management on forms provided by the Commission on a monthly basis (attached).

12. This permit shall be subject to the Commission’s periodic review of the Puuloa Aquifer System’s sustainable yield. The amount of water authorized by this permit may be reduced by the Commission if the sustainable yield of the Puuloa Aquifer System, or relevant modified aquifer(s), is reduced.

13. A permit may be transferred, in whole or in part, from the permittee to another, if:

a. The conditions of use of the permit, including, but not limited to, place, quantity, and purpose of the use, remain the same; and
b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a ground for revocation of the permit. A transfer which involves a change in any condition of the permit, including a change in use covered in HRS § 174C-57, is also invalid and constitutes a ground for revocation.

14. The use(s) authorized by law and by this permit do not constitute ownership rights.
15. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee’s water use.

16. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservation, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period of forfeiture.

17. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee’s water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the Puuloa Ground Water Management Area.

18. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-167-3(6). The final determination of the water use quantity shall be made within five years.

19. The water use permit shall be subject to the Commission’s establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.

20. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.
Standard Well Construction Permit Conditions

1. The Chairperson of the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work authorized by this permit commences.

2. The well construction permit shall be for construction and testing of the well only. A minimum one-inch diameter monitor tube shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels. The permittee shall coordinate with the Chairperson and conduct a pumping test in accordance with the attached Aquifer Pump Testing Procedure (attached). The permittee shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump and withdraw water for use. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson.

3. In basal ground water, the depth of the well may not exceed one-fourth (1/4) of the theoretical thickness (41 times initial head) of the basal ground water unless otherwise authorized by the Chairperson.

4. The permittee shall incorporate mitigation measures to prevent construction debris from entering the aquatic environment, to schedule work to avoid periods of high rainfall, and to revegetate any cleared areas as soon as possible.

5. In the event that subsurface cultural remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee shall stop work and contact the Department's Historic Preservation Division (587-0045) immediately.

6. The proposed well construction shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to construct the well shall not constitute a determination of correlative water rights.

7. The following shall be submitted to the Chairperson within sixty (60) days after completion of work:
   b. Elevation (referenced to mean sea level, msl) survey by a Hawaii-licensed surveyor.
   c. As-built sectional drawing of the well.
   d. Plot plan and map showing the exact location of the well.
   e. Complete pumping test records, including time, pumping rate, drawdown, chloride content, and other data.

8. The permittee shall comply with all applicable laws, rules, and ordinances, and non-compliance may be grounds for revocation of this permit.

Attachment B
9. The well construction permit application is incorporated into this permit by reference and is subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97).

10. The permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The work proposed in the well construction permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than three (3) months prior to the date the permit expires. If the commencement date is not met, the Commission may revoke the permit after giving the permittee notice of the proposed action and an opportunity to be heard.

11. If the well is not to be used it must be properly capped. If the well is to be abandoned then the permittee must apply for a well abandonment permit in accordance with §13-168-12(f) prior to any well sealing or plugging work.

12. Special conditions in the attached cover transmittal letter are incorporated herein by reference.
WELL COMPLETION REPORT

3/20/96 WCR Form

(Instructions: Please print or type and submit completed report within 30 days after well completion to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. An as-built drawing of the well and chemical analysis should also be submitted. For assistance call the Commission Regulation Branch at 587-0225, or 1-800-468-4644 Extension 70225.)

1. State Well No.: __________  Well Name: __________  Island: __________

2. Location/Address: __________  Tax Map Key: __________

PART I

WELL CONSTRUCTION REPORT

3. Drilling Company: __________

4. Name of driller who performed work: __________

5. Type of rig/construction: __________

6. Date(s) Well Construction and pump tests (if any) completed: __________

7. GROUND ELEVATION (referenced to mean sea level, msl): __________ ft.
   Well Bench Mark (description/location): __________ Elevation(msl): __________ ft.

8. DRILLER'S LOG: Please attach geologic log (if available or if required by permit)
   Depths (ft.)  Rock Description, Water Level, Dates, etc.
   __________ to __________
   __________ to __________
   (If more space is needed, continue on back)

9. Total depth of well below ground: __________ ft.

10. Hole size: __________ inch dia. from __________ ft. to __________ ft. below ground

11. Casing installed: __________ in. I.D. x __________ in. wall solid section to __________ ft. below ground

12. Annulus:
   Grouted from __________ ft. below ground to __________ ft. below ground
   Gravel packed from __________ ft. below ground to __________ ft. below ground

13. Initial water level: __________ ft. below ground. Date and time of measurement __________

14. Initial chloride: __________ ppm Date and time of sampling: __________

15. Initial temperature: __________ °F Date and time of measurement __________

16. PUMPING TESTS: Reference Point (R.P.) used: __________, which elevation is __________ ft.
   (1) Step-Drawdown Test Date __________
   Start water level __________ ft. below R.P.
   End water level __________ ft. below R.P.
   (2) Long-term Aquifer Test Date __________
   Start water level __________ ft. below R.P.
   End water level __________ ft. below R.P.

17. Aquifer Pump Test Procedures data & graphs (1/19/96 LTAT Form) attached? __ Yes __ No

18. As-built drawings attached? __ Yes __ No

19. Other remarks/comments: (On back of this form)

Well Drilling Contractor (print) __________ C-57 Lic. No. __________
Signature __________ Date __________

Surveyor (print) __________ Lic. No. __________
Signature __________ Date __________

Applicant (print) __________
Signature __________ Date __________
PART II. (PERMANENT) PUMP INSTALLATION REPORT

20. Pump Installation Company: ________________________________

21. Name of person performing work: ___________________________

22. Date Pump Installation Completed: __________________________

23. PUMP INSTALLATION:

Pump Type, Make, Serial No.: ________________________________ Capacity: __________ gpm
Motor type, H.P., Voltage, rpm: ________________________________
Depth of Pump Intake Setting __________ ft. below __________, which elevation is __________ ft.
Depth to bottom of airline __________ ft. below __________, which elevation is __________ ft.
Pumping Head is __________ ft. Type of flow meter: __________ which measures in: __________

24. As-built drawings attached? __ Yes __ No

25. Other remarks/comments: (See below)

Pump Installation Contractor (print) __________________________ C-57 Lic. No. __________
Signature __________________________ Date __________

Applicant (print) __________________________
Signature __________________________ Date __________

8.(cont'd) DRILLER'S LOG (cont'd):

Water Level Dates (ft.) Depth (ft.) Rock Description, Remarks, Water Level Dates (ft.) Depth (ft.) Rock Description, Remarks,

 to to __________________________ __________________________ __________________________ __________________________
 to to __________________________ __________________________ __________________________ __________________________
 to to __________________________ __________________________ __________________________ __________________________
 to to __________________________ __________________________ __________________________ __________________________
 to to __________________________ __________________________ __________________________ __________________________
 to to __________________________ __________________________ __________________________ __________________________

19. & 25. Remarks:

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________
EXHIBIT 1

EWA CAPROCK WELLS

Map Projection: Universal Transverse Mercator
WATER USE PERMIT APPLICATIONS

- **Palm Villas II AAOA**
  91-1119 Mikohu St., #D
  Ewa Beach, HI 96706
  Location ........................................ Ewa By Gentry
  Water Management Area ..................... Ewa Caprock
  Tax Map Key .................................... 9-1-61:27
  Well Name & No. ............................... Palm Villa II (2001-08)
  Aquifer System ............................... Ewa Caprock
  Request for new interim water use permit for landscape and roadway irrigation use at Palm Villas II, Ewa by Gentry development. Requested withdrawal, 0.048 mgd. (One-year interim water use permit expired July 12, 1995; CWRM extended duration of permit pending decision on request for new interim permit.)
  Date Completed Application Received: May 10, 1995
  CWRM Action Date: June 5, 1995
  Deferred.
  CWRM Action Date: March 13, 1996
  Deferred for approximately six months until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.
  CWRM Action Date: November 18, 1996
  Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.

- **The Arbors Homeowners Association**
  91-920 La'aulu St., #1G
  Ewa Beach, HI 96706
  Location ........................................ Ewa By Gentry
  Water Management Area ..................... Ewa Caprock
  Tax Map Key .................................... 9-1-61:32
  Well Name & No. ............................... Arbors (2001-07)
  Aquifer System ............................... Ewa Caprock
  Request for new interim water use permit for landscape and roadway irrigation use at The Arbors, Ewa by Gentry development. Requested withdrawal, 0.063 mgd. (One-year interim water use permit expired July 12, 1995; CWRM extended duration of permit pending decision on request for new interim permit.)
  Date Completed Application Received: May 22, 1995
  CWRM Action Date: June 5, 1995
  Deferred.
  CWRM Action Date: March 13, 1996
  Deferred for approximately six months until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.
  CWRM Action Date: December 18, 1996
  Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.

- **Palm Court Homeowners Association**
  91-1019 Puaniu St., #25R
  Ewa Beach, HI 96706
  Location ........................................ Ewa By Gentry
  Water Management Area ..................... Ewa Caprock
  Tax Map Key .................................... 9-1-61:32
  Well Name & No. ............................... Palm Court (2002-12)
  Aquifer System ............................... Ewa Caprock
  Request for new interim water use permit for landscape and roadway irrigation use at Palm Court, Ewa by Gentry development. Requested withdrawal, 0.066 mgd. (One-year interim water use permit expired July 12, 1995; CWRM extended duration of permit pending decision on request for new interim permit.)
  Date Completed Application Received: May 22, 1995
  CWRM Action Date: June 5, 1995
  Deferred.
  CWRM Action Date: March 13, 1996
  Deferred for approximately six months until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.
  CWRM Action Date: December 18, 1996
  Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.

- **The Estate of James Campbell**
  1001 Kamokila Blvd.
  Kapolei, HI 96707
  Location ........................................ City of Kapolei, Ewa Water Resources Area ..................... Ewa Caprock
  Tax Map Key .................................... 9-1-16:01
  Well Name & No. ............................... Kapolei Irr (1905-08,10)
  Aquifer System ............................... Ewa Caprock
  Request for new interim water use permit for nonpotable urban uses at the City of Kapolei Business Park and Kapolei Regional Park. Requested withdrawal, 0.302 mgd. (One-year interim water use permit expired July 12, 1995; CWRM extended duration of permit pending decision on request for new interim permit.)
  Date Completed Application Received: May 22, 1995
  CWRM Action Date: June 5, 1995
  Deferred.
  CWRM Action Date: March 13, 1996
  Deferred for approximately six months until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.
  CWRM Action Date: December 18, 1996
  Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.
Gentry Development Co.
P.O. Box 295
Honolulu, HI 96809

Location ........................................ Ewa By Gentry
Water Management Area .......................... Ewa Caprock
Tax Map Key ........................................ 9-1-61:7
Well Name & No. .................................. Sunrise Apts. (2001-04).
Aquifer System ..................................... Ewa Caprock

Request for new interim water use permit for landscape and roadway irrigation use at Sunrise Apts., Ewa By Gentry development. Requested withdrawal, 0.040 mgd. (One-year interim water use permit expired July 12, 1995; CWRM extended duration of permit pending decision on request for new interim permit.)

Date Completed Application Received: May 22, 1995
CWRM Action Date: July 5, 1995
Deferred.

CWRM Action Date: March 13, 1996
Deferred for approximately six months until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.

CWRM Action Date: December 18, 1996
Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.

Haseko (Ewa), S.
820 Mililani St., Ste. 810
Honolulu, HI 96813

Location ........................................ Ewa Marina
Water Management Area .......................... Ewa Caprock
Tax Map Key ........................................ 9-1-12:5
Well Name & No. .................................. Haseko Well No. 1 (1902-01)
Aquifer System ..................................... Ewa Caprock

Request for new interim water use permit for golf course, roadway, and maintenance irrigation and dust control at 9-1-12:5, 6.7. Requested withdrawal, 1.5 mgd. (One-year interim water use permit expired July 12, 1995; CWRM extended duration of permit pending decision on request for new interim permit.)

Date Completed Application Received: May 22, 1995
CWRM Action Date: July 5, 1995
Deferred.

CWRM Action Date: March 13, 1996
Deferred for approximately six months until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.

CWRM Action Date: December 18, 1996
Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.

Hawaii Prince Golf Club
91-1200 Ft. Weaver Rd.
Ewa Beach, HI 96706

Location ........................................ Hawaii Prince Golf Club
Water Management Area .......................... Ewa Caprock
Tax Map Key ........................................ 9-1-10:6
Well Name & No. .................................. EP 22 & Wells 1 to 5 (1900-02, 17 to 20 & 1901-03)
Aquifer System ..................................... Ewa Caprock

Request for new interim water use permit for irrigation use at Hawaii Prince Golf Club, Ewa, Oahu. Requested withdrawal, 0.50 mgd. (One-year interim water use permit expired July 12, 1995; CWRM extended duration of permit pending decision on request for new interim permit.)

Date Completed Application Received: May 22, 1995
CWRM Action Date: July 5, 1995
Deferred.

CWRM Action Date: March 13, 1996
Deferred for approximately six months until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.

CWRM Action Date: December 18, 1996
Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.

Gentry Development Co.
P.O. Box 295
Honolulu, HI 96809

Location ........................................ Ewa By Gentry
Water Management Area .......................... Ewa Caprock
Tax Map Key ........................................ 9-1-61:2
Well Name & No. .................................. Fort Weaver Apts. (2001-09)
Aquifer System ..................................... Ewa Caprock

Request for new interim water use permit for landscape and roadway irrigation use at Fort Weaver Apts., Ewa By Gentry development. Requested withdrawal, 0.0234 mgd. (One-year interim water use permit expired July 12, 1995; CWRM extended duration of permit pending decision on request for new interim permit.)

Date Completed Application Received: May 22, 1995
CWRM Action Date: July 5, 1995
Deferred.

CWRM Action Date: March 13, 1996
Deferred for approximately six months until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.

CWRM Action Date: December 18, 1996
Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.

Gentry Development Co.
P.O. Box 295
Honolulu, HI 96809

Location ........................................ Ewa By Gentry
Water Management Area .......................... Ewa Caprock
Tax Map Key ........................................ 9-1-61:2
Well Name & No. .................................. Area 24 (2001-10)
Aquifer System ..................................... Ewa Caprock

Request for new interim water use permit for landscape and roadway irrigation use at Area 24, Ewa By Gentry development. Requested withdrawal, 0.0221 mgd. (One-year interim water use permit expired July 12, 1995; CWRM extended duration of permit pending decision on request for new interim permit.)

Date Completed Application Received: May 22, 1995
CWRM Action Date: July 5, 1995
Deferred.

CWRM Action Date: March 13, 1996
Deferred for approximately six months until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.

CWRM Action Date: December 18, 1996
Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.

Gentry Development Co.
P.O. Box 295
Honolulu, HI 96809

Location ........................................ Ewa By Gentry
Water Management Area .......................... Ewa Caprock
Tax Map Key ........................................ 9-1-61:35
Well Name & No. .................................. Hawaii Prince Apts. (2001-05)
Aquifer System ..................................... Ewa Caprock

Request for new interim water use permit for irrigation use at Hawaii Prince Apts., Ewa, Oahu. Requested withdrawal, 0.50 mgd. (One-year interim water use permit expired July 12, 1995; CWRM extended duration of permit pending decision on request for new interim permit.)

Date Completed Application Received: May 22, 1995
CWRM Action Date: July 5, 1995
Deferred.

CWRM Action Date: March 13, 1996
Deferred for approximately six months until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.

CWRM Action Date: December 18, 1996
Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.

EXHIBIT 2 C000786
State Housing Finance and Development Corp.

7 Waterfront Plaza, Ste. 300
500 Ala Moana Blvd.
Honolulu, HI 96813

Kapolei Gentry Investment
State Housing Finance and
Nonpotable Water Master
of a sustainable yield estimate in the Water Resources and
Deferred pending a briefing on
Protection Plan.

Request for new interim water use permit for irrigation uses at
Villages of Kapolei and the Kapolei Golf Course. Requested
withdrawal, 0.494 mgd. (One-year interim water use permit
expired July 12, 1995; CWRM extended duration of permit
decision on request for new interim permit.)
Date Completed Application Received: May 23, 1995
CWRM Action Date: March 13, 1996
Deferred for approximately six months until a decision is made
on the possible establishment of a sustainable yield estimate in
the Water Resources and Protection Plan.

CWRM Action Date: December 18, 1996
Deferred pending a briefing on Puuloa Caprock Users Group
Nonpotable Water Master Plan.

Gentry Investment Properties
560 N. Nimitz Highway
Honolulu, HI 96817

Ewa By Gentry Association
91-1076 Poles St., #19A
Ewa Beach, HI, 96706

Location .......... Villages of Kapolei
Water Management Area .......... Ewa Caprock
Well Map Key .......... 9-1-16:25
Well Name & No. .......... Kapolei IRR A, B, C-1, D, E
(2003-04 & 07)
Aquifer System .......... Ewa Caprock

Request for new water use at TMK 9-1-16:25 for irrigation
supply for Kapolei Golf Course. Requested withdrawal, 1.000
mgd.
Date Completed Application Received: June 10, 1996
CWRM Action Date: August 14, 1996
Deferred until a decision is made on the possible establishment
of a sustainable yield estimate in the Water Resources and
Protection Plan.
CWRM Action Date: December 18, 1996
Deferred pending a briefing on Puuloa Caprock Users Group
Nonpotable Water Master Plan.

Kapolei People's, Inc.
91-701 Farrington Hwy.
Kapolei, HI 96707

Location .......... Kapolei Golf Course, Oahu
Water Management Area .......... Ewa Caprock
Tax Map Key .......... 9-1-16:25
Well Name & No. .......... Kapolei IRR A, B, &E (2003-01,02,05)
Aquifer System .......... Ewa Caprock

Request for new water use at TMK 9-1-16:25 for irrigation
supply for Kapolei Golf Course. Requested withdrawal, 1.000
mgd.
Date Completed Application Received: June 10, 1996
CWRM Action Date: August 14, 1996
Deferred until a decision is made on the possible establishment
of a sustainable yield estimate in the Water Resources and
Protection Plan.
CWRM Action Date: December 18, 1996
Deferred pending a briefing on Puuloa Caprock Users Group
Nonpotable Water Master Plan.

EXHIBIT 2 600075
TO: PCUG Members

FROM: Rae M. Loui, Deputy Director
Commission on Water Resource Management

SUBJECT: Comments on the Draft Puuloa Nonpotable Water Master Plan, January 22, 1997

Based on a preliminary review of the subject report, we have the following comments:

- Pg. 2, para 3 - refers to development projects which have immediate need but no specific project water needs. It would be helpful to list and quantify these unmet water needs.

- Pg. 4 - The list of PCUG members doesn't include the State, yet the signature page shows HFDC. On Table 1, only the State's Puuloa Mauka lands are represented, what about the rest of the State's interests in Puuloa?

- Pg. 5 - Users/potential users who are NOT part of PCUG include Ewa Villages, West Loch Golf Courses, and Campbell Estate but:

  How can PCUG commit to conversion of the City Golf Courses (1.8 mgd) by 7/99 (pg. 1) if the City golf courses aren't part of PCUG?

  How can the plan state that Table 1 is comprehensive in terms of demand projections if Campbell Estate, which owns considerable undeveloped lands, is not participating? How was the demand for Campbell lands estimated?

- Pg. 5 - What is the basis for excluding all Gentry wells & the USFWS from the commitment? What are they exempted from, the sharing in the cost of reclaimed water? We need a rational basis for the exemptions because other users may also want to be exempt. Pg. 28 states that 9 Gentry wells are excluded from the requirements of R-1 water delivery, but must comply & conform to all other requirements of the Master Plan. Then shouldn't these users be part of PCUG?

- Pg. 7, Exhibit B (well location), & Table 2 - the FGE & BC monitor well locations are described but not shown on map (exhibit 2).

- Pg. 21 - Was the Notice to Proceed issued in 12/96?

- Pg. 21 - If the capital costs for the R-1/R-2 facility upgrade will be financed through DWM's CIP, should this information be included as an appendix?
Memo to PCUG Members
Page 2  1997

- Pg. 19 - states small scale demonstration projects for both direct and indirect use will proceed, but the last sentence on pg. 22 states that a demonstration aquifer recharge will be "evaluated to serve as an alternative to the R-1/R-2 facility".

- Pg. 26, 3rd paragraph - A correct statement would be that "the CWRM has indicated that a commitment to reclaimed water is the only means by which the over-allocation problem may be resolved, short of ratcheting back allocations in the caprock".

- Pg. 27, 2nd table:
Which Gentry wells will be converting to R-1 (so we can specify the duration of these interim permits to coincide with the availability of R-1 water)?

Gentry shows a commitment to convert to 0.72 mgd by 2001, yet Table 1 shows 2001: projected need for 1.6 mgd; does this mean that the difference, 0.88 mgd (an increase of 0.278 mgd over current allocation) will be supplied from the caprock? from which wells?

Haseko shows commitment to convert to 0.80 mgd by 2001, while Table 1 shows an ultimate demand for 2.0 mgd in the caprock, does that mean that 2.96 mgd (4.16 - 1.2) can be revoked in 2001? and 2.16 can be revoked immediately?

For HPGC & EBIGC, is it reasonable to use this table as a schedule for caprock allocation reductions? Which EBIGC allocation to reduce?

- Pg. 28, 2nd paragraph - How will Gentry manage transfers in the future if the Homeowners Associations are not part of this plan or group? Also, are commitments permanent or temporary?

- Pg. 28, 3rd paragraph - We have concerns regarding this disclaimer, which holds the City to the financing and construction schedule.

- Pg. 28, B. - "commits" the City Golf Courses to using R-1 in 2000-2001, but pg. 5 stated that the City Golf Courses are not part of PCUG.

- Pg. 29, Table:

There is a discrepancy in the City golf course conversion: pg. 1 states both courses will convert (1.8 mgd) by 7/99; but the table on pg. 29 shows only 1.5 mgd conversion by 7/99 (is this 1.0 for WWTP and only 0.5 for golf courses?)

Also, the total City usage is 2.8 mgd (1.0 for WWTP & 1.8 for courses), yet there is only a commitment for 2.0 mgd.

- Pg. 29, Navy lands:

BPNAS is still in negotiations. If they commit to 0.7 mgd R-1, then a statement to the effect that the allocation for Barbers Pt. shaft be reduced by 0.7 mgd should also amend this plan.

Since Solenberger's lease went through, does this mean the Navy's Ag lands won't be using any reclaimed water?

EXHIBIT 3
Memo to PCUG Members

Page 3

FEB 12 1997

USFWS exemption is further clarified, ie, no commitment to R-1 delivery, but what about
cost-sharing for the recharged caprock aquifer? Also, if water needs are NOT salinity
dependant can the USFWS use west loch ocean water or modify the existing caprock
source to lessen impact on brackish lens?

- Pg. 30, para 3 - What does 'all caprock users' mean for those sharing in the reclaimed
water cost - non-PCUG members too? Future caprock users?

- Pg. 32 para. 5 - It should be made clear that managing at the well head (ie, pumped
water from caprock alone) is subject to any standard chloride limit and NOT some mix
of caprock water and reclaimed water.

- Pg. 33 - There is still no clear resolution of the over-allocation. The plan suggests that
the CWRM must continually juggle (via written agreements?) the 15 mgd permitted use
with individual users actual needs. We find this proposal to be unduly burdensome. In
addition, we are concerned that the current group members may change over time.

- Pg. 34 - states "all nonpotable users in the Puuolos sector" (whether they are part of
PCUG or not?) shall contribute to the balance of the development cost if the total
development cost of the R-1 effluent pipeline distribution system exceeds available
Consent Decree funds. Are nonmembers of PCUG, the Navy (pg. 36), Gentry
Homeowners, and USFS exempt from this provision also?

- Pg. 34 - Gentry plans to increase usage by 1 mgd in two years, but given their past
record (actual use is only 0.3 mgd), is it possible to juggle Gentry's current allocations
(0.602 mgd) to cover the next 2 years? We reiterate listing projects which do not have
necessary water use permits.

- Pg. 35 - The agreements not to pump will have to specify no pumpage until re-use
replaces caprock allocations.

- Pg. 36 - Didn't Solenberger's lease go through? If so, the plan needs to be amended
already (proposing a 7 mgd pumping limit?).

- Pg. 37 - The allocation plan (Table 8) is only looking to ending of 1998. There is still
no clear resolution of the over-allocation situation.

- Pg. 39 - Has Campbell agreed to the phasing out of it's agricultural allocation?

- Doesn't look like the 309 consent decree will be met.

- City signature - who is ultimately responsible, the mayor?

- Need to clarify Gentry's option to purchase Campbell land.

EXHIBIT 3
State of Hawaii,
Department of Land and Natural Resources
COMMISSION ON WATER RESOURCE MANAGEMENT

May 14, 1997
EWA CAPROCK INTERIM MANAGEMENT PLAN

1. Reclaimed water is the only way to address the overallocation problem. In addition, reclaimed water must supply some future needs since the forecasted usage of可用的水 by users in the Puuoloa Aquifer System will be at least 10 mgd by 2001, exceeding the caprock availability. We assume that there is a commitment by the users to utilize reclaimed water to meet some of these needs. We are also assuming 2.0 mgd of R-1 will come in to supplement the caprock by July 1, 1998, and 4.0 mgd by July 1, 1999. The situation will be reevaluated at that time.

2. Boundaries for three aquifer systems will be adopted.

3. Instead of a sustainable yield number, protection and management of caprock water quality will be by chloride standards for individual wells based on pump test or historic data.

4. Applicants for new usage can apply for well construction permits first. Based on the pump test, set the pump size and chloride cap and check reasonable-beneficial quantity. The Pump Installation and Water Use Permits can be applied for after that.

5. Agricultural permit holders will be asked to provide information on remaining agricultural acreage and to conduct a pump test according to a protocol established by the Commission.

6. Permit amounts for four years of non-use will be revoked.

7. Unused one-year interim Water Use Permits will not be renewed. Applicants can reapply when the usage is imminent.

8. Permits will be issued for remaining one-year interim Water Use Permits for a term to expire upon completion of the R-1 facility in July 1998 or soon thereafter. A condition of the permits will be that Gentry, Haseko, HPGC, and EBHGC negotiate and enter into further definite agreements regarding the purchase of reclaimed water according to the table on page 27 of the PCUG Report.

9. The Commission will formulate a water shortage plan for implementation during periods of water shortage. The plan will be prepared by aquifer system and propose restrictions on one or more classes of permits.

10. The City WWM will provide to the Commission, as a means to track the progress of the R-1 facility, the quarterly reports that are submitted to the Dept. of Health.
## Allocation Plan, Ewa Caprock Ground Water Management Area, Pualoa

### User | Well Name/No. | Use | Current Allocation | Recommended Allocation | Basis | Water Shortage Plan | Priority | Reduction
|--------|---------------|-----|-------------------|------------------------|-------|-------------------|----------|--------
| **Pre-1978 Permanent Permits** | | | | | | | | |
| Campbell | EP 21/2000-01 | Ag | 2.080 | 2.080 | Existing Use | 1 | 1.040 |
| Haseko | EP 27/1902-01 | Ag | 2.660 | 1.800 | Ag acreage | 1 | 0.900 |
| Navy | EP 23/2001-01 | Ag | 5.890 | 5.890 | Existing Use | 1 | NA |
| Hawaii Prince | EP 22,Wells 1 to 5/1900-02,17 to 20,1901-03 | G.Course | 0.900 | 0.900 | Actual Use | 2 | 0.450 |
| Sogo Hawaii (EBIGC) | Puuloa GC Irr/1900-21 | G.Course | 0.100 | 0.700 | Actual Use | 2 | 0.050 |
| Puuloa Homes (EBIGC) | Dug Wells A&B/1900-22,1959-08 | G.Course | 0.600 | 0.700 | Actual Use | 2 | 0.300 |
| C&C DWWMM | STP 1&2/1902-03,04 | Industrial | 0.500 | 0.500 | Actual Use | 2 | NA |
| Gentry | Ewa Gentry/2001-02 | Landscape | 0.080 | 0.400 | Projected | 3 | 0.020 |
| Palm Villa I Assoc. | Palm Villa I/2001-06 | Landscape | 0.080 | 0.400 | Actual Use | 3 | NA |
| **Post-1978 Permanent Permits** | | | | | | | | |
| **Interim Permits (5-yr)** | | | | | | | | |
| USFWS | Honolulu/2101-14 | Wildlife Sanctuary | 0.216 | 0.216 | Actual Use | NA | NA |
| **Expired Interim Permits (1-yr)** | | | | | | | | |
| Hawaii Prince | EP 22,Wells 1 to 5/1900-02,17 to 20,1901-03 | G.Course | 0.129 | 0.151 | Projected | 2 | 0.076 |
| Haseko | EP 27/1902-01 | G.Course | 1.080 | 1.080 | Projected | 2 | 0.450 |
| C&C Parks & Rec | Geiger Park/2001-05 | Landscape | 0.030 | 0.030 | Actual Use | 3 | 0.011 |
| Gentry | Sunrise Apt./2001-04 | Landscape | 0.040 | 0.040 | Actual Use | 3 | 0.020 |
| Gentry | Soda Creek III/2001-06 | Landscape | 0.020 | 0.020 | Actual Use | 3 | 0.033 |
| Arbors Assoc. | Arbors/2001-07 | Landscape | 0.063 | 0.063 | Actual Use | 3 | NA |
| Palm Villa II Assoc. | Palm Villa II/2001-08 | Landscape | 0.048 | 0.048 | Actual Use | 3 | NA |
| Gentry | Fort Weaver Apt./2001-09 | Landscape | 0.023 | 0.023 | Actual Use | 3 | 0.012 |
| Gentry | Area 24/2001-10 | Landscape | 0.022 | 0.022 | Projected | 3 | 0.011 |
| Palm Court Assoc. | Palm Court 3/2002-12 | Landscape | 0.066 | 0.040 | Actual Use | 3 | NA |
| Gentry | Gentry G.C./2002-15 | G.Course | 0.130 | 0.400 | Projected | 2 | 0.345 |
| **TOTALS** | | | 15.177 | 14.879 | | | | 3.718 |

1. Highest priority (Ag)
2. Intermediate priority (G. Course)
3. Lowest priority (Landscape Irr. dust control)

Maximum reduction indicated in water shortage plan.
HASEKO (Ewa), Inc.

PROPOSED EP-27 PRODUCTION WELL PUMPING TEST PROCEDURE

General

The objectives of the pumping test are to measure aquifer water level response to pumping from EP-27 at a rate of 2.66 mgd (1,850 gpm) and to assess the effect, if any, of this pumping on chloride concentrations in the discharge water.

A constant rate test will be conducted at a pumping rate of at least 2.66 mgd (1,850 gpm) from EP-27. EP-28 and EP-29 will be idle during the entire duration of the test. Because this is an existing system, a step-drawdown test is not necessary to determine an appropriate constant rate test pumping rate. The proposed constant rate pumping test procedures are generally consistent with Hawaii standards for production well pump tests.

Pre-Pump Test Monitoring

For a period of one day prior to the start of the pumping test, well EP-27 (and EP-29 and EP-29) will remain idle. During this period, water level in the pool from which EP-27 pumps will be measured at maximum 15 minute intervals.

A dedicated pressure transducer with data recorder to take measurements at pre-defined intervals will be in place at EP-27. Manual measurements will also be made during the course of the test to confirm transducer readings.

Pumping Rate and Duration

Well EP-27 will be pumped continuously at a rate of 1,850 gpm for a period of 96 hours. The rate of pumping will be recorded and the pumping rate will be maintained to within 30 gpm of the target rate.

The pump will discharge water into the existing irrigation distribution piping from which the water will be spread on the current agricultural acreage of the Ewa Marina property. Some water may also be discharged to Kaloi Gulch.

Water Level Measurements

Water level measurements will be taken at intervals not to exceed the schedule below. The data recorder may be set to take measurements at more frequent intervals during test setup.

- 10 minute intervals during the first 2 hours of pumping
- 1 hour intervals up to 24 hours
• 2 hour intervals up to 96 hours

Temperature and Salinity Measurements

Temperature measurements and salinity samples will be taken from the pump discharge 2 times during each day of the test. A one-pint (approximately) plastic bottle will be used for the salinity sample. The bottle will be rinsed with pump discharge water 3 times prior to sample collection.

Post-Pump Test (Recovery) Monitoring

After termination of pumping, the water level will be read at 10 minute (maximum) intervals for an additional 24 hours.

Report

A pumping test report will be prepared documenting measurements of pumping rates, water levels, temperature, and salinity. The report will also assess the impact of pumping on salinity based on salinity measurements made during the test and water level measurements which will indicate the potential or lack of potential for upconing of salt water to the well.
DWM Consent Order & Decree

Consent Order (89-CW-EOW-6) with Dept. of Health to design and construct a 13 mgd capacity secondary treatment facility, with the option to treat to R-2 or R-1 quality; higher quality water would be made available to interested users, provided such a market existed. If no market, then DOH will allow the secondary treated R-3 water to be discharged through the ocean outfall.

309 Consent Decree (Civ. No. 94-00765DAE) settlement with USEPA and DOH to implement a reuse program with agreed-upon time schedule and associated volumes. The city is to continue 10 mgd of reuse until July 1, 2011.

309 CONSENT DECREE

<table>
<thead>
<tr>
<th>Implementation Date</th>
<th>Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1, 1998</td>
<td>2.0</td>
</tr>
<tr>
<td>June 30, 1999</td>
<td>5.0</td>
</tr>
<tr>
<td>July 1, 2001</td>
<td>10.0</td>
</tr>
</tbody>
</table>

R-1 SUPPLY AND DEMAND SCHEDULE

<table>
<thead>
<tr>
<th>Date</th>
<th>R-1 Supply Available</th>
<th>City Commitment to Use R-1</th>
<th>Private Sector Commitment to Use R-1</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>User</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Gentry</td>
</tr>
<tr>
<td>September 1998</td>
<td>2.0</td>
<td>1.0</td>
<td>Haseko</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>HPGC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EBIGC</td>
</tr>
<tr>
<td>September 1999</td>
<td>4.0</td>
<td>1.5</td>
<td>Gentry</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Haseko</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>HPGC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EBIGC</td>
</tr>
<tr>
<td>September 2000</td>
<td>6.5</td>
<td>2.0</td>
<td>Gentry</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Haseko</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>HPGC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EBIGC</td>
</tr>
<tr>
<td>September 2001</td>
<td>8.5</td>
<td>2.5</td>
<td>Gentry</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Haseko</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>HPGC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EBIGC</td>
</tr>
</tbody>
</table>

1 Honolulu STP (1.0 mgd), Ewa Villages G.C. and West Loch G.C. (1.8 mgd): City to convert all three uses to R-1.

2 Commitments by Private Sector users are based on their respective pro-rata shares of the members' total projected nonpotable water demand.

EXHIBIT 7 000667
GUIDELINES FOR CHLORIDE CONCENTRATION SAMPLING FOR EVA CAPROCK

1. Sample Collection

   • Sampling Schedule

   The sampling schedule depends upon your pump capacity; it also can be read off the attached table for your well casing diameter and your pump capacity. If you sample 20 minutes after the minimum time, you should consistently sample 20 minutes after the minimum time each time you take samples.

   • When to Sample

   Before taking a sample, allow a minimum length of time to elapse after turning on the pump. This minimum time can be read off the attached table for your well casing diameter and your pump capacity. If you sample 20 minutes after the minimum time, you should consistently sample 20 minutes after the minimum time each time you take samples.

   • Sample Bottle

   Use a plastic container and a cap that holds a volume of about a pint. Rinse the container three times with the water to be sampled before taking the sample. Also rinse the cap with sample water.

   • Labeling

   On the sample bottle, affix a label that contains the following information:

   - Well No.
   - Date
   - Time Sampled
   - Elapsed Time after pump on
   - Sampler's Name
   - Water Temperature (if available)
   - Pumping Rate (prior to sampling)

   EXHIBIT 8
2. Determination of Chloride Concentration

- Private Laboratories

If the sample is sent to a private laboratory, then prepare the water sample and label the bottle in the manner described above.

Private laboratories will use methods that are more accurate than field methods described below.

- Hach Kit (Drop Count Titrator)

Be aware of the approximate chloride concentration range in your well. Use the appropriate sample bottle for titration. Be consistent with the end-point color change.

For low chloride concentrations (5-100 mg/l) each drop will equal 5 mg/l. For higher concentrations (20-400 mg/l), each drop equals 20 mg/l. Other kits for concentrations greater than 400 mg/l (500-10,000 mg/l) each drop is equal to 500 mg/l. Obviously, for water greater than 400 mg/l, a "drop-count" Hach Kit is not appropriate, and a digital titrator, described below, should be used.

- Hach Kit (Digital Titrator)

A digital titrator is the appropriate method for water with greater than 400 mg/l chloride. A digital titrator using silver nitrate is accurate to within 10 mg/l for a chloride range from 10-10,000 mg/l, and for a titrator using mercuric nitrate accuracy varies from 0.1-20 mg/l for a chloride range of 10-8,000 mg/l.

Note: Be consistent with the end-point color. Silver nitrate ages and needs to be replenished within the recommended guidelines of the Hach Company.

- Other Methods

An ion-selective probe for chloride is available, and can measure concentration from 1.8-35,500 mg/l.
3. Reporting Results

• How to Report

The following information should be entered on the "Monthly Ground Water Use Report" form provided by the Commission on Water Resource Management:

1. Chloride concentration (mg/l) and temperature (°F) in the columns provided.

Under "Notes" Section of the Monthly Water Use Report:

2. Method used for chloride analysis.

3. Total elapsed time before sampling.

If there are any questions, please call the Commission on Water Resource Management staff at 587-0265 on Oahu or toll free from the neighbor islands 1-800-468-4644, ext. 70265.
## Five Well Volumes plus 60 Minutes Minimum Time Before Chloride Sampling

<table>
<thead>
<tr>
<th>casing diameter (in.)</th>
<th>pump capacity (gpm)</th>
<th>minimum time (min.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>10-20</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>110</td>
</tr>
<tr>
<td>8</td>
<td>10-20</td>
<td>190</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>125</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>85</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>&gt;250</td>
<td>75</td>
</tr>
<tr>
<td>12</td>
<td>10-20</td>
<td>360</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>210</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>68</td>
</tr>
<tr>
<td>16</td>
<td>10-20</td>
<td>560</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>310</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>160</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>110</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>70</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>65</td>
</tr>
<tr>
<td>20</td>
<td>50-100</td>
<td>220</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>95</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>72</td>
</tr>
</tbody>
</table>

1 Assumes saturated well depth of 100 feet.

2 Five well volumes is a standard guideline recommended by EPA.
EWA BEACH INT. GC (SOGO) PUMPAGE
DUG WELLS (WELL# 1959-08, 1900-22)

EXHIBIT 9
EWA BEACH INT GC (SOGO) PUMPAGE
PUULOA GC IRR (WELL NO. 1900-21)
Honouliuli WWTP Groundwater Withdrawal
Well Nos. 1902-03,04

(monthly withdrawal) 12 MAV  permitted withdrawal

(date (latest data 10/96)
1. The permittee shall adopt self-administered water conservation programs and plans with collective monitoring to protect and maintain the caprock resource. Water conservation programs and plans shall be submitted to the Commission within 60 days from the date of Commission approval.

2. Water conservation programs and plans shall address (as applicable) but not be limited to the following:

   a. Reduce the demand for non-potable water by:
      
      • Identifying and utilizing water efficient plants and drought tolerant plants for landscaping and quantifying their demands (Xeriscape);
      • Mulching planting areas with organic materials, etc., to minimize evaporation;
      • Efficiently maintaining the plants;
      • Improving land management practices to conserve water.

   b. Improve efficiency in use and reduce losses and waste of non-potable water by:
      
      • Using efficiently designed landscaping and irrigation systems;
      • Monitoring irrigation requirements and controlling usage accordingly;
      • Managing irrigation scheduling to minimize water demand;
      • Eliminating opportunities for water wastage;
      • Maintaining and improving irrigation systems as necessary.

   c. Industrial users should employ the recirculation of cooling water and the reuse of cooling and process water.

3. The permittee shall pursue and participate in alternative non-potable water source development and use such as wastewater reuse (direct reuse and/or recharge injection).

4. In the event that water conservation programs and plans are not complied with or that a waste of water is occurring, the Commission shall proceed with the necessary actions to revoke this permit.
Current Active Water Use Permits (Excluding salt water use permits)

ISLAND OF OAHU
WMA Aquifer System: KAPOLEI
Sustainable Yield = 5 mgd

Wup

<table>
<thead>
<tr>
<th>No. Approved</th>
<th>Applicant</th>
<th>Well No</th>
<th>Well Name</th>
<th>WUP (mgd)</th>
<th>12-MAV Diff (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>162</td>
<td>PUU MAKAKILO INC.</td>
<td>1904-02</td>
<td>MAKAKILO GC</td>
<td>1.150</td>
<td></td>
</tr>
<tr>
<td>247</td>
<td>PUU MAKAKILO INC.</td>
<td>1904-03</td>
<td>MAKAKILO GC STBYDB</td>
<td>0.302</td>
<td></td>
</tr>
<tr>
<td>182</td>
<td>CAMPBELL ESTATE</td>
<td>1905-08</td>
<td>KAPOLEI IRR 1</td>
<td>1.000</td>
<td></td>
</tr>
<tr>
<td>182</td>
<td>CAMPBELL ESTATE</td>
<td>1905-10</td>
<td>KAPOLEI IRR 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>431</td>
<td>KAPOLEI PEOPLES, INC.</td>
<td>2003-01</td>
<td>KAPOLEI IRR A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>431</td>
<td>KAPOLEI PEOPLES, INC.</td>
<td>2003-02</td>
<td>KAPOLEI IRR B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>431</td>
<td>KAPOLEI PEOPLES, INC.</td>
<td>2003-04</td>
<td>KAPOLEI IRR D</td>
<td>0.494</td>
<td></td>
</tr>
<tr>
<td>431</td>
<td>KAPOLEI PEOPLES, INC.</td>
<td>2003-05</td>
<td>KAPOLEI IRR E</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8 Permits Totalling Available SY 2.946

May 8, 1997

EXHIBIT 13
MAY 14, 1997 CWRM MEETING, AGENDA ITEM 5
(Ewa Caprock Water Use Permittees and Other Interested Parties)

TO:

Garrick Iwamuro, Hawaii Prince Golf Club
Ronald M. Uemura/Randolph Ouye, Gentry Investment
Ben Hicks, The Arbors Association, c/o Gentry Dev. Co.
Gilberto Galarza, Palm Court Association, c/o Gentry Dev. Co.
Larry Tucker, Palm Villas II Association, c/o Gentry Dev. Co.
Donna Goth/George Hiu, The Estate of James Campbell
Steve Thomas, Housing Finance and Development Corp
Nelson Lee, Haseko (Ewa), Inc.
Jon Shiraki, Grace Pacific
Chris Jansen, Hawaiian Refinery, Inc.
William J. Snarponis, Kalaeloa Partners, L.P.
Jonathon Shimada, Department of Public Works
Timothy J. Canute, Ewa Beach International
Marshall A. McCormick/Alice Potter, Chevron USA, Inc.
Ned Dewey, Puu Makakilo Inc.
Kenneth Sprague, Department of Wastewater Management
Andrew Monden, Land Division
Robert K. Oser, U.S. Fish & Wildlife
Bernie Matano, Kapolei People’s Inc.
Steven Lopes, Palm Villas I Association, c/o Gentry Dev. Co.
John D. D’Araujo, Jr./Lester Lai, Dept. of Parks & Recreation
Doug Ing, Watanabe, Ing & Kawashima
Alan Oshima/Angela Fong/Yvonne Izu, Oshima, Chun, Fong & Chung
Tom Nance, TNWRE
Tom Cooper, AES Barbers Point, Inc.
Roy Uemura, Hawaiian Electric Co.
Jim Houts, BetzDearborn
J.M. Killian/Cheryl Connett, Dept. of the Navy
Mark Morita, Corporation Counsel

FROM: RAE M. LOUI

TOTAL PAGES FAXED: 21

Please call back if not legible: 587-0218
MAY 14, 1997 CWRM MEETING, AGENDA ITEM 5
(Ewa Caprock Water Use Permittees and Other Interested Parties)

TO:
- Garrick Iwamuro, Hawaii Prince Golf Club
- Ronald M. Uemura/Randolph Ouye, Gentry Investment
- Ben Hicks, The Arbors Association, c/o Gentry Dev. Co.
- Gilberto Galarza, Palm Court Association, c/o Gentry Dev. Co.
- Larry Tucker, Palm Villas II Association, c/o Gentry Dev. Co.
- Donna Goth/George Hiu, The Estate of James Campbell
- Steve Thomas, Housing Finance and Development Corp
- Nelson Lee, Haveko (Ewa), Inc.
- Jon Shiraki, Grace Pacific
- Chris Jansen, Hawaiian Refinery, Inc.
- William J. Snarponis, Kalaeloa Partners, L.P.
- Jonathon Shimada, Department of Public Works
- Timothy J. Canute, Ewa Beach International
- Marshall A. McCormick/Alice Potter, Chevron USA, Inc.
- Ned Dewey, Puu Makakilo Inc.
- Kenneth Sprague, Department of Wastewater Management
- Andrew Monden, Land Division
- Robert K. Oser, U.S. Fish & Wildlife
- Bernie Matano, Kapolei People's Inc.
- Steven Lopes, Palm Villas I Association, c/o Gentry Dev. Co.
- John D. D'Araujo, Jr./Lester Lai, Dept. of Parks & Recreation
- Doug Ing, Watanabe, Ing & Kawashima
- Alan Oshima/Angela Fong/Yvonne Izu, Oshima, Chun, Fong & Chung
- Tom Nance, TNWRE
- Tom Cooper, AES Barbers Point, Inc.
- Roy Uemura, Hawaiian Electric Co.
- Jim Houts, BetzDearborn
- J.M. Killian/Cheryl Connett, Dept. of the Navy
- Mark Morita, Corporation Counsel

FROM:  RAE M. LOUI

TOTAL PAGES FAXED: 21

Please call back if not legible: 587-0218
<table>
<thead>
<tr>
<th>No.</th>
<th>Date Start</th>
<th>Mode</th>
<th>Identification</th>
<th>Page</th>
<th>Time</th>
<th>Code Job No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>MAY-88 12:48</td>
<td></td>
<td>EMHR/T 00898666501</td>
<td></td>
<td></td>
<td>080 08'08 CALL</td>
</tr>
<tr>
<td>02</td>
<td>MAY-88 13:25</td>
<td></td>
<td>G3/T 0097393275</td>
<td>081</td>
<td>08'25</td>
<td>0K</td>
</tr>
<tr>
<td>03</td>
<td>MAY-88 13:30</td>
<td></td>
<td>G3/T 0097393275</td>
<td>082</td>
<td>01'29</td>
<td>148</td>
</tr>
<tr>
<td>04</td>
<td>MAY-88 13:33</td>
<td></td>
<td>G3/T JENNIFER FAUX</td>
<td>083</td>
<td>08'54</td>
<td>0K</td>
</tr>
<tr>
<td>05</td>
<td>MAY-88 13:37</td>
<td></td>
<td>G3/T 0097393275</td>
<td>084</td>
<td>01'14</td>
<td>0K</td>
</tr>
<tr>
<td>06</td>
<td>MAY-88 13:47</td>
<td></td>
<td>G3/T 0089509612</td>
<td>085</td>
<td>01'10</td>
<td>0K</td>
</tr>
<tr>
<td>07</td>
<td>MAY-88 14:14</td>
<td></td>
<td>EMHR/R +1 800 531 9466</td>
<td>086</td>
<td>03'51</td>
<td>0K</td>
</tr>
<tr>
<td>08</td>
<td>MAY-88 14:46</td>
<td></td>
<td>G3/R 521894</td>
<td>087</td>
<td>03'04</td>
<td>0K</td>
</tr>
<tr>
<td>09</td>
<td>MAY-88 15:22</td>
<td></td>
<td>EMHR/R +1 808 487 9449</td>
<td>088</td>
<td>05'12</td>
<td>0K</td>
</tr>
<tr>
<td>10</td>
<td>MAY-88 15:30</td>
<td></td>
<td>G3/R 0089509612</td>
<td>089</td>
<td>01'05</td>
<td>0K</td>
</tr>
<tr>
<td>11</td>
<td>MAY-88 15:53</td>
<td></td>
<td>G3/R JENNIFER FAUX</td>
<td>090</td>
<td>08'54</td>
<td>0K</td>
</tr>
<tr>
<td>12</td>
<td>MAY-88 16:22</td>
<td></td>
<td>G3/R 0085597654</td>
<td>091</td>
<td>02'56</td>
<td>0K</td>
</tr>
<tr>
<td>13</td>
<td>MAY-88 09:43</td>
<td></td>
<td>EMHR/R 0085467366</td>
<td>092</td>
<td>02'29</td>
<td>0K</td>
</tr>
<tr>
<td>14</td>
<td>MAY-88 09:58</td>
<td></td>
<td>G3/R 0085597654</td>
<td>093</td>
<td>02'07</td>
<td>0K</td>
</tr>
<tr>
<td>15</td>
<td>MAY-88 09:21</td>
<td></td>
<td>EMHR/T 008 908 0812</td>
<td>094</td>
<td>09'58</td>
<td>0K</td>
</tr>
<tr>
<td>16</td>
<td>MAY-88 09:31</td>
<td></td>
<td>EMHR/T 95237632</td>
<td>095</td>
<td>11'37</td>
<td>0K</td>
</tr>
<tr>
<td>17</td>
<td>MAY-88 09:43</td>
<td></td>
<td>EMHR/T</td>
<td>096</td>
<td>11'36</td>
<td>0K</td>
</tr>
<tr>
<td>18</td>
<td>MAY-88 09:55</td>
<td></td>
<td>952869550</td>
<td>097</td>
<td>00'09</td>
<td>088</td>
</tr>
<tr>
<td>19</td>
<td>MAY-88 09:59</td>
<td></td>
<td>EMHR/T ATTY GEN LAND TRANS</td>
<td>098</td>
<td>01'18</td>
<td>0K</td>
</tr>
<tr>
<td>20</td>
<td>MAY-89 10:05</td>
<td></td>
<td>EMHR/T 95237632</td>
<td>099</td>
<td>11'48</td>
<td>0K</td>
</tr>
<tr>
<td>21</td>
<td>MAY-89 10:18</td>
<td></td>
<td>EMHR/T 95237632</td>
<td>100</td>
<td>18'37</td>
<td>118</td>
</tr>
<tr>
<td>22</td>
<td>MAY-89 10:29</td>
<td></td>
<td>ECM/T 009 874 3111</td>
<td>101</td>
<td>09'38</td>
<td>0K</td>
</tr>
<tr>
<td>23</td>
<td>MAY-89 10:38</td>
<td></td>
<td>ECM/T 0095978689</td>
<td>102</td>
<td>09'40</td>
<td>0K</td>
</tr>
<tr>
<td>24</td>
<td>MAY-89 10:54</td>
<td></td>
<td>G3/T 0097363375</td>
<td>103</td>
<td>09'28</td>
<td>145</td>
</tr>
<tr>
<td>25</td>
<td>MAY-89 10:56</td>
<td></td>
<td>EMHR/T 088 545 2458</td>
<td>104</td>
<td>01'39</td>
<td>0K</td>
</tr>
<tr>
<td>26</td>
<td>MAY-89 11:04</td>
<td></td>
<td>G3/R 088 527 6195</td>
<td>105</td>
<td>02'22</td>
<td>0K</td>
</tr>
<tr>
<td>27</td>
<td>MAY-89 11:11</td>
<td></td>
<td>54555590</td>
<td>106</td>
<td>00'08</td>
<td>089</td>
</tr>
<tr>
<td>28</td>
<td>MAY-89 11:55</td>
<td></td>
<td>G3/T 0097363375</td>
<td>107</td>
<td>01'19</td>
<td>140</td>
</tr>
<tr>
<td>29</td>
<td>MAY-89 13:00</td>
<td></td>
<td>G3/T 672 3998</td>
<td>108</td>
<td>10'52</td>
<td>0K</td>
</tr>
<tr>
<td>30</td>
<td>MAY-89 13:11</td>
<td></td>
<td>ECM/T 0095473818</td>
<td>109</td>
<td>08'10</td>
<td>0K</td>
</tr>
<tr>
<td>31</td>
<td>MAY-89 13:20</td>
<td></td>
<td>EMHR/T KALAELOA PARTNERS</td>
<td>110</td>
<td>08'50</td>
<td>0K</td>
</tr>
<tr>
<td>32</td>
<td>MAY-89 13:27</td>
<td></td>
<td>G3/T 088 566 0521</td>
<td>111</td>
<td>13'02</td>
<td>0K</td>
</tr>
<tr>
<td>No.</td>
<td>DATE</td>
<td>START</td>
<td>MODE</td>
<td>IDENTIFICATION</td>
<td>PAGE</td>
<td>TIME</td>
</tr>
<tr>
<td>-----</td>
<td>----------</td>
<td>--------</td>
<td>------</td>
<td>-------------------------</td>
<td>------</td>
<td>-------</td>
</tr>
<tr>
<td>01</td>
<td>MAY-09</td>
<td>13:20</td>
<td>EMRR/T</td>
<td>KALAELOA PARTNERS</td>
<td>021</td>
<td>06:50</td>
</tr>
<tr>
<td>02</td>
<td>MAY-09</td>
<td>13:27</td>
<td>G3/T</td>
<td>808 506 0521</td>
<td>021</td>
<td>13:02</td>
</tr>
<tr>
<td>03</td>
<td>MAY-09</td>
<td>13:41</td>
<td>EMRR/R</td>
<td>ATTY GEN LAND TRANS</td>
<td>083</td>
<td>01:01</td>
</tr>
<tr>
<td>04</td>
<td>MAY-09</td>
<td>13:42</td>
<td>EMRR/R</td>
<td>808 955 4249</td>
<td>081</td>
<td>08:53</td>
</tr>
<tr>
<td>05</td>
<td>MAY-09</td>
<td>13:47</td>
<td>G3/T</td>
<td>3241379</td>
<td>086</td>
<td>04:43</td>
</tr>
<tr>
<td>06</td>
<td>MAY-09</td>
<td>13:50</td>
<td>EMRR/R</td>
<td>808 955 4249</td>
<td>081</td>
<td>08:58</td>
</tr>
<tr>
<td>07</td>
<td>MAY-09</td>
<td>14:04</td>
<td></td>
<td>96922214</td>
<td>080</td>
<td>00:00</td>
</tr>
<tr>
<td>08</td>
<td>MAY-09</td>
<td>14:05</td>
<td>G3/R</td>
<td>FRED RAMES</td>
<td>081</td>
<td>01:03</td>
</tr>
<tr>
<td>09</td>
<td>MAY-09</td>
<td>14:06</td>
<td></td>
<td>99494161</td>
<td>080</td>
<td>00:00</td>
</tr>
<tr>
<td>10</td>
<td>MAY-09</td>
<td>14:14</td>
<td>EMRR/R</td>
<td>ATTY GEN LAND TRANS</td>
<td>081</td>
<td>08:31</td>
</tr>
<tr>
<td>11</td>
<td>MAY-09</td>
<td>14:17</td>
<td>G3/T</td>
<td>8087383375</td>
<td>082</td>
<td>01:24</td>
</tr>
<tr>
<td>12</td>
<td>MAY-09</td>
<td>14:26</td>
<td>G3/R</td>
<td>JENNIFER FAUX</td>
<td>082</td>
<td>01:23</td>
</tr>
<tr>
<td>13</td>
<td>MAY-09</td>
<td>14:40</td>
<td>ECM/T</td>
<td>808 329 2152</td>
<td>086</td>
<td>04:19</td>
</tr>
<tr>
<td>14</td>
<td>MAY-09</td>
<td>14:46</td>
<td>G3/R</td>
<td></td>
<td>081</td>
<td>08:56</td>
</tr>
<tr>
<td>15</td>
<td>MAY-09</td>
<td>14:48</td>
<td>EMRR/T</td>
<td>ATTY GEN LAND TRANS</td>
<td>081</td>
<td>08:31</td>
</tr>
<tr>
<td>16</td>
<td>MAY-09</td>
<td>14:49</td>
<td>EMRR/T</td>
<td>95448398</td>
<td>081</td>
<td>07:53</td>
</tr>
<tr>
<td>17</td>
<td>MAY-09</td>
<td>14:58</td>
<td>ECM/T</td>
<td>8085878680</td>
<td>082</td>
<td>08:36</td>
</tr>
<tr>
<td>18</td>
<td>MAY-09</td>
<td>14:59</td>
<td>EMRR/T</td>
<td>808 523 0950</td>
<td>083</td>
<td>01:06</td>
</tr>
<tr>
<td>19</td>
<td>MAY-09</td>
<td>15:05</td>
<td>EMRR/R</td>
<td>ATTY GEN LAND TRANS</td>
<td>082</td>
<td>08:54</td>
</tr>
<tr>
<td>20</td>
<td>MAY-09</td>
<td>15:17</td>
<td>EMRR/T</td>
<td>808 682 2214</td>
<td>021</td>
<td>06:33</td>
</tr>
<tr>
<td>21</td>
<td>MAY-09</td>
<td>15:24</td>
<td>ECM/T</td>
<td>8085341004</td>
<td>021</td>
<td>18:11</td>
</tr>
<tr>
<td>22</td>
<td>MAY-09</td>
<td>15:35</td>
<td>ECM/T</td>
<td>5234642</td>
<td>021</td>
<td>09:46</td>
</tr>
<tr>
<td>23</td>
<td>MAY-09</td>
<td>15:45</td>
<td>EMRR/T</td>
<td>ATTY GEN LAND TRANS</td>
<td>082</td>
<td>08:42</td>
</tr>
<tr>
<td>24</td>
<td>MAY-09</td>
<td>16:28</td>
<td>G3/T</td>
<td>8087363375</td>
<td>082</td>
<td>01:27</td>
</tr>
<tr>
<td>25</td>
<td>MAY-09</td>
<td>16:32</td>
<td>EMRR/T</td>
<td>808 6742534</td>
<td>021</td>
<td>08:59</td>
</tr>
<tr>
<td>26</td>
<td>MAY-09</td>
<td>16:42</td>
<td>EMRR/T</td>
<td>95537832</td>
<td>021</td>
<td>11:36</td>
</tr>
<tr>
<td>27</td>
<td>MAY-09</td>
<td>16:58</td>
<td>G3/R</td>
<td>LANNICE</td>
<td>082</td>
<td>01:28</td>
</tr>
<tr>
<td>28</td>
<td>MAY-09</td>
<td>17:01</td>
<td>G3/T</td>
<td>808 523 4767</td>
<td>021</td>
<td>13:16</td>
</tr>
<tr>
<td>29</td>
<td>MAY-09</td>
<td>17:25</td>
<td></td>
<td>95467530</td>
<td>080</td>
<td>08:00</td>
</tr>
<tr>
<td>30</td>
<td>MAY-09</td>
<td>19:50</td>
<td>EMRR/T</td>
<td>+1 808 531 0466</td>
<td>021</td>
<td>06:34</td>
</tr>
<tr>
<td>31</td>
<td>MAY-09</td>
<td>19:57</td>
<td>EMRR/T</td>
<td>+808 538 7757</td>
<td>021</td>
<td>06:36</td>
</tr>
<tr>
<td>32</td>
<td>MAY-09</td>
<td>20:04</td>
<td>EMRR/T</td>
<td>808 682 4915</td>
<td>021</td>
<td>08:54</td>
</tr>
<tr>
<td>No.</td>
<td>Date</td>
<td>Start Time</td>
<td>Mode</td>
<td>Identification</td>
<td>Page</td>
<td>Code</td>
</tr>
<tr>
<td>-----</td>
<td>--------</td>
<td>------------</td>
<td>------</td>
<td>-------------------------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>01</td>
<td>MAY-09</td>
<td>14:06</td>
<td></td>
<td>99494161</td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>02</td>
<td>MAY-09</td>
<td>14:14</td>
<td>EMMR/R</td>
<td>ATTY GEN LAND TRANS</td>
<td>001</td>
<td>00'31</td>
</tr>
<tr>
<td>03</td>
<td>MAY-09</td>
<td>14:17</td>
<td>G3/T</td>
<td>0007383375</td>
<td>002</td>
<td>01'24</td>
</tr>
<tr>
<td>04</td>
<td>MAY-09</td>
<td>14:26</td>
<td>G3/R</td>
<td>JENNIFER FAUX</td>
<td>002</td>
<td>01'23</td>
</tr>
<tr>
<td>05</td>
<td>MAY-09</td>
<td>14:40</td>
<td>ECM/T</td>
<td>088 329 2152</td>
<td>006</td>
<td>04'19</td>
</tr>
<tr>
<td>06</td>
<td>MAY-09</td>
<td>14:46</td>
<td>G3/R</td>
<td></td>
<td>001</td>
<td>00'56</td>
</tr>
<tr>
<td>07</td>
<td>MAY-09</td>
<td>14:48</td>
<td>EMMR/T</td>
<td>ATTY GEN LAND TRANS</td>
<td>001</td>
<td>00'31</td>
</tr>
<tr>
<td>08</td>
<td>MAY-09</td>
<td>14:49</td>
<td>EMMR/T</td>
<td>95448398</td>
<td>016</td>
<td>07'53</td>
</tr>
<tr>
<td>09</td>
<td>MAY-09</td>
<td>14:58</td>
<td>ECM/T</td>
<td>0005829500</td>
<td>002</td>
<td>08'36</td>
</tr>
<tr>
<td>10</td>
<td>MAY-09</td>
<td>14:59</td>
<td>EMMR/T</td>
<td>088 523 0950</td>
<td>003</td>
<td>08'06</td>
</tr>
<tr>
<td>11</td>
<td>MAY-09</td>
<td>15:05</td>
<td>EMMR/R</td>
<td>ATTY GEN LAND TRANS</td>
<td>002</td>
<td>08'54</td>
</tr>
<tr>
<td>12</td>
<td>MAY-09</td>
<td>15:17</td>
<td>EMMR/T</td>
<td>088 862 2214</td>
<td>021</td>
<td>06'33</td>
</tr>
<tr>
<td>13</td>
<td>MAY-09</td>
<td>15:24</td>
<td>ECM/T</td>
<td>0885341004</td>
<td>021</td>
<td>10'11</td>
</tr>
<tr>
<td>14</td>
<td>MAY-09</td>
<td>15:35</td>
<td>ECM/T</td>
<td>5234642</td>
<td>021</td>
<td>09'46</td>
</tr>
<tr>
<td>15</td>
<td>MAY-09</td>
<td>15:45</td>
<td>EMMR/T</td>
<td>ATTY GEN LAND TRANS</td>
<td>002</td>
<td>08'42</td>
</tr>
<tr>
<td>16</td>
<td>MAY-09</td>
<td>16:28</td>
<td>G3/T</td>
<td>0007383375</td>
<td>002</td>
<td>01'27</td>
</tr>
<tr>
<td>17</td>
<td>MAY-09</td>
<td>16:32</td>
<td>EMMR/T</td>
<td>088 6742534</td>
<td>021</td>
<td>08'59</td>
</tr>
<tr>
<td>18</td>
<td>MAY-09</td>
<td>16:42</td>
<td>EMMR/T</td>
<td>95237832</td>
<td>021</td>
<td>11'38</td>
</tr>
<tr>
<td>19</td>
<td>MAY-09</td>
<td>16:58</td>
<td>G3/R</td>
<td>LANNICE</td>
<td>002</td>
<td>01'20</td>
</tr>
<tr>
<td>20</td>
<td>MAY-09</td>
<td>17:01</td>
<td>G3/T</td>
<td>088 523 4767</td>
<td>021</td>
<td>13'16</td>
</tr>
<tr>
<td>21</td>
<td>MAY-09</td>
<td>17:25</td>
<td></td>
<td>95467530</td>
<td>000</td>
<td>08'00</td>
</tr>
<tr>
<td>22</td>
<td>MAY-09</td>
<td>19:50</td>
<td>EMMR/T</td>
<td>+1 088 531 0466</td>
<td>021</td>
<td>06'34</td>
</tr>
<tr>
<td>23</td>
<td>MAY-09</td>
<td>19:57</td>
<td>EMMR/T</td>
<td>+008 530 7757</td>
<td>021</td>
<td>06'36</td>
</tr>
<tr>
<td>24</td>
<td>MAY-09</td>
<td>20:04</td>
<td>EMMR/T</td>
<td>088 682 4915</td>
<td>021</td>
<td>08'54</td>
</tr>
<tr>
<td>25</td>
<td>MAY-09</td>
<td>20:19</td>
<td>EMMR/T</td>
<td>088 543 7519</td>
<td>021</td>
<td>07'04</td>
</tr>
<tr>
<td>26</td>
<td>MAY-09</td>
<td>20:27</td>
<td>G3/T</td>
<td>088 682 7417</td>
<td>021</td>
<td>13'18</td>
</tr>
<tr>
<td>27</td>
<td>MAY-09</td>
<td>20:42</td>
<td>EMMR/T</td>
<td>088 4744898</td>
<td>021</td>
<td>06'39</td>
</tr>
<tr>
<td>28</td>
<td>MAY-09</td>
<td>20:49</td>
<td>EMMR/T</td>
<td>088523583</td>
<td>021</td>
<td>06'33</td>
</tr>
<tr>
<td>29</td>
<td>MAY-09</td>
<td>21:01</td>
<td>EMMR/T</td>
<td>95237832</td>
<td>021</td>
<td>11'37</td>
</tr>
<tr>
<td>30</td>
<td>MAY-09</td>
<td>21:13</td>
<td>G3/T</td>
<td>0885387654</td>
<td>021</td>
<td>11'06</td>
</tr>
<tr>
<td>31</td>
<td>MAY-09</td>
<td>21:24</td>
<td>ECM/T</td>
<td>0885473010</td>
<td>021</td>
<td>10'09</td>
</tr>
<tr>
<td>32</td>
<td>MAY-09</td>
<td>21:35</td>
<td>EMMR/T</td>
<td>96894200</td>
<td>021</td>
<td>08'48</td>
</tr>
<tr>
<td>No.</td>
<td>Date/Time</td>
<td>Mode</td>
<td>Identification</td>
<td>Page</td>
<td>Time</td>
<td>Code</td>
</tr>
<tr>
<td>-----</td>
<td>------------</td>
<td>----------</td>
<td>----------------</td>
<td>------</td>
<td>-------</td>
<td>------</td>
</tr>
<tr>
<td>01</td>
<td>MAY-09 20:42</td>
<td>EMMR/T</td>
<td>088 4744690</td>
<td>021</td>
<td>06:39</td>
<td>OK</td>
</tr>
<tr>
<td>02</td>
<td>MAY-09 20:49</td>
<td>EMMR/T</td>
<td>0885234503</td>
<td>021</td>
<td>06:33</td>
<td>OK</td>
</tr>
<tr>
<td>03</td>
<td>MAY-09 21:01</td>
<td>EMMR/T</td>
<td>95237832</td>
<td>021</td>
<td>11:37</td>
<td>OK</td>
</tr>
<tr>
<td>04</td>
<td>MAY-09 21:13</td>
<td>G3/T</td>
<td>0885387654</td>
<td>021</td>
<td>11:06</td>
<td>OK</td>
</tr>
<tr>
<td>05</td>
<td>MAY-09 21:24</td>
<td>ECM/T</td>
<td>0885473010</td>
<td>021</td>
<td>10:09</td>
<td>OK</td>
</tr>
<tr>
<td>06</td>
<td>MAY-09 21:35</td>
<td>EMMR/T</td>
<td>96894208</td>
<td>021</td>
<td>08:48</td>
<td>OK</td>
</tr>
<tr>
<td>07</td>
<td>MAY-10 07:37</td>
<td>EMMR/T</td>
<td>088 544 0399</td>
<td>021</td>
<td>09:02</td>
<td>OK</td>
</tr>
<tr>
<td>08</td>
<td>MAY-10 07:48</td>
<td>ECM/T</td>
<td>5234642</td>
<td>021</td>
<td>09:49</td>
<td>OK</td>
</tr>
<tr>
<td>09</td>
<td>MAY-10 07:59</td>
<td>ECM/T</td>
<td>088 699 0012</td>
<td>087</td>
<td>03:40</td>
<td>OK</td>
</tr>
<tr>
<td>10</td>
<td>MAY-10 08:02</td>
<td>EMMR/T</td>
<td>95237832</td>
<td>087</td>
<td>04:14</td>
<td>OK</td>
</tr>
<tr>
<td>11</td>
<td>MAY-10 08:07</td>
<td>EMMR/T</td>
<td>95237832</td>
<td>085</td>
<td>03:48</td>
<td>152</td>
</tr>
<tr>
<td>12</td>
<td>MAY-10 08:16</td>
<td>G3/T</td>
<td>95237832</td>
<td>080</td>
<td>08:18</td>
<td>114</td>
</tr>
<tr>
<td>13</td>
<td>MAY-10 08:17</td>
<td>G3/T</td>
<td>95237832</td>
<td>080</td>
<td>08:18</td>
<td>114</td>
</tr>
<tr>
<td>14</td>
<td>MAY-10 08:18</td>
<td>ECM/T</td>
<td>088 674 3111</td>
<td>087</td>
<td>03:36</td>
<td>OK</td>
</tr>
<tr>
<td>15</td>
<td>MAY-10 08:21</td>
<td>ECM/T</td>
<td>0885870600</td>
<td>087</td>
<td>03:39</td>
<td>OK</td>
</tr>
<tr>
<td>16</td>
<td>MAY-10 08:30</td>
<td>G3/T</td>
<td>0885387654</td>
<td>087</td>
<td>03:51</td>
<td>OK</td>
</tr>
<tr>
<td>17</td>
<td>MAY-10 08:35</td>
<td>G3/T</td>
<td>95237832</td>
<td>088</td>
<td>08:18</td>
<td>114</td>
</tr>
<tr>
<td>18</td>
<td>MAY-10 08:35</td>
<td>G3/T</td>
<td>672 3938</td>
<td>087</td>
<td>03:50</td>
<td>OK</td>
</tr>
<tr>
<td>19</td>
<td>MAY-10 08:39</td>
<td>ECM/T</td>
<td>0885473010</td>
<td>083</td>
<td>02:21</td>
<td>127</td>
</tr>
<tr>
<td>20</td>
<td>MAY-10 08:42</td>
<td>G3/R</td>
<td>FRED RAHES</td>
<td>081</td>
<td>01:07</td>
<td>OK</td>
</tr>
<tr>
<td>21</td>
<td>MAY-10 08:47</td>
<td>EMMR/T</td>
<td>KALAELOA PARTNERS</td>
<td>087</td>
<td>02:31</td>
<td>OK</td>
</tr>
<tr>
<td>22</td>
<td>MAY-10 08:50</td>
<td>ECM/T</td>
<td>5234642</td>
<td>087</td>
<td>03:48</td>
<td>OK</td>
</tr>
<tr>
<td>23</td>
<td>MAY-10 08:54</td>
<td>G3/T</td>
<td>95237832</td>
<td>080</td>
<td>08:19</td>
<td>114</td>
</tr>
<tr>
<td>24</td>
<td>MAY-10 08:54</td>
<td>G3/T</td>
<td>95237832</td>
<td>080</td>
<td>08:11</td>
<td>114</td>
</tr>
<tr>
<td>25</td>
<td>MAY-10 09:00</td>
<td>G3/T</td>
<td>95237832</td>
<td>080</td>
<td>08:19</td>
<td>114</td>
</tr>
<tr>
<td>26</td>
<td>MAY-10 09:01</td>
<td>EMMR/T</td>
<td>96894208</td>
<td>087</td>
<td>03:17</td>
<td>OK</td>
</tr>
<tr>
<td>27</td>
<td>MAY-10 09:05</td>
<td>G3/T</td>
<td>95237832</td>
<td>080</td>
<td>08:11</td>
<td>114</td>
</tr>
<tr>
<td>28</td>
<td>MAY-10 09:05</td>
<td>G3/T</td>
<td>95237832</td>
<td>080</td>
<td>08:19</td>
<td>114</td>
</tr>
<tr>
<td>29</td>
<td>MAY-10 09:11</td>
<td>EMMR/T</td>
<td>088 682 2214</td>
<td>086</td>
<td>03:34</td>
<td>150</td>
</tr>
<tr>
<td>30</td>
<td>MAY-10 09:15</td>
<td>ECM/T</td>
<td>0885341004</td>
<td>087</td>
<td>03:38</td>
<td>OK</td>
</tr>
<tr>
<td>31</td>
<td>MAY-10 09:19</td>
<td>ECM/T</td>
<td>5234642</td>
<td>087</td>
<td>03:40</td>
<td>OK</td>
</tr>
<tr>
<td>32</td>
<td>MAY-10 09:28</td>
<td>EMMR/T</td>
<td>088 6742534</td>
<td>087</td>
<td>03:21</td>
<td>OK</td>
</tr>
<tr>
<td>No.</td>
<td>DATE</td>
<td>START</td>
<td>MODE</td>
<td>IDENTIFICATION</td>
<td>PAGE</td>
<td>TIME</td>
</tr>
<tr>
<td>-----</td>
<td>----------</td>
<td>---------</td>
<td>------</td>
<td>----------------</td>
<td>------</td>
<td>--------</td>
</tr>
<tr>
<td>01</td>
<td>MAY-12</td>
<td>11:43</td>
<td>G3/T</td>
<td>0888824444</td>
<td>001</td>
<td>00'59</td>
</tr>
<tr>
<td>02</td>
<td>MAY-12</td>
<td>11:46</td>
<td>G3/T</td>
<td>018882444100</td>
<td>001</td>
<td>00'59</td>
</tr>
<tr>
<td>03</td>
<td>MAY-12</td>
<td>11:48</td>
<td></td>
<td>95467530</td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>04</td>
<td>MAY-12</td>
<td>12:33</td>
<td>G3/R</td>
<td>1</td>
<td>004</td>
<td>03'03</td>
</tr>
<tr>
<td>05</td>
<td>MAY-12</td>
<td>14:10</td>
<td>G3/T</td>
<td>0888824444</td>
<td>001</td>
<td>00'40</td>
</tr>
<tr>
<td>06</td>
<td>MAY-12</td>
<td>14:20</td>
<td>G3/T</td>
<td>0887383375</td>
<td>002</td>
<td>01'16</td>
</tr>
<tr>
<td>07</td>
<td>MAY-12</td>
<td>14:28</td>
<td></td>
<td>95467530</td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>08</td>
<td>MAY-12</td>
<td>14:52</td>
<td>G3/T</td>
<td>0887383375</td>
<td>002</td>
<td>01'16</td>
</tr>
<tr>
<td>09</td>
<td>MAY-12</td>
<td>14:56</td>
<td>G3/T</td>
<td>0887383375</td>
<td>002</td>
<td>01'06</td>
</tr>
<tr>
<td>10</td>
<td>MAY-12</td>
<td>15:03</td>
<td>G3/T</td>
<td>0887383375</td>
<td>002</td>
<td>01'24</td>
</tr>
<tr>
<td>11</td>
<td>MAY-12</td>
<td>15:18</td>
<td>EMRR/R</td>
<td></td>
<td>001</td>
<td>00'28</td>
</tr>
<tr>
<td>12</td>
<td>MAY-12</td>
<td>15:18</td>
<td></td>
<td></td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>13</td>
<td>MAY-12</td>
<td>15:52</td>
<td></td>
<td>95467530</td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>14</td>
<td>MAY-12</td>
<td>16:15</td>
<td>EMRR/R</td>
<td>DIRECTORS OFFICE</td>
<td>004</td>
<td>04'19</td>
</tr>
<tr>
<td>15</td>
<td>MAY-12</td>
<td>16:39</td>
<td>EMRR/R</td>
<td>0885866501</td>
<td>004</td>
<td>01'17</td>
</tr>
<tr>
<td>16</td>
<td>MAY-12</td>
<td>19:53</td>
<td>G3/R</td>
<td>0888824444</td>
<td>001</td>
<td>00'46</td>
</tr>
<tr>
<td>17</td>
<td>MAY-12</td>
<td>20:12</td>
<td>G3/R</td>
<td>FRED RAMES</td>
<td>001</td>
<td>01'06</td>
</tr>
<tr>
<td>18</td>
<td>MAY-12</td>
<td>23:51</td>
<td>G3/R</td>
<td>263 - 4043</td>
<td>001</td>
<td>00'57</td>
</tr>
<tr>
<td>19</td>
<td>MAY-13</td>
<td>00:45</td>
<td>ECM/R</td>
<td>Via Fax</td>
<td>001</td>
<td>00'59</td>
</tr>
<tr>
<td>20</td>
<td>MAY-13</td>
<td>00:17</td>
<td>ECM/R</td>
<td>000 005 7051</td>
<td>001</td>
<td>00'33</td>
</tr>
<tr>
<td>21</td>
<td>MAY-13</td>
<td>00:20</td>
<td>G3/T</td>
<td>0887383375</td>
<td>001</td>
<td>00'40</td>
</tr>
<tr>
<td>22</td>
<td>MAY-13</td>
<td>00:28</td>
<td>G3/T</td>
<td>0887383375</td>
<td>001</td>
<td>00'36</td>
</tr>
<tr>
<td>23</td>
<td>MAY-13</td>
<td>00:51</td>
<td>ECM/R</td>
<td>000 005 7051</td>
<td>001</td>
<td>00'33</td>
</tr>
<tr>
<td>24</td>
<td>MAY-13</td>
<td>00:55</td>
<td>G3/R</td>
<td>Office of Environmen</td>
<td>002</td>
<td>01'05</td>
</tr>
<tr>
<td>25</td>
<td>MAY-13</td>
<td>00:57</td>
<td>G3/R</td>
<td>JENNIFER FAUX</td>
<td>001</td>
<td>00'54</td>
</tr>
<tr>
<td>26</td>
<td>MAY-13</td>
<td>11:09</td>
<td>EMRR/T</td>
<td>0882437152</td>
<td>005</td>
<td>01'54</td>
</tr>
<tr>
<td>27</td>
<td>MAY-13</td>
<td>11:35</td>
<td>G3/T</td>
<td>0885991960</td>
<td>002</td>
<td>01'25</td>
</tr>
<tr>
<td>28</td>
<td>MAY-13</td>
<td>11:40</td>
<td>G3/R</td>
<td>0885307819</td>
<td>001</td>
<td>00'40</td>
</tr>
<tr>
<td>29</td>
<td>MAY-13</td>
<td>12:54</td>
<td>G3/T</td>
<td>2</td>
<td>026</td>
<td>17'34</td>
</tr>
<tr>
<td>30</td>
<td>MAY-13</td>
<td>13:28</td>
<td></td>
<td>95467530</td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>31</td>
<td>MAY-13</td>
<td>13:51</td>
<td>EMRR/T</td>
<td>GUEST ACCOUNTING</td>
<td>001</td>
<td>00'23</td>
</tr>
<tr>
<td>32</td>
<td>MAY-13</td>
<td>13:56</td>
<td>ECM/T</td>
<td>088 541 1216</td>
<td>027</td>
<td>13'11</td>
</tr>
<tr>
<td>No.</td>
<td>DATE</td>
<td>START</td>
<td>MODE</td>
<td>IDENTIFICATION</td>
<td>PAGE</td>
<td>TIME</td>
</tr>
<tr>
<td>-----</td>
<td>----------</td>
<td>---------</td>
<td>------</td>
<td>-------------------</td>
<td>------</td>
<td>-------</td>
</tr>
<tr>
<td>01</td>
<td>MAY-12</td>
<td>11:43</td>
<td>G3/T</td>
<td>8808824444</td>
<td>001</td>
<td>00'59</td>
</tr>
<tr>
<td>02</td>
<td>MAY-12</td>
<td>11:46</td>
<td>G3/T</td>
<td>8108824444108</td>
<td>001</td>
<td>00'59</td>
</tr>
<tr>
<td>03</td>
<td>MAY-12</td>
<td>11:48</td>
<td></td>
<td>95467530</td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>04</td>
<td>MAY-12</td>
<td>12:33</td>
<td>G3/R</td>
<td>1</td>
<td>004</td>
<td>03'03</td>
</tr>
<tr>
<td>05</td>
<td>MAY-12</td>
<td>14:10</td>
<td>G3/T</td>
<td>8808824444</td>
<td>001</td>
<td>00'40</td>
</tr>
<tr>
<td>06</td>
<td>MAY-12</td>
<td>14:20</td>
<td>G3/T</td>
<td>8887383375</td>
<td>002</td>
<td>01'16</td>
</tr>
<tr>
<td>07</td>
<td>MAY-12</td>
<td>14:28</td>
<td></td>
<td>95467530</td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>08</td>
<td>MAY-12</td>
<td>14:52</td>
<td>G3/T</td>
<td>8887383375</td>
<td>002</td>
<td>01'16</td>
</tr>
<tr>
<td>09</td>
<td>MAY-12</td>
<td>14:56</td>
<td>G3/T</td>
<td>8887383375</td>
<td>002</td>
<td>01'06</td>
</tr>
<tr>
<td>10</td>
<td>MAY-12</td>
<td>15:03</td>
<td>G3/T</td>
<td>8887383375</td>
<td>002</td>
<td>01'24</td>
</tr>
<tr>
<td>11</td>
<td>MAY-12</td>
<td>15:16</td>
<td>EMMR/R</td>
<td>95467530</td>
<td>001</td>
<td>00'28</td>
</tr>
<tr>
<td>12</td>
<td>MAY-12</td>
<td>15:18</td>
<td></td>
<td></td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>13</td>
<td>MAY-12</td>
<td>15:52</td>
<td></td>
<td>95467530</td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>14</td>
<td>MAY-12</td>
<td>16:15</td>
<td>EMMR/R</td>
<td>DIRECTORS OFFICE</td>
<td>004</td>
<td>04'19</td>
</tr>
<tr>
<td>15</td>
<td>MAY-12</td>
<td>16:39</td>
<td>EMMR/R</td>
<td>8895966581</td>
<td>004</td>
<td>01'17</td>
</tr>
<tr>
<td>16</td>
<td>MAY-12</td>
<td>19:53</td>
<td>G3/R</td>
<td>8808824444</td>
<td>001</td>
<td>00'46</td>
</tr>
<tr>
<td>17</td>
<td>MAY-12</td>
<td>20:12</td>
<td>G3/R</td>
<td>FRED RAMES</td>
<td>001</td>
<td>01'06</td>
</tr>
<tr>
<td>18</td>
<td>MAY-12</td>
<td>23:51</td>
<td>G3/R</td>
<td>263 - 4043</td>
<td>001</td>
<td>00'57</td>
</tr>
<tr>
<td>19</td>
<td>MAY-13</td>
<td>00:45</td>
<td>ECM/R</td>
<td>Via Fax</td>
<td>001</td>
<td>00'59</td>
</tr>
<tr>
<td>20</td>
<td>MAY-13</td>
<td>00:17</td>
<td>ECM/R</td>
<td>888 805 7851</td>
<td>001</td>
<td>00'33</td>
</tr>
<tr>
<td>21</td>
<td>MAY-13</td>
<td>00:20</td>
<td>G3/T</td>
<td>8887383375</td>
<td>001</td>
<td>00'46</td>
</tr>
<tr>
<td>22</td>
<td>MAY-13</td>
<td>00:29</td>
<td>G3/T</td>
<td>8887383375</td>
<td>001</td>
<td>00'38</td>
</tr>
<tr>
<td>23</td>
<td>MAY-13</td>
<td>00:51</td>
<td>ECM/R</td>
<td>888 805 7851</td>
<td>001</td>
<td>00'33</td>
</tr>
<tr>
<td>24</td>
<td>MAY-13</td>
<td>00:55</td>
<td>G3/R</td>
<td>Office of Environm</td>
<td>002</td>
<td>01'05</td>
</tr>
<tr>
<td>25</td>
<td>MAY-13</td>
<td>00:57</td>
<td>G3/R</td>
<td>JENNIFER FAUX</td>
<td>001</td>
<td>00'54</td>
</tr>
<tr>
<td>26</td>
<td>MAY-13</td>
<td>11:09</td>
<td>EMMR/T</td>
<td>8802437152</td>
<td>005</td>
<td>01'54</td>
</tr>
<tr>
<td>27</td>
<td>MAY-13</td>
<td>11:35</td>
<td>G3/T</td>
<td>8885591968</td>
<td>002</td>
<td>01'25</td>
</tr>
<tr>
<td>28</td>
<td>MAY-13</td>
<td>11:40</td>
<td>G3/R</td>
<td>8885387819</td>
<td>001</td>
<td>00'40</td>
</tr>
<tr>
<td>29</td>
<td>MAY-13</td>
<td>12:54</td>
<td>G3/T</td>
<td>2</td>
<td>026</td>
<td>17'34</td>
</tr>
<tr>
<td>30</td>
<td>MAY-13</td>
<td>13:28</td>
<td></td>
<td>95467530</td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>31</td>
<td>MAY-13</td>
<td>13:51</td>
<td>EMMR/T</td>
<td>GUEST ACCOUNTING</td>
<td>001</td>
<td>00'23</td>
</tr>
<tr>
<td>32</td>
<td>MAY-13</td>
<td>13:56</td>
<td>ECM/T</td>
<td>888 541 1216</td>
<td>027</td>
<td>13'11</td>
</tr>
</tbody>
</table>
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King Street  
Honolulu, HI 96813

Dear Mr. Sprague:

Thank you for your letter of March 10, 1997, responding to our request for comments and information needed to implement the staff's proposed management plan for the Ewa Caprock Aquifer. We appreciate the information regarding the Department of Wastewater Management's (DWM) projected water needs and water reclamation effort. We also have the following comments:

- We understand that you are currently limiting pumpage at Well Nos. 1902-03 & 04 to 0.5 mgd and expect to be in compliance with the 0.5 mgd allocation by October 1997. You need not accelerate the time to comply with your current allocation by using potable water for plant processes, as we agree that nonpotable water should be used for nonpotable needs, wherever possible. We wish to clarify that, to date, we have not received an application for a water use permit modification from DWM. If you still wish to increase usage of the wells by an additional 0.5 mgd, please complete and return the water use permit application form that was transmitted to you with our letter of July 30, 1996.

- We are planning to submit recommendations on Ewa Caprock actions at the next Oahu meeting of the Commission on Water Resource Management which is scheduled for May 14, 1997. As such, we are asking that you submit a water shortage plan and your response to our January 12, 1997 review comments (relating to the City's permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water) within twenty (20) days, if at all possible, so that this information can be incorporated into the staff's submittal.

We appreciate your continued cooperation and assistance in matters related to water resource management. If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI
Deputy Director

LN:ss
March 10, 1997

Ms. Rae Loui  
Deputy Director  
Department of Land and Natural Resources  
Commission On Water Resource Management  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Proposed Ewa Caprock Management Plan

Thank you for your February 21, 1997 letter, providing us an opportunity to respond to the proposed Ewa Caprock Management Plan. We have currently reorganized our reuse program so that we can expeditiously meet our consent decree requirements. Because of our new organization, we may not be in a position at this time to comment fully on all issues contained in your February 21, 1997 letter. Our response follows.

Item 1 of the February 21, 1997 letter:
As of October 4, 1996, we have reduced our daily withdrawal to less than 0.5 mgd. We are supplementing our needs with potable water and have made efforts to reduce or eliminate treatment processes not considered critical at this time. In August 1996, we submitted a request for an additional 0.5 mgd, and we are also planning to take full advantage of our water reclamation capability.

Regarding our estimate of when we will be in compliance with the specified allocation, we will continue to withdrawal less than 0.5 mgd. Because the method of compliance determination incorporates a running average method, we will remain noncompliant at least until October 1997. We can accelerate the time to comply with the 0.5 mgd, 12 month running average by eliminating all well withdrawals and using potable water for our in plant processes. However, this seems contradictory to our intent of saving our valued resources. We do believe, however, that we are in compliance with our existing withdrawal permit for 500,000 gallons per day.

Item 2 of the February 21, 1997 Letter:
Because we are formulating our reuse program, we request a one month extension so that we can incorporate our reuse capabilities in our water shortage plan for WUP No. 160.

Item 3 of the February 21, 1997 letter:
As mentioned above, we are requesting a one month extension so that we can adequately respond to all comments.

Exhibit 1: Draft Ewa Caprock Management Plan, dated February 12, 1997:
Item 1 of the subject plan: Our goal is to meet our 2 mgd (R-1 quality) Consent Decree requirement by July 1, 1998 through demonstration projects. These projects consist of a combination of in-plant applications as distribution to interested parties. By June 30, 1999, we will have an additional 3 mgd of R-1 quality reclaimed water available.
Ms. Rae Loui  
March 10, 1997  
Page Two

Item 3 of the subject plan: We have no objections at this time to institute a chloride and flow provision for the purposes of managing the caprock water quality for individuals.

Item 8 of the subject plan: As mentioned above, we are proposing to meet our Consent Decree requirements through demonstration projects. We suggest that expiration dates of interim permits be changed to June 30, 1999, or soon thereafter. This extension will provide us the opportunity to initiate a fee structure and to ensure we can consistently deliver R-1 quality water.

Item 10 of the subject plan: The current quarterly report sent to the Department of Health (and EPA) is required under our 309 Consent Decree. We do not believe it is necessary to forward the entire report for the Ewa Caprock Management Plan. We suggest that we submit, at the same frequency as our current Consent Decree submittals, a brief status report of our effluent reuse efforts in the Ewa area.

Exhibits R: Chloride Sampling Protocol:  
We accept your chloride concentration sampling protocol for Ewa Caprock.

Again, thank you for the opportunity to enter our comments. We are aware that our reclamation facility will no doubt be an integral factor in managing the Ewa Caprock. We are pleased to be a part of this effort. If there are any questions, please send electronic mail (email) to Ross Tanimoto of the Division of Water Quality at mba0026@co.honolulu.hi.us or contact him at 527-6754.

Sincerely,

KENNETH E. SPRAGUE  
Acting Director

cc: Department of Health, Clean Water Branch
February 21, 1997

Mr. Ken Sprague
City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

Dear Mr. Sprague:

Thank you for meeting with the Commission on Water Resource Management (Commission) staff on February 12, 1997. Again, we appreciate the group’s efforts to work towards a plan that is mutually agreeable to all users. Your work has allowed us to identify key elements for a plan that addresses users needs, while meeting the statutory objectives set forth in Chapter 174C, HRS.

As discussed at the meeting, we are planning to recommend that the Commission adopt the management approach outlined in the attached draft plan (Exhibit 1). If you find that certain aspects of the plan do not/should not apply to your current use(s) and/or proposed future use(s), you may request a variance to the proposed plan. Please provide appropriate justification and any hydrologic or other data to support your requested variance.

In order to implement the proposed management plan, the following required information and actions are needed from the Department of Wastewater Management (DWM):

1. Your response to our letter of July 30, 1996 (Exhibit 2). We understood, from your letter of July 18, 1996, that DWM was planning to apply for additional water use (Exhibit 3). From a subsequent telephone conversation with Tim Steinberger, we understood that the Wastewater Treatment Plant was going to cease recently-implemented treatment process(es) that caused water usage to double. Attached is a graph of usage at Well Nos. 1902-03 & 04 (Exhibit 4) that shows the latest 12-month moving average withdrawal is still in excess of the allocation for the wells. We reiterate the request made in our letter of June 20, 1996 (Exhibit 5) to provide an estimate for the length of time that you will need to come into compliance with the terms of your permit.
2. A water shortage plan for WUP No. 160 that outlines how water usage will be reduced in the event of a shortage. We request that you quantify the reduction in water use that may be sustained during a declared water shortage and provide a brief description of how you plan to effect such reduction. (The State Water Code requires the Commission to formulate a comprehensive area-wide water shortage plan that will be implemented during periods of water shortage. We appreciate any input you may provide towards deriving some plan for a water shortage situation that shall be adopted by the Commission.)

3. Your response to our January 12, 1997 review comments relating to the City's permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water (Exhibit 6).

We are planning to submit recommendations to the Commission at the March 12, 1997 meeting to adopt the Puuloa, Kapolei, and Malakole Aquifer System boundaries (Exhibit 7) and to adopt a 1,000 mg/l chloride cap for individual wells instead of a sustainable yield number. We plan to recommend that the Commission require that any new permit adhere to the attached chloride sampling protocol (Exhibit 8). Recommendations on an allocation plan will be made at a following meeting.

We ask that you submit the items and information requested above by March 10, 1997. Your comments on the proposed management plan are encouraged.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director

LN:ju
Attachments
State of Hawaii
Department of Land and Natural Resources
COMMISSION ON WATER RESOURCE MANAGEMENT

February 12, 1991
EW A: CAPROCK MANAGEMENT

1. Reclaimed water is the only way to address the overallocation problem. In addition, reclaimed water must supply some future needs since the forecasted usage of nonpotable water by users in the Pauleo Aquifer System will be at least 10 mgd by 2001, exceeding the caprock availability. We assume that there is a commitment by the users to utilize reclaimed water to meet some of these needs. We are also assuming 2.0 mgd of R-1 will come in to supplement the caprock by July 1, 1998, and 4.0 mgd by July 1999. The situation will be reevaluated at that time.

2. Boundaries for three aquifer systems will be adopted.

3. Instead of a sustainable yield number, protection and management of caprock water quality will be by chloride standards for individual wells based on pump test or historic data.

4. Applicants for new usage can apply for well construction permits first. Based on the pump test, set the pump size and chloride cap and check reasonable-beneficial quantity. The Pump Installation and Water Use Permits can be applied for after that.

5. Agricultural permit holders will be asked to provide information on remaining agricultural acreage and to conduct a pump test according to a protocol established by the Commission.

6. Permit amounts for four years of non-use will be revoked.

7. Unused one-year interim Water Use Permits will not be renewed. Applicants can reapply when the usage is imminent.

8. Permits will be issued for remaining one-year interim Water Use Permits for a term to expire upon completion of the R-1 facility in July 1998 or soon thereafter. A condition of the permits will be that Gentry, Haseko, HPGC, and EBITC negotiate and enter into further definite agreements regarding the purchase of reclaimed water according to the table on page 27 of the PCUG Report.

9. The Commission will formulate a water shortage plan for implementation during periods of water shortage. The plan will be prepared by aquifer system and propose restrictions on one or more classes of permits.

10. The City WWM will provide to the Commission, as a means to track the progress of the R-1 facility, the quarterly reports that are submitted to the Dept. of Health.
Mr. Felix Limtiaco
City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

Dear Mr. Limtiaco:

Water Use Permit Violation
Well Nos. 1902-03 & 04 (WUP No. 160)
Ewa Caprock Ground Water Management Area, Oahu

Thank you for your letter of July 18, 1996, informing us of your plans to submit a request for additional allocation to meet the Honouliuli Wastewater Treatment Plant's current water demands.

We have enclosed a water use permit application form for your use. Please complete the application form and return it to our office within thirty (30) days.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director

LN:ss

Enclosure

EXHIBIT 2
Ms. Rae M. Loui
Deputy Director
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Notice of Water Use Permit Violation
Well Nos. 1902-3 and 4 (WUP No. 160)
Ewa Caprock Ground Water Management Area

We respectfully submit the following response to your June 20, 1996 Notice of Water Use Permit Violation.

Over the past two years the Honouliuli Wastewater Treatment Plant has undergone some major expansion and process changes that have increased its demand for ground water.

The following is a summary of the major changes:

1. A polymer system that uses approximately 100,000 gallons per day was installed to help the plant meet its National Pollutant Discharge Elimination System Permit Limitations.

2. One of the treatment plant’s preaeration basins was converted to an activated sludge basin requiring the use of approximately 50,000 gallons per day of water.

3. Water demands for irrigation have sharply increased due to the landscaping that was added for plant beautification of the expanded plant.
The Department of Wastewater Management is currently planning to build an effluent re-use facility that will greatly reduce the plant's ground water usage. In the interim, we will be submitting a request to the Commission on Water Resource Management for an additional 500,000 gallons per day to meet the plant's current water demands.

Please be assured that we are making every effort to conserve this valuable resource. Should you have any further questions, please contact Mr. Allen Perry at 681-3347, extension 106.

Sincerely,

[Signature]

FELIX R. LIMTIACO
Director
Mr. Felix Limtiaco
City and County of Honolulu
Department of Wastewater Management
650 S. King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Limtiaco:

Notice of Water Use Permit Violation
Well Nos. 1902-03 & 04 (WUP No. 160)
Ewa Caprock Ground Water Management Area, Oahu

Reported monthly pumpage at Well Nos. 1902-03 & 04 show that the current twelve-month moving average withdrawal is in excess of the 0.5 mgd allocation that was approved by the Commission on Water Resource Management at its meeting of March 15, 1990.

Please provide an explanation for the overpumpage and an estimate for the length of time that you will need to come into compliance with the terms of the permit. We request that you submit a written response to this letter by July 15, 1996.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director

 LN:ss
Honouliuli WWTP Groundwater Withdrawal
Well Nos. 1902-03,04

Date (latest data 12/96)

pumping (mgd)

--- monthly withdrawal
12-MAV
permitted withdrawal
TO:        PCUG Members
FROM:     Rae M. Loui, Deputy Director
            Commission on Water Resource Management
SUBJECT:  Comments on the Draft Puuloa Nonpotable Water Master Plan, January 22, 1997

Based on a preliminary review of the subject report, we have the following comments:

- Pg. 2, para 3 - refers to development projects which have immediate need but no necessary water use permits. It would be helpful to list and quantify these unmet specific project water needs.

- Pg. 4 - The list of PCUG members doesn't include the State, yet the signature page shows HFDC. On Table 1, only the State's Puuloa Mauka lands are represented, what about the rest of the state's interests in Puuloa?

- Pg. 5 - Users/potential users who are NOT part of PCUG include Ewa Villages, West Loch Golf Courses, and Campbell Estate but:

  How can PCUG commit to conversion of the City Golf Courses (1.8 mgd) by 7/99 (pg. 1) if the City golf courses aren't part of PCUG?

  How can the plan state that Table 1 is comprehensive in terms of demand projections (pg. 3) if Campbell Estate, which owns considerable undeveloped lands, is not participating? How was the demand for Campbell lands estimated?

- Pg. 5 - What is the basis for excluding all Gentry wells & the USFWS from the commitment? What are they exempted from, the sharing in the cost of reclaimed water? We need a rational basis for the exemptions because other users may also want to be exempt. Pg. 28 states that 9 Gentry wells are excluded from the requirements of R-1 water delivery, but must comply & conform to all other requirements of the Master Plan. Then shouldn't these users be part of PCUG?

- Pg. 7, Exhibit B (well location), & Table 2 - the FGE & BC monitor well locations are described but not shown on map (exhibit 2).

- Pg. 21 - Was the Notice to Proceed issued in 12/96?

- Pg. 21 - If the capital costs for the R-1/R-2 facility upgrade will be financed through DWM's CIP, should this information be included as an appendix?
Memo to PCUG Members

Pg. 19 - states small scale demonstration projects for both direct and indirect use will proceed, but the last sentence on pg. 22 states that a demonstration aquifer recharge will be "evaluated to serve as an alternative to the R-1/R-2 facility".

Pg. 26, 3rd paragraph - A correct statement would be that "the CWRM has indicated that a commitment to reclaimed water is the only means by which the over-allocation problem may be resolved, short of ratcheting back allocations in the caprock".

Pg. 27, 2nd table:
Which Gentry wells will be converting to R-1 (so we can specify the duration of these interim permits to coincide with the availability of R-1 water)?

Gentry shows a commitment to convert to 0.72 mgd by 2001, yet Table 1 shows 2001 projected need for 1.6 mgd; does this mean that the difference, 0.88 mgd (an increase of 0.278 mgd over current allocation) will be supplied from the caprock? from which wells?

Haseko shows commitment to convert to 0.80 mgd by 2001, while Table 1 shows an ultimate demand for 2.0 mgd in the caprock, does that mean that 2.96 mgd (4.16 - 1.2) can be revoked in 2001? and 2.16 can be revoked immediately?

For HPGC & EBIGC, is it reasonable to use this table as a schedule for caprock allocation reductions? Which EBIGC allocation to reduce?

Pg. 28, 2nd paragraph - How will Gentry manage transfers in the future if the Homeowners Associations are not part of this plan or group? Also, are commitments permanent or temporary?

Pg. 28, 3rd paragraph - We have concerns regarding this disclaimer, which holds the City to the financing and construction schedule.

Pg. 28, B. - "commits" the City Golf Courses to using R-1 in 2000-2001, but pg. 5 stated that the City Golf Courses are not part of PCUG.

Pg. 29, Table:
There is a discrepancy in the City golf course conversion: pg. 1 states both courses will convert (1.8 mgd) by 7/99, but the table on pg. 29 shows only 1.5 mgd conversion by 7/99 (is this 1.0 for WWTP and only 0.5 for golf courses?)

Also, the total City usage is 2.8 mgd (1.0 for WWTP & 1.8 for courses), yet there is only a commitment for 2.0 mgd.

Pg. 29, Navy lands:
BPNAS is still in negotiations. If they commit to 0.7 mgd R-1, then a statement to the effect that the allocation for Barbers Pt. shaft be reduced by 0.7 mgd should also amend this plan.

Since Solenberger's lease went through, does this mean the Navy's Ag lands won't be using any reclaimed water?
USFWS exemption is further clarified, i.e., no commitment to R-1 delivery, but what about cost-sharing for the recharged caprock aquifer? Also, if water needs are NOT salinity dependent can the USFWS use west loch ocean water or modify the existing caprock source to lessen impact on brackish lens?

- Pg. 30, para. 3 - What does 'all caprock users' mean for those sharing in the reclaimed water cost - non-PCUG members too? Future caprock users?

- Pg. 32 para. 5 - It should be made clear that managing at the well head (i.e., pumped water from caprock alone) is subject to any standard chloride limit and NOT some mix of caprock water and reclaimed water.

- Pg. 33 - There is still no clear resolution of the over-allocation. The plan suggests that the CWRM must continually juggle (via written agreements?) the 15 mgd permitted use with individual users actual needs. We find this proposal to be unduly burdensome. In addition, we are concerned that the current group members may change over time.

- Pg. 34 - states "all nonpotable users in the Puuloa sector" (whether they are part of PCUG or not?) shall contribute to the balance of the development cost if the total development cost of the R-1 effluent pipeline distribution system exceeds available Consent Decree funds. Are nonmembers of PCUG, the Navy (pg. 36), Gentry Homeowners, and USFS exempt from this provision also?

- Pg. 34 - Gentry plans to increase usage by 1 mgd in two years, but given their past record (actual use is only 0.3 mgd), is it possible to juggle Gentry's current allocations (0.602 mgd) to cover the next 2 years? We reiterate listing projects which do not have necessary water use permits.

- Pg. 35 - The agreements not to pump will have to specify no pumpage until re-use replaces caprock allocations.

- Pg. 36 - Didn't Solenberger's lease go through? If so, the plan needs to be amended already (proposing a 7 mgd pumping limit?).

- Pg. 37 - The allocation plan (Table 8) is only looking to ending of 1998. There is still no clear resolution of the over-allocation situation.

- Pg. 39 - Has Campbell agreed to the phasing out of its agricultural allocation?

- Doesn't look like the 309 consent decree will be met.

- City signature - who is ultimately responsible, the mayor?

- Need to clarify Gentry's option to purchase Campbell land.
GUIDELINES FOR CHLORIDE CONCENTRATION SAMPLING FOR EWA CAPROCK

1. Sample Collection

   • Sampling Schedule

   The sampling schedule depends upon your pump capacity:

<table>
<thead>
<tr>
<th>Pump Capacity (gpm)</th>
<th>Sampling Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 50</td>
<td>Once a month</td>
</tr>
<tr>
<td>Greater than 50</td>
<td>Once a week</td>
</tr>
</tbody>
</table>

   • When to Sample

   Before taking a sample, allow a minimum length of time to elapse after turning on the pump. This minimum time can be read off the attached table for your well casing diameter and your pump capacity. If you sample 20 minutes after the minimum time, you should consistently sample 20 minutes after the minimum time each time you take samples.

   • Sample Bottle

   Use a plastic container and cap that holds a volume of about a pint. Rinse the container three times with the water to be sampled before taking the sample. Also rinse the cap with sample water.

   • Labeling

   On the sample bottle, affix a label that contains the following information:

   Well No.
   Date
   Time Sampled
   Elapsed Time after pump on
   Sampler's Name
   Water Temperature (if available)
   Pumping Rate (prior to sampling)
2. **Determination of Chloride Concentration**

- **Private Laboratories**

  If the sample is sent to a private laboratory, then prepare the water sample and label the bottle in the manner described above.

  Private laboratories will use methods that are more accurate than field methods described below.

- **Hach Kit (Drop Count Titrator)**

  Be aware of the approximate chloride concentration range in your well. Use the appropriate sample bottle for titration. **Be consistent with the end-point color change.**

  For low chloride concentrations (5-100 mg/l) each drop will equal 5 mg/l. For higher concentrations (20-400 mg/l) each drop equals 20 mg/l. Other kits for concentrations greater than 400 mg/l (500-10,000 mg/l) each drop is equal to 500 mg/l. Obviously, for water greater than 400 mg/l, a "drop-count" Hach Kit is not appropriate, and a digital titrator, described below, should be used.

- **Hach Kit (Digital Titrator)**

  A digital titrator is the appropriate method for water with greater than 400 mg/l chloride. A digital titrator using silver nitrate is accurate to within 10 mg/l for a chloride range from 10-10,000 mg/l, and for a titrator using mercuric nitrate accuracy varies from 0.1-20 mg/l for a chloride range of 10-8,000 mg/l.

  **Note:** **Be consistent with the end-point color.** Silver nitrate ages and needs to be replenished within the recommended guidelines of the Hach Company.

- **Other Methods**

  An ion-selective probe for chloride is available, and can measure concentration from 1.8-35,500 mg/l.
3. Reporting Results

- How to Report

The following information should be entered on the "Monthly Ground Water Use Report" form provided by the Commission on Water Resource Management:

1. Chloride concentration (mg/l) and temperature (°F) in the columns provided.

   Under "Notes" Section of the Monthly Water Use Report:

2. Method used for chloride analysis:

3. Total elapsed time before sampling:

If there are any questions, please call the Commission on Water Resource Management staff at 587-0265 on Oahu or toll free from the neighbor islands 1-800-468-4644 ext. 70265.
## Five Well Volumes plus 60 Minutes Minimum Time before Chloride Sampling

<table>
<thead>
<tr>
<th>Casing Diameter (in.)</th>
<th>Pump Capacity (gpm)</th>
<th>Minimum Time (min.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>10-20</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>110</td>
</tr>
<tr>
<td>8</td>
<td>10-20</td>
<td>190</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>125</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>85</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>&gt;250</td>
<td>75</td>
</tr>
<tr>
<td>12</td>
<td>10-20</td>
<td>360</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>210</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>68</td>
</tr>
<tr>
<td>16</td>
<td>10-20</td>
<td>560</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>310</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>160</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>110</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>70</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>65</td>
</tr>
<tr>
<td>20</td>
<td>50-100</td>
<td>220</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>95</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>72</td>
</tr>
</tbody>
</table>

1 Assumes saturated well depth of 100 feet.

2 Five well volumes is a standard guideline recommended by EPA.
Mr. Felix Limtiaco  
City and County of Honolulu  
Department of Wastewater Management  
91-1501 Geiger Road  
Ewa Beach, HI 96706  

Dear Mr. Limtiaco:  

Water Use Permit Violation  
Well Nos. 1902-03 & 04 (WUP No. 160)  
Ewa Caprock Ground Water Management Area, Oahu  

Thank you for your letter of July 18, 1996, informing us of your plans to submit a request for additional allocation to meet the Honouliuli Wastewater Treatment Plant’s current water demands.  

We have enclosed a water use permit application form for your use. Please complete the application form and return it to our office within thirty (30) days.  

If you have any questions, please contact Lenore Nakama at 587-0218.  

Sincerely,  

RAE M. LOUI  
Deputy Director  

LN:ss  

Enclosure
July 18, 1996

Ms. Rae M. Loui  
Deputy Director  
State of Hawaii  
Department of Land and Natural Resources  
Commission on Water Resource Management  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Notice of Water Use Permit Violation  
Well Nos. 1902-3 and 4 (WUP No. 160)  
Ewa Caprock Ground Water Management Area

We respectfully submit the following response to your June 20, 1996 Notice of Water Use Permit Violation.

Over the past two years the Honouliuli Wastewater Treatment Plant has undergone some major expansion and process changes that have increased its demand for ground water.

The following is a summary of the major changes:

1. A polymer system that uses approximately 100,000 gallons per day was installed to help the plant meet its National Pollutant Discharge Elimination System Permit Limitations.

2. One of the treatment plant’s preaeration basins was converted to an activated sludge basin requiring the use of approximately 50,000 gallons per day of water.

3. Water demands for irrigation have sharply increased due to the landscaping that was added for plant beautification of the expanded plant.
The Department of Wastewater Management is currently planning to build an effluent re-use facility that will greatly reduce the plant's ground water usage. In the interim, we will be submitting a request to the Commission on Water Resource Management for an additional 500,000 gallons per day to meet the plant's current water demands.

Please be assured that we are making every effort to conserve this valuable resource. Should you have any further questions, please contact Mr. Allen Perry at 681-3347, extension 106.

Sincerely,

[Signature]

FELIX B. LIMTIACO
Director
Mr. Felix Limtiaco
City and County of Honolulu
Department of Wastewater Management
650 S. King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Limtiaco:

Notice of Water Use Permit Violation
Well Nos. 1902-03 & 04 (WUP No. 160)
Ewa Caprock Ground Water Management Area, Oahu

Reported monthly pumpage at Well Nos. 1902-03 & 04 show that the current
twelve-month moving average withdrawal is in excess of the 0.5 mgd allocation that was
approved by the Commission on Water Resource Management at its meeting of March 15,
1990.

Please provide an explanation for the overpumpage and an estimate for the length of
time that you will need to come into compliance with the terms of the permit. We request
that you submit a written response to this letter by July 15, 1996.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI
Deputy Director

LN:ss
FACSIMILE TRANSMITTAL PAGE

Please deliver the following pages to:

Name: NICK MUSICO, PLANT SUPERINTENDENT
Company: COUNTY OF HONOLULU, HONOLULU SEWAGE TREATMENT PLANT
From: NEL FUJII
Date: AUG 13, 1993 Time: 10:00

Message: Here is the water use report form. We would appreciate it if you could send us any additional information on the well water such as chlorides.

Total number of pages (including Transmittal Page): 2

---

TOTAL 0:01.50" 2 XEROX TELECOPIER 7020

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE) WAS SENT

** COUNT **
# 2

---

*** SEND ***

<table>
<thead>
<tr>
<th>#</th>
<th>REMOTE STATION I.D.</th>
<th>START TIME</th>
<th>DURATION</th>
<th>#PAGES</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6815469</td>
<td>8-13-93</td>
<td>1:50&quot;</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>
MONTHLY GROUND WATER USE REPORT FOR

C & C HONOLULU DWWM
650 SOUTH KING STREET
HONOLULU, HI 96813

Month of __________, 19__

Date Measurement(s) Taken

/ / /

(Month / Day / Year )

INSTRUCTIONS: Please TYPE OR PRINT CLEARLY. Complete this form to report total monthly ground water use, and, if required, other information from each of your well sources. Mail to: Commission on Water Resource Management, P.O. Box 621, Honolulu HI 96809. For assistance, please call 587-0265 (Oahu only) or 1-800-468-4644 (neighbor islands).

<table>
<thead>
<tr>
<th>State Well No.</th>
<th>Well Name</th>
<th>Quantity Pumped (gallons)</th>
<th>Method of Measurement</th>
<th>Chloride (mg/l)</th>
<th>Temp. (°F)</th>
<th>Water Level (ft. above mean)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1902-03</td>
<td>HONOLIULI STP 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Other comments or additional information:

Submitted by (print) ____________________________  Title ____________________________

Signature ____________________________  Date ____________________________

When possible, please return two (2) completed copies of this form to the address above.
REGULATION BRANCH
Commission on Water Resource Management

FROM: LENDRE DATE: 9/2/93 FILE IN: ___________ _

TO: INIT: PLEASE: REMARKS:

E. SAKODA K. Oshiro See Me Call PAUL ASKED ME TO RETURN A CALL
K. Oshiro

D. Higa Review & Comment TO ANDREW AMURO OF GMP 521-4:
R. Hardy Take Action RE: STATUS OF WUPA FOR 1902-02
J. Zhang Investigate & Report HONOLULU.

Lene Type Draft I INFORMED HIM THAT HIS WUPA

Dana Type Final WAS APPROVED ALONG W/A WELL

_x_ Xerox copies CONSTRUCTION PERMIT.

FOR YOUR:

R. LOUI Approval HE ALSO ASKED WHETHER THE C1
S. Kokubun Signature HAD EVER RE-SUBMITTED THEIR
G. MATSUMOTO Information PUMP INSTALL. PERMIT. THERE IS
Y. SHIROMA Pump installation Permit NONE IN THE FILE. SHOULD WE

- O.K. A PIP SOMEWHERE IN THE DATA
- HE ALSO ASKED ME TO FAX ATTACH

C00024

please note in W/permit Data

Dana( )
City & County of Honolulu
Division of Wastewater Management
650 S. King Street
Honolulu, Hawaii 96813

Gentlemen:

I am pleased to inform you that the Commission on Water Resource Management approved your application for a water use permit and well construction permit for the Honolulu Wastewater Treatment Plant Caprock Well (Well No. 1902-03) at its meeting on March 15, 1990.

The permit is being prepared and will be sent to the Attorney General for review prior to being issued.

If you have any questions, please call Manabu Tagomori at 548-7533.

Very truly yours,

WILLIAM W. PATY

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE) WAS SENT

** COUNT **

#  1

XEROX TELECOPIER 7020
Gentlemen:

I am pleased to inform you that the Commission on Water Resource Management approved your application for a water use permit and well construction permit for the Honouliuli Wastewater Treatment Plant Caprock Well (Well No. 1902-03) at its meeting on March 15, 1990.

The permit is being prepared and will be sent to the Attorney General for review prior to being issued.

If you have any questions, please call Manabu Tagomori at 548-7533.

Very truly yours,

WILLIAM W. PATY

WILLIAM W. PATY
"...therefore, the drawdown would be several feet, at about a million gallons per day."

Unanimously approved with amendment (Cox/Nakata).

ITEM 2

CITY AND COUNTY OF HONOLULU, DIVISION OF WASTEWATER MANAGEMENT APPLICATION FOR A WATER USE PERMIT, HONOLULU WASTEWATER TREATMENT PLANT, OAHU

Mr. Sakoda amended the application to show it is also for a well construction permit.

Mr. Cox asked if the standard conditions for a well drilling permit shouldn't be added if the Commission is approving a drilling permit. Mr. Sakoda replied that he had forgotten to add the well construction permit into the application. Therefore, he planned to put in the details of the well construction on the permit itself. He added that the water use permit is the more important permit because this project is in the water management area.

Mr. Cox voiced his concern that if Oahu Sugar's efforts are not successful in putting enough recharge for the aquifer, he felt this well should be the first to be cutback because the amount is close to the sustainable yield.

Chairperson Paty asked what the timeframe was for the Oahu Sugar lands to be taken out of production. Mr. Sakoda replied that the proposed schedule for the basal aquifer is for five years, but that the specifics are not that clear. He added that Condition 1 was specifically put into the permit to let the user know of the concern of the water in that area.

Mr. Tagomori added that there is a program underway dealing with the Honouliuli Sewage Treatment plant to recycle the effluent. A feasibility study has been completed by the joint effort of Campbell Estate, the City, the UH Water Resource Research Center, and the Department of Health. The study shows that the advanced primary treated sewage can be used to recharge the aquifer. The planning and design phase of the project will be initiated later in the year. The other project that will be recharging the caprock is the damming of Westloch.

Dr. Lewin added that in terms of using the advanced primary for recharge, there may be some objections from EPA, therefore research will be very important.

Dr. Lewin asked who was using the caprock water at the present time. Mr. Tagomori replied that Oahu Sugar was the primary user and Mr. Sakoda added that all the golf course projects in the area would also be using the caprock water.

Unanimously approved with amendment (Lewin/Cox).

ITEM 3

FINANCE REALTY APPLICATION FOR A WATER USE PERMIT, MAKAKILO GOLF COURSE WELL, MAKAKILO, OAHU

In discussions with staff, the Board of Water Supply asked that a correction be made that the chloride content of the water be 200 ppm or less, instead of 160 ppm.

In answer to Mr Cox's question on who owns the well makai of the proposed well, Mr. Sakoda said it is an old Oahu Sugar well that is no longer being used.
Chairperson and Members  
Commission on Water Resource Management  
State of Hawaii  
Honolulu, Hawaii  

Gentlemen:

City & County of Honolulu  
Division of Wastewater Management  
Application for a Water Use Permit  
Honouliuli Wastewater Treatment Plant, Oahu

Applicant:  
City & County of Honolulu  
Division of Wastewater Management  
650 S. King Street  
Honolulu, Hawaii 96813

Action Requested: Approval of a water use permit to use 0.5 million gallons per day (mgd) from Honouliuli Wastewater Treatment Plant Caprock Well (Well No. 1902-03) for in-plant process water for the Honouliuli WWTP.

Source of Water Supply: Caprock aquifer, Pearl Harbor Water Management Area.

Project Location: The Honouliuli WWTP is located at East Hanson Road and Geiger Road, adjacent to Barbers Point NAS, Honouliuli, Ewa, Oahu.

Proposed Water Use: In-plant process water for the WWTP.

Water Availability and Impact on Surrounding Wells: The well is located in the Honouliuli-Puuloa Sector of the Caprock Aquifer. Sustainable yield under current conditions is about 10 to 15 mgd. Caprock water use in the area, mainly from Oahu Sugar Company sources, is about 14 mgd. In the future, as fields are removed from sugar cane cultivation, the sustainable yield is expected to be less than 10 mgd. The continued use of water from the Caprock Aquifer in the future will depend upon the ability of the water users to find a source of recharge to the aquifer such as treated sewage effluent. Without such a supplemental source of recharge, the caprock resource will eventually become too saline to be used.

Public Notice: In accordance with DLNR Administrative Rules, a public notice was published in the Star Bulletin on January 31 and February 7, 1990. In addition, copies of the public notice were sent to the Mayor's office, the Department of Health, the Honolulu BWS, Oahu Sugar Company, and to The Estate of James Campbell. Written objections to the proposed permit were to be submitted to the Commission by February 22, 1990. The Board of Water Supply recommended approval of the permit. Oahu Sugar Company did not have any specific objection to the permit but expressed concern regarding the administration of the aquifer and the importance of increasing recharge to the aquifer to maintain its present quality. No other comments or objections have been filed.
RECOMMENDATION:

That the Commission approve the issuance of a water use permit to the applicant to use 0.5 mgd of brackish caprock water for in-plant process use from Well No. 1902-03, subject to the following conditions:

General Conditions

(1) The water use authorized by the permit must be for the reasonable-beneficial use described in the permit.
(2) The use must not interfere with any existing legal use of water.
(3) Modification of any permit condition must be approved by the Commission.
(4) The applicant must comply with all other applicable laws, rules, and ordinances.

Additional Conditions

(1) The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Caprock Aquifer and establish courses of action to prevent the aquifer from becoming too saline to use. The applicant must comply with the approved plan.
(2) An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.
(3) The development of the ground water source shall be completed within 24 months from the date of permit issuance.

Respectfully submitted,

MANABU TAGOMORI
Deputy Director

APPROVAL FOR SUBMITTAL:

WILLIAM W. PATTY, Chairperson
Mr. William W. Paty, Chairperson
Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Paty:

Subject: Your Letter Dated February 7, 1990 on Public Notice of Applications for Water Use Permits in the Pearl Harbor Water Management Area for the Honouliuli Wastewater Treatment Plant and for Finance Realty

Thank you for the opportunity to comment on these applications for water use permits.

We recommend approval of the permit for the caprock well to be used for plant use at the Honouliuli Wastewater Treatment Plant. Use of the caprock water in the plant will conserve potable water for other uses.

We recommend the application by Finance Realty to develop a caprock well for golf course irrigation mauka of the H-1 freeway be approved on the condition that the water will be used on the golf course only if the chloride is 160 ppm or less. Although we encourage use of caprock water for irrigation, the area of intended application would permit infiltration of the lower quality caprock water into the Waianae aquifer which supplies potable water to the Navy and the Board of Water Supply. This is simply a case where the use of brackish caprock water for irrigation should only be allowed if it does not harm the quality of
March 7, 1990

City and County of Honolulu
Division of Wastewater Management
650 South King Street
Honolulu, Hawaii 96813

Gentlemen:

Application for a Water Use Permit
Honouliuli Wastewater Treatment Plant, Oahu

The Commission on Water Resource Management will be acting on your permit application for the Honouliuli Wastewater Treatment Plant Caprock Well (Well No. 1902-03) at its meeting on Thursday, March 15, 1990, 2:00 p.m., at the Kona Surf Hotel, Mauna Kea Room, 78-128 Ehukai Road, Kailua-Kona, Hawaii.

Your application will be included on the agenda as Item 2 (enclosed).

You or your representative are invited to attend the meeting.

Sincerely,

MANABU TAGOMORI
Deputy Director

FS:ko
Encl.
the water in the aquifer beneath the area being irrigated. Otherwise, the developer should be required to desalinate the water so the chloride does not exceed 160 ppm.

If you have any questions, please contact Chester Lao at 527-5276.

Very truly yours,

[Signature]

FOR KAZU HAYASHIDA
Manager and Chief Engineer
Mr. Manabu Tagomori  
Deputy Director  
Commission on Water Resource Management  
Division of Land and Natural Resources  
P. O. Box 373  
Honolulu, Hawaii 96806  
Dear Manabu:

Subject: Comments on Water Use Permit Applications by City and County of Honolulu, Division of Wastewater Management and Finance Realty for Ewa Caprock Aquifer Water

Thank you for giving us the opportunity to comment/object to the subject water use permit applications.

Oahu Sugar Company, Limited (OSCo) does not have specific objections to the granting of water use permits for the subject projects. We do have general concerns that use of caprock water by non-traditional users will have an adverse impact on OSCo's operations and profitability. We would like to take this opportunity to comment on the general status of the Ewa caprock aquifer, which in turn we hope will have an effect on your consideration of the subject water use permits applications.

Our first concern is in regards to the administration of the aquifer. The administration of the caprock aquifer by the commission has not been clearly defined or consistent. Strictly speaking, OSCo does not have any permits to use any water from the aquifer, yet it pumps water from the aquifer with the full knowledge and understanding of the commission and its staff. In years past, the rationale has been, "because the hydrology of the caprock sub-area has not been clearly established, hence the sustainable yield and hence the allowable pumpages cannot be established--existing uses would be allowed to continue without regulation until these limits have been established." Yet the Board of Land and Natural Resources and the Commission have issued permits to new users in the aquifer. Our concern is these new permits could be used to establish a higher, more vested right to use caprock water by the newcomers than the rights ascribed to OSCo under previous understandings. It should be pointed out that the caprock aquifer resource was created by OSCo and its predecessor, Ewa Plantation Company, and its continuance is solely dependent on...
Ewa Plantation Company, and its continuance is solely dependent on OSCo (by its continued irrigation recharge). It would be grossly unfair that use of a resource created and maintained by sugar, should be usurped by non-sugar users. OSCo desires to be kept abreast of your plans and intentions for administration of the caprock aquifer, so that we can plan for a continued source of irrigation water.

Our other comment is in regard to the continuance of the caprock aquifer as a viable source of water, especially for non-potable municipal use. As you know, due to changes in land use, irrigation methods and related policies, the amount of recharge to the aquifer has decreased and the net draft from the aquifer has probably increased. In order to maintain the present quality of water, the present withdrawals and the further proposed withdrawals, recharge to the aquifer will have to be increased, immediately. The water commission must assign priority to increasing recharge to this aquifer, if as the commission desires, the aquifer is to become a major source of non-potable municipal water. We cannot overemphasize the urgency of this matter.

We urge the commission and staff in considering these water use permit applications to keep our comments in mind. You must carefully weigh the impacts of granting these permits on the existing users and on the overall hydrology of the caprock aquifer. Thank you for the opportunity to present our comments regarding the Ewa caprock aquifer. Please feel free to call me to discuss these concerns in further depth.

Very truly yours,

W. D. Balfour, Jr.
Vice President and Manager

xc: Mr. Bill Paty
February 14, 1990

Mr. William W. Paty, Chairperson
Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Paty,

Subject: Your Letter Dated February 7, 1990 on Public Notice of Applications for Water Use Permits in the Pearl Harbor Water Management Area

Thank you for the opportunity to comment on the City's Division of Wastewater Management and Finance Realty's applications for water use permits.

I have asked the Board of Water Supply to respond directly to your Commission on the permit applications.

Warm personal regards.

Sincerely,

FFF:do
Honorable Frank F. Fasi
Mayor, City and County of Honolulu
City Hall
Honolulu, Hawaii 96813

Dear Mayor Fasi:

Public Notice for Water Use Permit Applications
Pearl Harbor Water Management Area, Oahu

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-171-17(a), we are sending you a public notice which was published in the Star Bulletin.

If you have any comments, please submit them to us by February 22, 1990.

Very truly yours,

WILLIAM W. PATY

Enc.
Dr. John C. Lewin  
Director of Health  
Department of Health  
State of Hawaii  
1250 Punchbowl Street  
Honolulu, Hawaii 96813

Dear Dr. Lewin:

Public Notice for Water Use Permit Applications  
Pearl Harbor Water Management Area, Oahu

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-171-17(a), we are sending you a public notice which was published in the Star Bulletin.

If you have any comments, please submit them to us by February 22, 1990.

Very truly yours,

WILLIAM W. PATY

Enc.
Publication of Legal Notice

Notice of Applications for Water Use permits "Pearl Harbor Water Management Area, Oahu"

Honolulu Star-Bulletin issues of January 31 and February 7, 1990

If you have any questions, contact Faith at 548-7619
Refer to Price List No. PL89-46

<table>
<thead>
<tr>
<th>QUAN.</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>OBJECT</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Publication of Legal Notice</td>
<td></td>
<td></td>
<td>250.00</td>
</tr>
</tbody>
</table>

548-7619

REQUISITIONER

VOUCHER NUMBER

AUTHENTICATED BY:

A. FUKUYA

GOODS/SERVICES RECEIVED IN GOOD ORDER AND CONDITION BY DATE

AUTHORIZED SIGNATURE

REQUISITION NO.

FOR DEPARTMENT USE ONLY

<table>
<thead>
<tr>
<th>VENDOR NUMBER</th>
<th>SFX</th>
</tr>
</thead>
<tbody>
<tr>
<td>117494</td>
<td>XX</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SFX</th>
<th>TC</th>
<th>F</th>
<th>YR</th>
<th>APP</th>
<th>D</th>
<th>OBJECT</th>
<th>CC</th>
<th>PROJ NO.</th>
<th>PH</th>
<th>ACT</th>
<th>ESTIMATED COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>621</td>
<td>G</td>
<td>90</td>
<td>043</td>
<td>C</td>
<td>4000</td>
<td>0741</td>
<td>000000</td>
<td>00</td>
<td>076</td>
<td>250 00</td>
</tr>
</tbody>
</table>

COPY #7 - DEPARTMENT

STATE ACCOUNTING FORM C-03
JULY 1, 1983 (REVISED)
PUBLIC NOTICE

Applications for Water Use Permits
Pearl Harbor Water Management Area, Oahu

Two applications for water use permits have been received and is hereby made public in accordance with Administrative Rules 13-171, "Designation and Regulation of Water Management Areas".

1. Applicant: City and County of Honolulu
   Division of Wastewater Management
   650 South King Street
   Honolulu, Hawaii 96813

   Date Application Received: November 17, 1989

   Source of Water Supply: Caprock aquifer, Pearl Harbor WMA

   Location of Well: Honouliuli Wastewater Treatment Plant (WWTP) at Tax
   Map Key: 9-1-13:7

   Quantity Requested: 0.5 million gallons per day

   Proposed Water Use: In-plant process water for the WWTP

   Place of Water Use: WWTP, located at East Hanson Road and Geiger Road,
   adjacent to Barbers Point NAS, Honouliuli, Ewa, Oahu

2. Applicant: Finance Realty
   P.O. Box 3979
   Honolulu, Hawaii 96812

   Date Application Received: January 12, 1990

   Source of Water Supply: Caprock aquifer, Pearl Harbor WMA

   Location of Well: Along access road to Barbers Point NAS at Tax Map
   Key: 9-1-16:1

   Quantity Requested: 1.15 million gallons per day

   Proposed Water Use: Golf course irrigation

   Place of Water Use: Makakilo Golf Course, located above H-1 Freeway east
   of Makakilo, Oahu

Written objections or other comments on the applications for water use may be filed by any person who has a property interest in any land within the hydrologic unit of the source of water supply or who will be directly and immediately affected by the proposed water use. Written objections shall: (1) state property or other interest in the matter; (2) set forth questions of
procedure, fact, law, or policy to which objections are taken; and (3) state all grounds for objections to the proposed permits. Send written objections by February 22, 1990, to the Division of Water and Land Development, P.O. Box 373, Honolulu, Hawaii 96809.

State of Hawaii
Commission on Water Resource Management

WILLIAM W. PATY, Chairperson

Dated: JAN 25 1990

Publish in the Honolulu Star Bulletin
issues of January 31 and February 7, 1990


PUBLIC NOTICE

Application for Water Use Permits
Pearl Harbor Water Management Area, Oahu

Two applications for water use permits have been received and is hereby made public in accordance with Administrative Rules 13-171, "Designation and Regulation of Water Management Areas".

1. Applicant: City and County of Honolulu
   Division of Wastewater Management
   650 South King Street
   Honolulu, Hawaii 96813

   Date Application Received: November 17, 1989
   Source of Water Supply: Caprock aquifer, Pearl Harbor WMA
   Location of Well: Honolulu Wastewater Treatment Plant (WWTP) at Tax Map Key: 9-1-13:7
   Quantity Requested: 0.5 million gallons per day
   Proposed Water Use: In-plant process water for the WWTP
   Place of Water Use: WWTP, located at East Hanson Road and Geiger Road, adjacent to Barbers Point NAS, Honolulu, Ewa, Oahu

2. Applicant: Finance Realty
   P.O. Box 3979
   Honolulu, Hawaii 96812

   Date Application Received: January 12, 1990
   Source of Water Supply: Caprock aquifer, Pearl Harbor WMA
   Location of Well: Along access road to Barbers Point NAS at Tax Map Key: 9-1-16:1
   Quantity Requested: 1.15 million gallons per day
   Proposed Water Use: Golf course irrigation
   Place of Water Use: Makakilo Golf Course, located above H-1 Freeway east of Makakilo, Oahu

Written objections or other comments on the applications for water use may be filed by any person who has a property interest in any land within the hydrologic unit of the source of water supply or who will be directly and immediately affected by the proposed water use. Written objections shall: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy to which objections are taken; and (3) state all grounds for objections to the proposed permits. Send written objections by February 22, 1990, to the Division of Water and Land Development, P.O. Box 373, Honolulu, Hawaii 96809.

State of Hawaii
Commission of Water Resource Management

WILLIAM W. PATY, Chairperson

Dated: January 25, 1990
(Hon. S.-B.: Jan. 31; Feb. 7, 1990) (SB-0657)
APPLICATION FOR WATER USE PERMIT

**GROUNDWATER** or **SURFACE WATER**

## State of Hawaii

**COMMISSION ON WATER RESOURCE MANAGEMENT**

Department of Land and Natural Resources Division of Water Resource Management

### INSTRUCTIONS

Please print or type and send completed application with attachments to the Division of Water and Land Development, P.O. Box 373, Honolulu, Hawaii 96809. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Department of Land and Natural Resources. (Filing fee waived for government agencies.) If necessary, phone 548-7242, Hydrology/Geology Section for assistance.

---

### 1. WATER MANAGEMENT AREA

Pearl Harbor

### 2. WELL/DIVERSION OWNER

<table>
<thead>
<tr>
<th>City &amp; County of Honolulu</th>
<th>City &amp; County of Honolulu</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Firm Name</strong></td>
<td>Div. of Wastewater Management</td>
</tr>
<tr>
<td><strong>Contact Person</strong></td>
<td>Mr. George Uyema</td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td>650 S. King Street</td>
</tr>
<tr>
<td><strong>Phone</strong></td>
<td>527-5037</td>
</tr>
</tbody>
</table>

### 3. SOURCE TYPE

- [ ] Spring
- [ ] Dike-confined
- [ ] Stream
- [ ] Perched
- [ ] Basal
- [ ] Caprock

### 4. SOURCE NAME AND NUMBER

New Well

### 5. SOURCE LOCATION

Island Oahu Tax Map Key 9-1-13-7

Address 91-1501 Geiger Rd., Ewa Beach, HI 96706 (Honouliuli WWTP)

(Attach a USGS map (scale 1"=2000') and property tax map showing source location referenced to established property boundaries.)

### 6. LOCATION OF PROPOSED WATER USE (if different from #5)

(Indicate location of water use on same map showing source location.)

### 7. QUANTITY OF WATER REQUESTED

500,000 gallons per day

### 8. QUALITY OF WATER REQUESTED

- [ ] Fresh
- [ ] Brackish
- [ ] Salt
- [ ] Potable
- [ ] Non-Potable

### 9. PROPOSED USE

- [ ] Municipal (including hotels, stores, etc)
- [ ] Military
- [ ] Domestic (individual, noncommercial water sys.)
- [ ] Industrial
- [ ] Irrigation (specify) In-plant process water for the Honouliuli WWTP.
- [ ] Other (specify)

### 10. DESCRIBE ANY POTENTIAL RESTRICTIONS ON USE (i.e., instream standards, seasonal variations)

### 11. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION

24 hours/day

(Indicate hours of operation)

### 12. PROPOSED METHOD OF TAKING THE WATER

- [ ] Artesian Flow
- [ ] Submersible Pump
- [ ] Vertical Turbine Pump

### 13. NO. OF RESIDENTIAL OR COMMERCIAL UNITS TO BE SERVED

0

### 14. TOTAL ACRES PROPOSED FOR IRRIGATION

N/A

Type of Crop N/A

### 15. REMARKS, EXPLANATIONS

(See reverse side)

(If more space is needed, continue on back side)

---

City & County of Honolulu

Owner (print) Div. of Wastewater Management Landowner (print) Div. of Wastewater Management

**Signature**

Date

**Signature**

Date

---

For Official Use Only:

Date Received

Hydrologic Unit

Date Accepted

Diversion Works No.

State Well No. 1902-03

07/01/05
15. REMARKS, EXPLANATIONS  The City & County of Honolulu would like to reduce potable water use at the Honouliuli WWTP. The use of brackish caprock water for wash down and processing can reduce potable water use by 60 to 80%. This amounts to a present savings of 300,000 gallons per day of potable water.
COMMISSION ON WATER RESOURCE MANAGEMENT

RECEIVED

STATE OF HAWAII

In the Matter of the
Applications for Water Use
Permits, Applications for Well
Construction/Pump Installation
Permits, Requests for New and
Continued nonpotable Urban Uses
Allocation Plan for Water Use
Permits, Ewa Caprock Ground
Water Management Area, Oahu.

Excerpted portion of hearing held on May 14, 1997
at 1:15 p.m. at the DLNR Board Room, 1151 Punchbowl Street,
Kalanimoku Building, Honolulu, Hawaii 96813.

McManus Court Reporters
1-808-538-0096
APPEARANCES:

CHAIRPERSON:                  MICHAEL D. WILSON

COMMISSIONERS:

RICHARD H. COX

DAVID A. NOBRIGA

ROBERT G. GIRALD

HERBERT RICHARDS, JR.

LAWRENCE H. MIKE

STAFF:

RAE LOUI, Deputy Director
ROY HARDY, Civil Engineer
LENORE NAKAMA, Hydrologist
DAVID HIGA, Planner
CHARLEY ICE, Planner
DEAN NAKANO, Hydrologist
EDWIN T. SAKODA, Hydrologic
Program Manager
GLENN BAUER, Geologist
JANIS UWAINE, Secretary

COUNSEL:

WILLIAM TAM, ESQ.

Department of the Navy:

MS. CHERYL CONNET

Division of Wastewater
Management City and County
of Honolulu:

MARK MORITA, Deputy Corporation Counsel

Hawaii Prince Golf Course:

DOUGLAS ING, ESQ.

Gentry Homes and Pu'uloa
User's Group:

JEFF DINSMORE

McManus Court Reporters
1-808-538-0096
(Reporter's Note: Rae Loui's presentation of staff submittal was not available for transcription due to technical difficulties of COWRM's recording equipment. There were no intervening speakers after the presentation.)

-- o00o --

MS. LOUI: The rest of the recommendation stands as it is written. That concludes our presentation.

CHAIRPERSON WILSON: All right. Questions, Commissioners? Rae, can you clarify what your position is with respect to recommendation No. 4.

MS. LOUI: Ewa Beach?

CHAIRPERSON WILSON: As was discussed by Mrs. Connet, the Department of the Navy.

MS. LOUI: Yes. As I understand it instead of requiring the Navy to propose a pump test and to have that approved by the Commission staff she wanted wording such that the Navy would coordinate a pump test with the Commission staff. Again we would like the authority to approve a pump test because we need to ensure that there's consistency across the board as far as how the test is proposed. So we need the authority to approve a pump test.

And I think she had a recommendation about changing the wording in the rest of that sentence. But, you know, our intent was that in a pump test you would test different levels of pumpage. So it's not just whether or not the source could
sustain the permitted amount but you would step down and try
different levels of pumpage. So I don't think that's necessary
either.

CHAIRPERSON WILSON: You don't think --
MS. LOUI: The wording change was necessary.
CHAIRPERSON WILSON: -- the wording on the thing was
necessary. Any other questions?

COMMISSIONER COX: I'd like to just follow up on
that. Basically what you have in No. 4 along here is what
we've required of other permittees, is it not?

MS. LOUI: Right.

COMMISSIONER COX: That's my recollection that we
basically ask that and that they provide, they make a
suggestion and it has to be approved by the staff.

MS. LOUI: Right. If you look at the one right
above Campbell it's exactly the same.

COMMISSIONER COX: That's what I thought. And we've
done this in other --

MS. LOUI: Right. These two are different from
Haseko's because Haseko has proposed a pump, a protocol
already.

COMMISSIONER COX: Yes.

CHAIRPERSON WILSON: Okay. Other questions,
Commissioners? If not, thanks, Rae. Is there anybody else who
would like to testify on agenda items 4 or 5 that hasn't had a

McManus Court Reporters
1-808-538-0096
chance to do so yet? Yes, Ms. Goth.

MS. GOTH: My name's Donna Goth. I'm with Campbell Estate. I really don't want to testify but I need to get clarification on agenda item 4 recommendation No. 3. It's my understanding based on the discussion so far that this particular recommendation is specific to the Pu'uloa aquifer. I just wanted to make sure if that's correct or not.

CHAIRPERSON WILSON: That's correct.

MS. GOTH: Because it wasn't mentioned.

COMMISSIONER COX: That's just for the Ewa caprock.

MS. GOTH: For the entire Ewa caprock?

MS. LOUI: Yes.

COMMISSIONER COX: Look at No. 2.

MS. GOTH: I guess, then, I'd have a question as to why it would be, there would be a recommendation to do that given there has been, to my knowledge, no studies nor problems identified to date in the Kapolei and Hanakole aquifers.

CHAIRPERSON WILSON: Okay.

MS. GOTH: I thought we were only addressing the Pu'uloa. But then as I read No. 3 and it didn't specify it that's why I needed the clarification.

CHAIRPERSON WILSON: Okay. Rae, do you want to speak to why we are including other portions of the aquifer?

MS. LOUI: The intent is because the entire caprock aquifer is similar, available lands. So we'd like to manage
the entire area using the same criterion. It would be
difficult to manage it using different well caps.

CHAIRPERSON WILSON: What is your concern? The
weekly chloride report?

MS. GOTH: Um, I guess I'm not sure that I am
concerned. I just -- it's not something that we have looked at
this terms of those two aquifers. We had focused on the
Pu'uloa aquifer because we are aware of the problems that have
occurred in terms of the chloride levels. Have not really
focused on the other two. I don't know if it matters one way
or the other. I just wanted a clarification because we hadn't
focused on it or thought about it in terms of the other
aquifers nor have there been any other discussions.

CHAIRPERSON WILSON: I'm glad you pointed it out to
clarify.

MS. GOTH: Thank you.

CHAIRPERSON WILSON: Additional testimony? Yes,
Jeff.

MR. DINSMORE: My name is Jeff Dinsmore. Again I'm
with Gentry Homes, a member of the Pu'uloa Caprock Users Group.
With respect to agenda item no No. 5 we're generally in support
of the staff's recommendation and appreciate all their hard
work. I think they did take most of our best ideas out of our
plan at least we came up with the right answer.

CHAIRPERSON WILSON: I'll remember you. Doug Ing
was talking about using this different management technique.

    MR. DINSMORE: One concern we have is the weekly reporting. I understand the need for additional information but for some of the smaller wells in our project we're talking about taking out 20,000 gallons a day not 2 million gallons a day. I don't believe how much compact, how much change there is on a weekly basis. It costs us $20 every time we run a test plus somebody to go out there and get the water.

    So if there's some way we -- I don't know if we could have a, you know, level below at which the weekly test doesn't apply, maybe that could be considered.

    In addition the interim water use permits as I understand it are being extended until October 1998. Is there some magic date to October 1998?

    CHAIRPERSON WILSON: Rae?

    MS. LOUI: That's the revocation date.

    CHAIRPERSON WILSON: Four years.

    MS. LOUI: Well, actually all three well.

    CHAIRPERSON WILSON: Four year period.

    MR. DINSMORE: Thank you.

    COMMISSIONER COX: One question. If you'd like to review this weekly thing would you have a suggestion on the size? Obviously the more important ones it's very important to get more information. Do you have any kind of feeling on that?

    MR. DINSMORE: I'd defer to somebody who knows more
about it than I do but...

COMMISSIONER COX: If we were going to make an
adjustment on it.

CHAIRPERSON WILSON: Perhaps we could leave that to
the discretion of the staff to discuss with Mr. Nance. The
staff could see whether the smaller wells require weekly
reporting or not.

MS. LOUI: Okay.

CHAIRPERSON WILSON: Okay. Additional testimony?

Doug.

MR. ING: Sorry, Mr. Chairman, I wanted to comment
separately.

CHAIRPERSON WILSON: Didn't you want to take credit
for ideas? (Laughter)

MR. ING: No. As far as we were concerned they're
all the staff's ideas. (Laughter) We did have some separate
comments with respect to agenda item No. 5. I think first of
all we'd again like to thank staff and the Commission for the
efforts put in to resolve some rather long-standing regulation
issues in the Ewa caprock. It has been a monumental effort.
We do have comments on four areas. Two of them, two of the
comments will be very brief and the other two somewhat
substantial.

The four areas of concern are, first of all, Hawaii
Prince did request an additional 150,000 gallons per day for
evaporative losses from the irrigation lakes. The second area
concerns the requirement that certain users execute a contract
with Wastewater Management within 12 months. In Hawaii
Prince's case to purchase 4 MGD of reclaimed water by
July 1999.

The third one has to do with the duration of the
permit. And the fourth, the weekly sampling requirement.

First of all with respect to the variance from the
domestic consumption guideline, we did in fact request a
variance. I think the staff did recommend that the
4,000-gallon per day per acre requirement be amended for Hawaii
Prince which we were very pleased, of course.

But we are concerned that we're not given
consideration for the evaporative losses from the lakes. As
the submittal indicates Hawaii Prince Golf Course does have
32 acres of open lake surfaces as well as in combination would
serve as a reservoir.

We are asking that the Commission amend the staff's
submittal Exhibit 5 to increase the interim water use permit
amount from 0.151 MGD to 0.301 MGD for the following reasons.
First of all we believe the golf course lakes are a reasonable
and beneficial use of the water. Golf courses are a commercial
enterprise. Most championship courses do contain water
features which play an important role in the operation of the
course. The lakes are integral to the layout and the
playability of the course.

At Hawaii Prince the lakes are also an integral part of the drainage scheme. These lakes are sized in part to accept and receive storm water runoff from an adjacent 270 acres of land as well as to receive runoff from its own lands.

In addition, these lakes serve as reservoirs storing water for the golf course. The state in its own design of irrigation systems also uses large reservoirs for the storage of water. For example, in the Molokai irrigation system has as an integral component the Kualapu'u Reservoir which is about 100 acres in size. It does experience similar evaporative losses amounting to approximately .5 MGD we believe.

We don't believe the Commission has in the past held that such evaporative losses are non-beneficial or that these reservoirs are not a reasonable use of water or land.

We think this is particularly true since the evaporative loss for lake surfaces is less than if the 32 acres were in turf glass or other landscaping. Indeed if they were landscaped they would have to be irrigated and the water use would be greater. At the time the Prince Golf Course was built in 1992 there was no indication from the Commission the location of irrigation water for courses would not include acreage for open lake surfaces.

We are requesting that the Commission take a broader
perspective on this issue and again ask that the interim use request be increased to accommodate this.

The second point we wanted to make has to do with the mandatory purchase of reclaimed water. And we are objecting to this for a number of reasons. First of all it would be extremely difficult for the Prince or any other party we believe to execute such a contract within 12 months. There are legal issues yet to be resolved as to whether or not the city could enter into such a contract without complying with the procurement code HRS Chapter 103D.

We already had some preliminary discussions on that issue with the city. In order to reach agreement with Wastewater Management on such a contract we would need to reach agreement with several other parties and users in the Pu'uloa area. Included in the issues are the cost for the distribution system, who bears that cost and how that system would be financed.

In addition this condition is imposed only upon certain users. I think -- well, there are three of us today and the Ewa is not being considered today, but we're the only ones that have, that bears that requirement and others do not. We think that that may be discriminatory.

Finally, we think that there's no essential nexus between the condition imposed and legitimate state interest in the issuance of the interim permit. The requirement imposed is
also disproportionate to the impact of the additional withdrawal being allowed. For those reasons we request that that particular condition be deleted or modified.

We are also concerned about the shortness of time -- and this is the third point -- of the interim permits. The October '98 time frame is only a year and-a-half or less. And we think it should be longer. And perhaps there's a way of extending that time frame without going through a full Commission meeting.

Finally, the fourth point, the weekly chloride sampling is an economic burden and we did ask that Tom Nance prepare some graphs showing the differences, if any, between the weekly results and the monthly results. And Hawaii Prince has been taking weekly samples for about a year now for several reasons. We do have the results. Tom has plotted these and I'll ask that he explain these charts.

MR. NANCE: I just plotted two of the six Hawaii Prince wells. Well No. 1 which has the lowest chlorides and well No. 2 which has the highest. Starting in April last year we started sampling on a weekly basis. We were also monitoring pumpage on a weekly basis to get a handle to prioritize pumping so that the lowest chloride wells came on first and the worst came on last.

What I plotted here on the base underneath is the results of the weekly data. And then overlaid on the top is if
I had only been sampling them only a monthly basis.

The well No. 1, this large spike happened with the November rains where we had all the saltwater flush down and the well is in the process of recovering. It's now just under a thousand milligrams per liter but it had about 350 milligram per liter jump in a short period of time.

As you can see in both plots the monthly data and the weekly data basically tell you the same thing. The monthly data tracks very well with the weekly data. It's not a heck of a lot more information in the weekly than you otherwise get in the monthly.

MR. ING: So I guess from the Hawaii's Prince's perspective we are hoping to come off the weekly requirement. We were doing it voluntarily but we needed to get a handle on the chlorides and the usage. I did hear Rae refer to a year's period of time. But I would note for the Commission that that time frame is not included in the recommendation. That may be a way to resolve it.

One final point, the request for the variance as contained in the No. 5, the staff recommendation is substantially different from the one that we proposed in the testimony with respect to agenda item No. 4.

The variance is described by the staff in its submittal beginning at Page 4, actually on the bottom of Page 4 it would not work for Hawaii Prince for a number of reasons.
So we request instead of the variance proposed here that the
Commission take action on the variance that we had proposed in
the written testimony submitted in connection with item 4.
Thank you.

CHAIRPERSON WILSON: Questions? Questions, Commissioners? Okay. If there are no questions --

COMMISSIONER COX: I have a question going back to the chloride and the weekly or the monthly. Has our staff, Rae, looked at the information, for instance, that we were shown up here, the difference between the weekly and the monthly?

MS. LOUI: I think Mike solution earlier about delegating the staff the authority to amend it on a case-by-case basis, 'cause if something like this could be shown for every well we would be open to that.

COMMISSIONER COX: Yeah. We certainly don't want to make something that's very difficult either for them or for us.

MS. LOUI: We don't want to either.

CHAIRPERSON WILSON: All right. If there are no further questions then do we have additional testimony?

Mr. Morita.

MR. MORITA: Thank you. I'm Mark Morita representing the city. And what I'd like to focus on if I could is on Page 14, paragraph 6 and 7 of the staff
recommendation. What I'd like to offer is basically just a rewording of the paragraphs with the intention of saying that what we'd like to emphasize in those two paragraphs is that the Division of Wastewater Management of the city is or welcomes the participation of the Commission in developing and implementing our, or your input as we develop and implement our reuse plans.

What we have -- there may be just a slight wording problem in that it, if we were to just work with the Commission staff with the wastewater staff to develop milestones, as you know the Wastewater Management is being watched by or working in coordination with the Department of Health and several other agencies in order to get, to get our B plane water program together and in compliance with everyone else's needs. So.

The danger in this is that we establish milestones, separate milestones with different agencies instead of having one uniform set of milestones. What we'd like to do is invite the Commission through language I've given to staff to work with us and with the other agencies in developing some of these milestones that we can all abide by.

And to give you some indication of where we are at with this we have, our secondary plant has just been constructed in December. We are still awaiting construction of our filtration plant and our UV disinfection equipment to bring this water up to R1 quality. On top of that we've got to

McManus Court Reporters
1-808-538-0096
construct our infrastructure to deliver this water to the various users.

It's all, the infrastructure we've got to identify our easements on pipe corridors, and obtain easements. And a lot of that has to be worked out with the Department of Health as far as use regulations on applications to the land and several questions about the reservoirs and storage capacities to meet their requirements.

And so if we were able to change the wording of this paragraph or couple of paragraphs in order to emphasize that we at the Division of Wastewater Management now recognize that we have this water supplier responsibility and that we are seeking active participation of the Commission in order to help us meet our milestones, I would, I think that the wording would be much for beneficial for both parties.

CHAIRPERSON WILSON: Any questions, Commissioners?

COMMISSIONER MIKE: Yeah.

CHAIRPERSON WILSON: Commissioner Cox --

Commissioner Mike.

COMMISSIONER MIKE: Do we look alike? (Laughter)

Mr. Morita, this an alternative to getting fined $174,000. So...

MR. MORITA: What I'd like to suggest is that the fine or the action on the violation be deferred pending our active participation with your staff in order to come up with
these milestones.

COMMISSIONER MIIKE: I think the staff will be
cognizant of the other obligations that you have. So I don't
think they would be imposing a time line that would put you in
conflict with our department or the EPA. So I guess it's the
same with the Navy. It's, to me it's a matter of semantics.
But the objective is still the same.

MR. MORITA: Yes. So all I'm asking is just a word
spin.

COMMISSIONER MIIKE: What for? (Laughter)

MR. MORITA: Well, that brings up what it does is it
avoids having on the record some, or -- I think it side steps
an issue I think with the Wastewater Management who may feel
that they, they would want to instead of concentrating on the
cooperative nature of this pattern, intent of this pattern they
would want to concentrate on seeing whether the violation
actually the fines are actually justified. That's why.

COMMISSIONER MIIKE: They've been overusing by 100
percent.

MR. MORITA: I understand. I understand that. And
what I would -- and I'm not saying that, I don't want to -- I
understand what you're saying and I understand what the staff
is doing in order to avoid these fines. But what I would like
to ask for your cooperation is that we can instead have
language which would defer action on it, still hold it in
abeyance but seek a compliance with this reuse plan.

    CHAIRPERSON WILSON: Okay, thanks. Other questions, Commissioners?

    COMMISSIONER COX: I guess I have one in here, I believe --

    CHAIRPERSON WILSON: Commissioner Miike? (Laughter)

    COMMISSIONER COX: Thank you.

    COMMISSIONER MIIKE: Dr. Miike. (Laughter).

    COMMISSIONER COX: We're twins. I think Doug Ing spoke for the Hawaii Prince Golf Course and he talked about certain legal problems along here on this. Would you like to comment on those?

    MR. MORITA: Yeah. He spoke about whether or not the procurement code of the state and the county would allow -- I guess he inferred may not allow the county to enter into agreements for the sale of this water to golf courses.

    I have heard that there were those concerns but I've not seen a legal basis to prevent the city from entering into these type of contracts. If Mr. Ing has those and if he could share those concerns with me and the statutes which would prohibit us then I would appreciate that.

    CHAIRPERSON WILSON: Any questions for Mr. Morita? Thank you for your testimony. Is there any other testimony on this agenda item?

    MS. CONNET: Good afternoon again, Chair Wilson,
Commissioners. Based on Rae Loui's understanding of the language in item No. 4 regarding the amount that the source can sustain, I have no objections to leaving that language in.

And as far as to be approved by the Commission staff we really don't have any objection to that. We've been willing to coordinate with the staff for quite some time. My only request is that the word "require" be changed to "coordinate with" the Department of the Navy only that if, as written this amounts to a substantive amendment of our existing water use permit.

And I didn't even read this until I came into the office this morning because there was nothing in here that would give me notice that my permit or the Navy's permit was about to be amended.

Now look at the agenda item, and I would think that putting a new requirement on our water use permit is a substantive amendment of our water use permit.

CHAIRPERSON WILSON: Which requirement?

MS. CONNET: The requirement that the Navy propose a pump test. There's nothing in our water permit that we currently hold, water permit No. 089 that requires us to do that. We're more than happy to coordinate with the staff to come up with a pump test that's acceptable to the staff.

That's not an issue.

CHAIRPERSON WILSON: Okay. Questions?
Commissioners?

COMMISSIONER MIIKE: Can we ask Bill Tam for comment?

MR. TAM: Under the language of the (inaudible) I can't imagine the Commission doesn't have the power to ask the permittee to examine the water quality. It is probably (inaudible)

MS. CONNET: The permit does require us to install a flow meter and make regular reports to the Commission. But what the pump test that's being proposed is an additional cost of something in the neighborhood of $10,000. I don't think that is what is proposed, is what is in the water use permit.

MR. TAM: I haven't had (inaudible). I don't think it's outside the Commission's jurisdiction to determine what is a safe yield is pumped from that well is pumped. Because the situation has changed with regard to the amount of water available to be pumped. I think the staff probably would be able to work out some way to do that.

CHAIRPERSON WILSON: All right. Other questions?

COMMISSIONER RICHARDS: Yes. I'm not an attorney and I don't understand, but in your water use permit the 4 year item, it is actually part of it, you agree?

MS. CONNET: Yes, that's correct.

COMMISSIONER RICHARDS: So at the end of 4 years if you, which is in September of this year, if you haven't fired
the sucker up it's all over just. So we understand.

MS. CONNET: Yes. There are provisions in the water
use, in the Water Code which would permit in a hearing for us
to present testimony that the non-use was not our fault and
beyond our control as mitigating factor against permanent
revocation of the permit.

CHAIRPERSON WILSON: Just the concept that suggests
that a water user that receives a permit ought to attempt to
use the resource essentially. So with respect to managing the
resource for us particularly since we're in a management area
where there are competing interests or competing users for the
same resource would seem as though it's difficult for us to
manage unless we can ask the users to sort of test the resource
once in a while.

MS. CONNET: And we'd be happy to do that.

CHAIRPERSON WILSON: That's the basis of that.

MS. CONNET: And to follow up on Commissioner
Richards, we really hope to have that thing fired up well
before September.

CHAIRPERSON WILSON: Other questions, Commissioners?

Thank you for your testimony. Is there any other testimony on
this agenda item 5? If there's no further testimony then why
don't we go back to item No. 4, Commissioners. Is there any
discussion with respect to agenda item No. 4 regarding staff's
recommendation? I think Commissioner Richards recommended the
amendment and a waiver included that could be applied for by the users.

COMMISSIONER RICHARDS: Yes. I move staff recommendations with a waiver included.

COMMISSIONER MIIKE: Second.

CHAIRPERSON WILSON: Motion's been made and seconded. There's no further discussion. All those in favor?

(Aye)

CHAIRPERSON WILSON: All those opposed? Staff's recommendations accepted as amended. Let's move on to item 5, Commissioners. Discussion? Or motion with respect to staff's recommendations?

MS. LOUI: I have a couple suggestions on Page 13 No. 5a. In response to the idea that the term is too short and it could change so that it should be perhaps longer. And also in response to the questions raised about changes in chloride levels, therefore, it should be re-examined earlier, I'd like to amend 5a to say that: The duration of the interim permits shall be to October 1998 or until such time that significant change in permitted, actual or projected use of water supply or water quality occurs.

And b at the end of b I'd like to add a phrase: Require adherence to the chloride sampling protocol shown in Exhibit 8 and the submittal of weekly chloride data as may be amended by the Commission staff.
CHAIRPERSON WILSON: We're deleting 5-, d4?

MS. LOUI: 5 -- d4, sorry.

CHAIRPERSON WILSON: All right. We have those suggested amendments. Any further discussion, Commissioners or suggested amendments to staff's recommendations? All right. If there are no further suggestions or changes, is there a motion?

COMMISSIONER NOBRIGA: Vote for staff recommendation and amendments.

COMMISSIONER GIRALD: Second.

CHAIRPERSON WILSON: Motion's been made and seconded. No further discussion. All those in favor?

(Ani)

All those opposed? Staff's recommendation is accepted as amended. The Pu'uloa Caprock Users Group really helped us a lot on this. And thank you very much for taking the time to work with our staff on it. It looks like kind of an innovative approach with a new management concept other than just sustainable yield. So mahalo to all those of you who helped. We do want to do everything we can with the city to try to make sure that DLNR water gets made available as soon as possible. Thanks. Let's take a recess for about 10 minutes.

(Recess.)

MR. ING: Mr. Chairman, before we go on could

(inaudible) with respect to item 5?
CHAIRPERSON WILSON: Well, I think we've decided item 5 and pretty much moved along. Did you want to reopen something, Doug?

MR. ING: Yes, I do.

CHAIRPERSON WILSON: I think the best thing would be if you want to discuss that with the staff, if it has to do with reserving the 150,000 gallons a day I think that's the type of thing you want to talk to the staff about.

MR. ING: It does in fact.

CHAIRPERSON WILSON: All right. Let's move on to agenda item 6.
CERTIFICATE

STATE OF HAWAII

) SS.

CITY AND COUNTY OF HONOLULU

I, HOLLY HACKETT, RPR, CSR #130, Notary Public, State of Hawaii, do hereby certify;

That the testimony contained herein was transcribed from a tape recording; that the foregoing represents, to the best of my ability, a true and correct copy of the proceedings had in the foregoing matter.

I further certify that I am not counsel for any of the parties hereto, nor in any way interested in the outcome of the cause named in the caption.

DATED: Honolulu, Hawaii, this 5th day of August, 1997.

HOLLY M. HACKETT, RPR, CSR #130
Notary Public, State of Hawaii
My Commission expires: 12/18/00

McManus Court Reporters
1-808-538-0096
McMANUS COURT REPORTERS
AGENCY DISCLOSURE

Pursuant to Rule 14 of the Rules Governing Court Reporting in Hawaii, I hereby make the following disclosure:

**ORAL DEPOSITIONS**
Appearance fees (per half day)
- Standard: $40.00
- Night/Saturday: 60.00
- Sunday/Holiday: 85.00
- Reporter’s fee (cancelled): 75.00

Transcripts (per page)
- Standard Oral Deposition: $3.20
  - If only Orig + 1 ordered: 4.50
- Copies of exhibits: .40
- Medical/technical charge: +25%
- Expedited: 7-day +25%; 5-day +50%; 3-day +75%; 1-day +100%

**WRITTEN INTERROGATORY DEPOSITIONS**
Appearance fee: $40.00
Transcript: $2.70
Copies of records: .40

**5% Discount for invoices paid within 30 days**

**HEARINGS** (per page) [$150.00 min.] $5.50
Technical charge: +25% on technical portions only.

**ARBITRATION HEARING** (Orig. + two split) $5.80/page

**MISCELLANEOUS**
- Notice/subpoena preparation with depo: No charge
- Notice/subpoena preparation - no depo: $20.00/instrument
- Storage of original transcripts: $10.00/transcript
- Reporting fee/depo (no transcript): $75.00/hour - 2 hr min.
- Reporting fee/hearing (no transcript): $150.00/hour - 2 hr min.
- Late copy surcharge (written & oral): $ .20/page
- Standby fee: $50.00/hour
- Signature fee: $15.00/transcript
- ASCII Diskette (no chg to Noticing atty): $10.00 each
- Condensed transcript (no chg to Noticing atty): $15.00 each
- Disk conversion (Discover ZX, Catlinks): $40.00 each
- Records pick-up fee: $20.00 & up
- Original records handling charge: $5.00 & up per file

The fees and charges specified above are the usual and customary charges made by me or my agency for like services to any person or organization. No financial or services discount for this or any future deposition will be given to any person or organization after this deposition is completed.

I CERTIFY that the foregoing is a complete, true and correct disclosure to the best of my knowledge and information.

[Signature]
Jean Marie McManus, Owner

CSR 156

McMANUS COURT REPORTERS

[Rev. 6/1/97]
(Addendum to minutes for May 14, 1997: Rae Loui's presentation of staff submittal is not available for transcription due to technical difficulties of COWRM's recording equipment. There were no intervening speakers after the presentation.)
I, JANIS UWAINÉ, being first duly sworn on oath, deposes and says that:

1. I am a citizen of the State of Hawaii and reside in Pearl City, Oahu.

2. I am currently a secretary to Ms. Rae Loui, Deputy Director of the State Commission on Water Resource Management (Commission).

3. I attended the Commission’s May 14, 1997 meeting and set up a Lanier Tape Recorder to record the meeting.

4. On or about July 23, 1997, I was informed that court reporters wished to come to the Commission office to make a duplicate tape and then a transcript of the Commission’s May 14, 1997 meeting (Agenda Item 5).

5. On July 23, 1997, I listened to the tape to locate the specific agenda item. The tape recording was clear and intact.

6. On July 24, 1997, I accompanied Ms. Holly Hackett of McManus Court Reporters and her husband to our conference room for the purposes of copying the tape of the May 14, 1997 meeting.

7. I helped to set up our Lanier Recorder and inserted the original tape.
8. I showed them how to use the Lanier Recorder and we did a test run to make sure it was working. Ms. Hackett and her husband began recording. I left the room. Later, Ms. Hackett and her husband left the room.

9. About 10 minutes after leaving the room, I returned to the room to make sure the recorder was operating properly.

10. At that time, Ms. Hackett and her husband also came back into the room. At that point, we stopped the tape to check to see that it was recording.

11. We discovered that the portion of the tape being duplicated (approximately 10 minutes of Ms. Rae Loui's presentation) had been erased.

Further affiant saith naught.


Janis Uwaine, Secretary
Commission on Water Resource Management

Subscribed and sworn to before me on this 29th day of August, 1997

Jean Sugawara
Notary Public, State of Hawaii
My commission expires: February 4, 1999
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description of Document</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11-17-89 Application for Well Construction Permit</td>
<td>1-5</td>
</tr>
<tr>
<td>2</td>
<td>11-27-89 Letter from Manabu Tagomori to Division of Wastewater Management, Department of Public Works, City and County of Honolulu</td>
<td>6</td>
</tr>
<tr>
<td>3</td>
<td>11-27-89 Letter from Manabu Tagomori to Kazu Hayashida</td>
<td>7</td>
</tr>
<tr>
<td>4</td>
<td>12-6-89 Letter from William W. Paty to Honorable John C. Lewin</td>
<td>8</td>
</tr>
<tr>
<td>5</td>
<td>12-15-89 Letter from Kazu Hayashida to Manabu Tagomori</td>
<td>9</td>
</tr>
<tr>
<td>6</td>
<td>12-22-89 Letter from John C. Lewin to William W. Paty</td>
<td>10</td>
</tr>
<tr>
<td>7</td>
<td>Well Completion Reports</td>
<td>11-14</td>
</tr>
<tr>
<td>8</td>
<td>11-89 Staff Memorandum from Manabu Tagomori to Ed Sakoda</td>
<td>15</td>
</tr>
<tr>
<td>9</td>
<td>7-6-93 Staff Memorandum from Ed Sakoda to Roy Hardy</td>
<td>16</td>
</tr>
<tr>
<td>10</td>
<td>9-16-93 Application for Well Construction/Pump Installation Permit</td>
<td>17-18</td>
</tr>
<tr>
<td>11</td>
<td>9-16-93 Letter Kenneth M. Rappolt to CWRM</td>
<td>19</td>
</tr>
<tr>
<td>12</td>
<td>12-29-93 Pump Installation Permit</td>
<td>20-21</td>
</tr>
<tr>
<td>13</td>
<td>12-29-93 After-The-Fact Well Construction Permit</td>
<td>22-23</td>
</tr>
<tr>
<td>14</td>
<td>12-29-93 Pump Installation Permit</td>
<td>24-25</td>
</tr>
<tr>
<td>15</td>
<td>3-18-94 Check Deposit</td>
<td>26</td>
</tr>
<tr>
<td>16</td>
<td>12-8-93 Staff Submittal</td>
<td>27-29</td>
</tr>
<tr>
<td>17</td>
<td>12-8-93 Minutes for December 8, 1993 CWRM Meeting</td>
<td>30-32</td>
</tr>
<tr>
<td>18</td>
<td>12-29-93 After-the-Fact Well Construction Permit</td>
<td>33-34</td>
</tr>
</tbody>
</table>
STATE OF HAWAI\\I
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAI\\I 96809

AFTER-THE-FACT WELL CONSTRUCTION PERMIT

for
Honouliuli Wastewater Treatment Plant Well 2
Well No. 1902-04
Honouliuli, Oahu

TO: City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", your after-the-fact application to construct and test Honouliuli Wastewater Treatment Plant Well 2 (Well No. 1902-04), is approved subject to the following conditions:

1. The City and County of Honolulu, Department of Wastewater Management is fined $100.00 for violation of Section 13-168-12, for the drilling of Well 2 without a permit. Please submit a check, payable to the Department of Land and Natural Resources. The Department of Wastewater Management is hereby advised that this violation is a first violation, and that subsequent violations are likely to be assessed larger fines.

2. The applicant shall comply with all applicable laws, rules, and ordinances.

3. The permit application and staff submittal approved by the Commission at its meeting on December 8, 1993 shall be incorporated herein by reference.

4. The water use permit for the Honouliuli Wastewater Treatment Plant shall be administratively amended to add Well 2 as a backup well.

APPROVED FOR PAYMENT:

KENNETH M. RAPPOLOTT, Director

KEITH W. AHUE, Chairperson
Commission on Water Resource Management
DEC 29 1993
Date of Issuance
I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: [Signature]
Date: 1/24/94

Printed Name: KENNETH M. RAPPOLT, DIRECTOR
DEPARTMENT OF WASTEWATER MANAGEMENT

Firm or Title: CITY AND COUNTY OF HONOLULU

Please sign and return one copy of this permit to the Commission and retain a copy for your record.

cc: USGS
Department of Health
Safe Drinking Water Branch
Wastewater Branch
Ground Water Protection Program
Honolulu Board of Water Supply

600033
MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: December 8, 1993
TIME: 10:00 a.m.
PLACE: DLNR Board Room
Kalaninoku Building
Honolulu, Hawaii

ROLL CALL: Chairperson Ahue called the meeting of the Commission on Water Resource Management to order at 10:14 a.m.

The following were in attendance:

MEMBERS: Mr. Keith Ahue
Mr. Richard Cox
Mr. J. Douglas Ing
Mr. Robert Nakata

STAFF: Ms. Rae Loui
Mr. George Matsumoto
Mr. Edwin Sakoda
Mr. Yoshi Shiroma
Mr. Roy Hardy
Mr. David Higa
Ms. Lenore Nakama
Ms. Sallie Edmunds
Ms. Sharon Kokubun

OTHERS:

Barry Ching
Sherrie Samuels
Alwyn Morisako
Barry Usagawa
David Martin
Robert Ishida
Creighton Mattoon
Winnie Miller
Lawana Mendes
Charley Reppun
V. Kaio
Eric Nishimoto
Sterling Chow
Lloyd Lee
Chester Lao
Tom Bissen
Tep Kalambahiti
Jim Anthony
Dawn Wasson
Guy Nakamoto
Joyceline Lee
Paul Reppun
Bert Kuoka
Bob Oser

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

AGENDA 1

ITEM 1 RESOLUTION

The Commission unanimously approved the resolution expressing their appreciation and gratitude to George S. Matsumoto who will be retiring on December 30, 1993 after serving thirty-seven years with the Territory and the State of Hawaii. (Cox/Nakata).

Dr. Jim Anthony of the Hawai'i-Laiekawai Association stated that he has always found Mr. Matsumoto to be congenial and patient, even when tested.
He has always been fair and a good public servant. Dr. Anthony said citizens have the right to complain about public servants who don't do the jobs but felt that Mr. Matsumoto has always done his job, done it well, and has done it in good grace. Dr. Anthony added his best wishes and congratulations to that of the Commission's.

**ITEM 2**

**MINUTES OF THE NOVEMBER 17, 1993 MEETING**

Unanimously approved (Cox/Nakata).

**ITEM 3**

**MAUI DEPARTMENT OF PUBLIC WORKS, STREAM CHANNEL ALTERATION PERMIT, KALEPA GULCH, WAIIHEE, MAUI**

Mr. Cox asked how the traffic would be handled while the project is ongoing. Mr. Lloyd Lee of the Maui County Public Works Department stated that a detour road and culvert would be constructed makai of the construction. Mr. Cox suggested that the detour culvert should also be approved and included in the recommendations.

Mr. Dave Martin of the Native Hawaiian Advisory Committee (NHAC) submitted testimony (see Commission file) recommending that the SCAP be deferred until archaeological survey reports and mitigation plans are submitted to the Commission. Chairperson Ahue stated that should there be any archaeological sites uncovered, the Historic Preservation Division would halt all work on the project. This is a standard condition used by the Commission as well as the Land Board.

Unanimously approved with the addition of the detour culvert (Cox/Ing).

**ITEM 4**

**MAUI DEPARTMENT OF PUBLIC WORKS, AFTER-THE-FACT STREAM CHANNEL ALTERATION PERMIT, MANAWAINUI BRIDGE REPLACEMENT, KAHIKINUI, MAUI**

Unanimously approved (Ing/Cox).

**AGENDA 2**

**ITEM 1**

**KAUAI DEPARTMENT OF WATER, APPLICATION FOR A PUMP INSTALLATION PERMIT, PUHI WELL 3 (WELL NO. 5824-05) PUHI, KAUAI**

Unanimously approved (Ing/Cox).

**ITEM 2**

**CITY AND COUNTY OF HONOLULU, DEPARTMENT OF WASTEWATER MANAGEMENT, APPLICATION FOR AN AFTER-THE-FACT WELL CONSTRUCTION PERMIT, HONOLULI WASTEWATER TREATMENT PLANT 2 (WELL NO. 1902-04) HONOLULI, OAHU**

Unanimously approved (Cox/Nakata).

**ITEM 3**

**CITY AND COUNTY OF HONOLULU, DEPARTMENT OF WASTEWATER MANAGEMENT, APPLICATION FOR PUMP INSTALLATION PERMITS, HONOLULI WASTEWATER TREATMENT PLANT WELLS 1 & 2 (WELL NOS. 1902-03 & 04), HONOLULI, OAHU**

Mr. Cox asked if the County was also looking at what can be done to protect the aquifer. Mr. Robert Ishida of the C&C Wastewater Management
Department stated they are considering the use of effluent to replenish the aquifer. Ms. Loui understood that the City is about to award the bid for the construction of the secondary treatment plant. Discussion followed on the use of secondary effluent in the cleanup process of the plant. Mr. Ing felt that at some point in the future the use of secondary effluent should be substituted for the brackish water. The consultant for the applicant explained that at this time the plant only has a primary treatment system and the DOH has a pending regulation that does not allow the use of primary treatment to be used as a nonpotable source. Secondary-treated water may be used at a later date.

Mr. Ing added a condition that upon completion of the next increment at Honouliuli the County investigate the use of plant effluent for purposes of water use being made of these particular wells and substitute effluent water if allowed by regulation.

Unanimously approved as recommended (Cox/Ing).

**ITEM 4**

**HONOLULU BOARD OF WATER SUPPLY, APPLICATION FOR WELL MODIFICATION PERMITS, HONOLULU BOARD OF WATER SUPPLY WILDER WELLS (WELL NOS. 1849-14 & 15), HONOLULU, OAHU**

Unanimously approved (Nakata/Cox).

**ITEM 5**

**PACIFIC LAUNDRY CO., LTD., HEARING FOR REVOCATION OF A WATER USE PERMIT, PACIFIC LAUNDRY WELL (WELL NO. 1851-58), NUUANU GROUND WATER MANAGEMENT AREA, OAHU**

Unanimously approved (Ing/Cox).

**ITEM 6**

**HONOLULU BOARD OF WATER SUPPLY, DEFERRAL OF WATER USE PERMIT APPLICATIONS, WAIMANALO GROUND WATER MANAGEMENT AREA, OAHU**

**WAIMANALO WELL II (WELL NO. 1942-01), WAIMANALO WELL I (WELL NO. 2043-02), WAIMANALO TUNNEL I (WELL NO. 2044-03), WAIMANALO TUNNEL II (WELL NO. 2044-04), WAIMANALO TUNNEL III (WELL NO. 2045-03), WAIMANALO TUNNEL IV (WELL NO. 2045-05)**

Unanimously approved (Cox/Nakata).

**OTHER BUSINESS**

In regards to the Pearl Harbor Aquifer recharge, Mr. Cox asked if this is being reviewed since Oahu Sugar is being phased out. There could be some critical water issues in regards to the Waiahole Tunnel recharging the aquifer.

Chairperson Ahue stated discussions are ongoing between all affected state agencies and the private sector which would be affected. There are almost daily developments because of the activities related to the downturn in sugar. Chairperson Ahue added the DLNR will be submitting legislation for consideration in creating an authority to deal with the whole transformation issue of major agriculture to housing, small agricultural lots, etc.

**ADJOURNMENT** The meeting was adjourned at 11:25 a.m.
Chairperson and Members  
Commission on Water Resource Management  
State of Hawaii  
Honolulu, Hawaii  

Gentlemen:

City and County of Honolulu  
Department of Wastewater Management  
Application for an After-the-Fact Well Construction Permit  
Honouliuli Wastewater Treatment Plant 2 (Well No. 1902-04)  
Honouliuli, Oahu

Applicant:  
City and County of Honolulu  
Department of Wastewater Management  
91-1501 Geiger Road  
Ewa Beach, HI 96706

Landowner:  
Same

Action Requested: After-the-fact permission to construct Honouliuli Wastewater Treatment Plant 2 (Well No. 1902-04) for in-plant process water. The Commission approved a water use permit to the City and County of Honolulu on March 15, 1990, for 0.5 mgd from the Honouliuli WWTP 1 (Well No. 1902-03). The permit to drill Well 1 was also approved at that time. Wells 1 and 2 were completed by December 1991. Well 2 was drilled as a backup source for Well 1. Well 2 was drilled without a permit.

Well Location: The well is located at the Honouliuli Wastewater Treatment Plant at East Hanson Road and Geiger Road, adjacent to Barbers Point NAS, Honouliuli, Ewa, Oahu (see attached map).

Well Description:

<table>
<thead>
<tr>
<th>Ground elevation:</th>
<th>36 ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Casing diameter:</td>
<td>12 inches</td>
</tr>
<tr>
<td>Solid casing depth:</td>
<td>31 ft.</td>
</tr>
<tr>
<td>Screen casing depth:</td>
<td>51 ft.</td>
</tr>
<tr>
<td>Open hole:</td>
<td>none</td>
</tr>
<tr>
<td>Total depth:</td>
<td>51 ft.</td>
</tr>
<tr>
<td>Grouted annulus:</td>
<td>0 to 28 ft.</td>
</tr>
<tr>
<td>Proposed pump capacity:</td>
<td>350 gpm</td>
</tr>
</tbody>
</table>

Analysis: Well 2 is to be used as a backup well and will be part of the same system as Well 1. No change to the water use permit is necessary except to administratively add Well 2 as a backup source. Since the well is a backup well, only a minimum fine will be recommended.

RECOMMENDATION:

That the Commission on Water Resource Management:

1. Fine the City and County of Honolulu, Department of Wastewater Management $100.00 for violation of Section 13-168-12 for the drilling of Well 2 without a permit. The Department of Wastewater will be advised that this violation is a first violation, and that subsequent violations are likely to be assessed larger fines.
Chairperson and Members  
Commission on Water Resource Management  

December 8, 1993

2. Approve the issuance of an after-the-fact well construction permit for Honouliuli Wastewater Treatment Plant 2 (Well No. 1902-04), subject to the following conditions:
   a. The applicant shall comply with all applicable laws, rules, and ordinances.
   b. The permit application and staff submittal approved by the Commission at its meeting on December 8, 1993 shall be incorporated by reference in the permit.
   c. The water use permit for the Honouliuli Wastewater Treatment Plant shall be administratively amended to add Well 2 as a backup well.

Respectfully submitted,

RAE M. LOUI  
Deputy Director

APPROVED FOR SUBMITTAL:

KEITH W. AHUE, Chairperson
PAYABLE THROUGH
FIRST HAWAIIAN BANK
HONOLULU, HAWAII
DATE 02/02/94
170TH SYMBOL
$********100.00*

PAY
****************************100 DOLLARS AND 00 CENTS

TO THE
ORDER OF
STATE OF HAWAII - DEPARTMENT OF LAND &
NATURAL RESOURCES
SERIES
P O BOX 621
HONOLULU, HI
993-94

DEPARTMENT OF FINANCE
CITY AND COUNTY OF HONOLULU
CITY HALL - HONOLULU HAWAII 96813

WARRANT NUMBER 010583573
CITY AND COUNTY OF HONOLULU
DEPARTMENT OF FINANCE

REMITTANCE ADVICE

DATE 02/02/94 TO STATE OF HAWAII - DEPARTMENT OF LAND & NATURAL RESOURCES FUND/ORG. VOUCHER NO. AMOUNT

<table>
<thead>
<tr>
<th>INVOICE DATE</th>
<th>INVOICE NUMBER</th>
<th>REMITTANCE DATA</th>
<th>FUND/ORG.</th>
<th>VOUCHER NO.</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>000000</td>
<td>FINE</td>
<td>170000/2161</td>
<td>17761001</td>
<td></td>
<td>10000</td>
</tr>
</tbody>
</table>

IF THERE ARE ANY QUESTIONS ON THIS REMITTANCE, PLEASE CALL
ACCOUNTING DIVISION: 523-4916
00583573

TOTAL 10000

00583573

2/18/94 Check Retarded
(Checkbook)
<table>
<thead>
<tr>
<th>DOCUMENT NO.</th>
<th>SRC/ CTR</th>
<th>COST</th>
<th>PROJECT</th>
<th>PH</th>
<th>ACT</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>F YR</td>
<td>APP</td>
<td>D</td>
<td>OBJ</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>00</td>
<td>000</td>
<td>C</td>
<td>1564</td>
<td>0752</td>
<td></td>
<td>(1) 100.00</td>
</tr>
<tr>
<td>00</td>
<td>000</td>
<td>C</td>
<td>1026</td>
<td>0752</td>
<td></td>
<td>(2) 25.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(3)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(4)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL 125.00</td>
</tr>
</tbody>
</table>

EMARKS: LINE (1) Well No. 1902-04 Fine for violation of Section 13-168-12
LINE (2) Well Constr. Appl. Fee
LINE (3)
LINE (4) 03/21/94 #0003 CHECK 125.00

NAME/DESCRIPTION (WANG INPUT)
City & County Wastewater Mgt. Branch
Gentry Development Co.
PUMP INSTALLATION PERMIT

for

Honouliuli Wastewater Treatment Plant Well 2
Well No. 1902-04
Honouliuli, Oahu

TO: City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", your application to install a pump in Honouliuli Wastewater Treatment Plant Well 2 (Well No. 1902-04), is approved subject to the following conditions:

1. The Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, before any work covered by this permit commences.

2. The permit shall be for installation of a 350 gpm capacity pump in the well. Means to accurately measure water levels, acceptable to the Commission, shall be provided.

3. The proposed use shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to pump water from the well shall not constitute a determination of correlative water rights. The permittee is notified and by this provision understands that the quantity of water taken from the well could be reduced by the Commission in the future. This permit is not a commitment that the pump capacity permitted here or even some lesser amount is guaranteed in the future.

4. The applicant shall comply with all applicable laws, rules, and ordinances.

5. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage on a monthly basis.

6. The permit may be revoked if work is not started within six months of the date of issuance or if work is suspended or abandoned for six months. The work proposed in the permit application shall be completed within two years from the date of permit approval.
7. The following shall be submitted to the Commission within thirty (30) days after completion of the work:
   a. Well Completion Report.
   b. As-built sectional drawing of the pump installation.

8. The water use permit application and staff submittal approved by the Commission at its March 15, 1993 meeting are incorporated herein by reference.

The pump installation permit application and staff submittal approved by the Commission at its December 8, 1993 meeting are incorporated herein by reference.

9. Upon completion of the secondary treatment plant at Honouliuli, the Department of Wastewater Management shall explore the possibility of substituting secondary treated effluent for brackish water, if allowed by applicable regulations.

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: ________________________ Date: ______________

Printed Name: ____________________________________

Firm or Title: ____________________________________

Please sign and return one copy of this permit to the Commission and retain a copy for your record.

cc: USGS
    Department of Health
        Safe Drinking Water Branch
        Wastewater Branch
        Ground Water Protection Program
    Honolulu Board of Water Supply
AFTER-THE-FACT WELL CONSTRUCTION PERMIT

for

Honouliuli Wastewater Treatment Plant Well 2
Well No. 1902-04
Honouliuli, Oahu

TO: City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", your after-the-fact application to construct and test Honouliuli Wastewater Treatment Plant Well 2 (Well No. 1902-04), is approved subject to the following conditions:

1. The City and County of Honolulu, Department of Wastewater Management is fined $100.00 for violation of Section 13-168-12, for the drilling of Well 2 without a permit. Please submit a check, payable to the Department of Land and Natural Resources. The Department of Wastewater Management is hereby advised that this violation is a first violation, and that subsequent violations are likely to be assessed larger fines.

2. The applicant shall comply with all applicable laws, rules, and ordinances.

3. The permit application and staff submittal approved by the Commission at its meeting on December 8, 1993 shall be incorporated herein by reference.

4. The water use permit for the Honouliuli Wastewater Treatment Plant shall be administratively amended to add Well 2 as a backup well.

KEITH W. AHUE, Chairperson
Commission on Water Resource Management
DEC 29 1993
Date of Issuance
I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: ___________________________ Date: _______________

Printed Name: _______________________________________________________________________

Firm or Title: _______________________________________________________________________

Please sign and return one copy of this permit to the Commission and retain a copy for your record.

cc: USGS
Department of Health
Safe Drinking Water Branch
Wastewater Branch
Ground Water Protection Program
Honolulu Board of Water Supply
PUMP INSTALLATION PERMIT

for

Honouliuli Wastewater Treatment Plant Well 1
Well No. 1902-03
Honouliuli, Oahu

TO: City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", your application to install a pump in Honouliuli Wastewater Treatment Plant Well 1 (Well No. 1902-03), is approved subject to the following conditions:

1. The Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, before any work covered by this permit commences.

2. The permit shall be for installation of a 350 gpm capacity pump in the well. Means to accurately measure water levels, acceptable to the Commission, shall be provided.

3. The proposed use shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to pump water from the well shall not constitute a determination of correlative water rights. The permittee is notified and by this provision understands that the quantity of water taken from the well could be reduced by the Commission in the future. This permit is not a commitment that the pump capacity permitted here or even some lesser amount is guaranteed in the future.

4. The applicant shall comply with all applicable laws, rules, and ordinances.

5. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage on a monthly basis.

6. The permit may be revoked if work is not started within six months of the date of issuance or if work is suspended or abandoned for six months. The work proposed in the permit application shall be completed within two years from the date of permit approval.
7. The following shall be submitted to the Commission within thirty (30) days after completion of the work:
   a. Well Completion Report.
   b. As-built sectional drawing of the pump installation.

8. The water use permit application and staff submittal approved by the Commission at its March 15, 1993 meeting are incorporated herein by reference. The pump installation permit application and staff submittal approved by the Commission at its December 8, 1993 meeting are incorporated herein by reference.

9. Upon completion of the secondary treatment plant at Honouliuli, the Department of Wastewater Management shall explore the possibility of substituting secondary treated effluent for brackish water, if allowed by applicable regulations.

KEITH W. AHUE, Chairperson
Commission on Water Resource Management
DEC 29 1993
Date of Issuance

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: ______________________  Date: __________
Printed Name: ________________________________
Firm or Title: ________________________________

Please sign and return one copy of this permit to the Commission and retain a copy for your record.

cc:  USGS
    Department of Health
        Safe Drinking Water Branch
        Wastewater Branch
        Ground Water Protection Program
        Honolulu Board of Water Supply
September 1, 1993

Commission on Water Resource Management
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Attention: Mr. Roy Hardy

Gentlemen:

Subject: Brackish Water System
Honouliuli Wastewater Treatment Plant
91-1501 Geiger Road
Ewa Beach, Hawaii 96706

Enclosed is an application for well construction and pump installation permits. Please note that the application is for the following:

1. Well construction permit application for Well No. 1902-04.
   (Per Roy Hardy and Nick Musico's telephone discussion on August 27, 1993, to designate second well as No. 1902-04.)

2. Pump installation permit application for Well Nos. 1902-03 and 1902-04.

Also, please amend the Honouliuli WWTP's water use permit approved by the Commission on March 15, 1990, to include Well No. 1902-04. The subject two wells will actually make up a system where one well is a primary and the second well a backup. There is no change in water use and in pumping rate design from approved water use permit.

If you have any questions, please call Mr. Nic Musico of the Treatment and Disposal Division at 681-3347 or Mr. Robert Ishida of the Engineering and Construction Division at 527-5847.

Very truly yours,

Kenneth M. Rappolt
Director
APPLICATION FOR PERMIT

Well Construction or Pump Installation

Instructions: Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. The commission may not accept incomplete applications. For assistance, call the regulation Branch at 967-0255.

1. APPLICANT: (may be a, b, or c, but all must be filled in)
   (a) WELL OWNER City and County of Honolulu
       Firm/Name Dept. of Wastewater Management
       Contact Person Nic Musico
       Address 91-1501 Geiger Road 96706
   (b) LANDOWNER City and County of Honolulu
       Firm/Name Dept. of Wastewater Management
       Contact Person Nic Musico
       Address 91-1501 Geiger Road 96706
   (c) CONTRACTOR Civil-Mech. Contractor
       Firm/Name 487-7094
       Address 99-1233 Halawa Valley Street, Unit B
       City, State, Zip 96701

2. WELL LOCATION/NAME: Honouliuli Wastewater Treatment Plant Island Oahu
   Address 91-1501 Geiger Road, Ewa Beach, Hawaii 96706
   (Attach a USGS map, scale 1"=2000', and a property tax map showing well location referenced to established property boundaries.)

3. (a) PROPOSED WORK: Drill New Well
   (b) WELL TYPE: Dug

4. PROPOSED PUMP INFORMATION:
   Pump Type: Deep Well Turbine
   Motor: Diesel
   Rated Pump Capacity: 350 gpm

5. PROPOSED USE:
   State Land Use District: Urban
   County Zoning (describe)
   (If more space is needed, continue below remarks, explanations.)

6. (a) PROPOSED AMOUNT OF WITHDRAWAL: 500,000 gallons per day
   (b) METHOD OF FLOW MEASUREMENT: Flow-meter

7. PENDING ACTIONS:
   CDUA
   SMA
   EIS
   EA

8. REMARKS, EXPLANATIONS:

(If more space is needed, continue on back)

NOTE: Signing below indicates the applicant understands that, if the permit requested is granted by the Commission on Water Resource Management, the proposed work is to be completed within two (2) years of the approval date. In addition, the contractor shall submit to the Commission a well completion report, well abandonment report, or both, within 30 days of the permit expiration date. The applicant also understands that monthly water use data shall be submitted to the Commission. The applicant further understands that as the proposed permit shall not constitute a determination of correlative water rights and shall not guarantee the pump capacity or future use up to the permitted pump capacity.

Well Owner Landowner Contractor

Signature: Date 8/27/93 Signature: Date 8/31/93 Signature: Date 6/17/93

For Official Use Only:
Date Received
Date Accepted
Field Checked By
Date

Longitude
Latitude
Aquifer System Name
State Well No.

5/24/93

(0018)
9. PROPOSED WELL SECTION

Elevation at top of casing: 38 ft., msl.

Cement Grout: 28 ft.

Rock Packing: 23 ft.

Hole Diameter: 18 in.

Total Depth: 51 ft.

Ground Elevation: 36 ft., msl*

Solid Casing:
- Material: PVC
- Length: 31 ft. to ground
- Diameter: 12 in.
- Wall thickness: .406 in.

Casing:
- Perforated
- Screen
- Material: PVC
- Length: 20 ft.
- Diameter: 12 in.
- Wall thickness: .406 in.
- Openings: 82.3 sq. in./L.F.

Open Hole:
- Length: None
- Diameter: 

*Approximate elevation at time of filing application. Ground elevation above mean sea level (msl) by a surveyor licensed by the State must be submitted at start of construction. Final elevations of well components shall be submitted in the well completion/well abandonment reports.
REGULATION BRANCH
Commission on Water Resource Management

FROM: Ed
DATE: 7/6/93
FILE IN:

TO: 
INIT: 

PLEASE: 
See Me
Call
Review & Comment
Take Action
Investigate & Report
Draft Reply
Acknowledge Receipt
Type Draft
Type Final
Xerox ___ copies

REMARKS:
WUP - AG Review (needs to be issued)

FOR YOUR:

WCP - doesn't look like it was issued - no record. Maybe I forgot? Approved by CWRM on 3/15/90. Also looks like they drilled a second - well w/o permit. Will Compl. Rep. for both wells.

7/15 asked for pump information from Nick Wasilko for well 1402-02. 7/19 notified Nick of after the fact - we permit is also needed. He said 1902-at 12 back-up. He'll send in PI 3 in after-the-fact.
PLEASE:  

See Me  

Take Action By  

Route to Your Branch  

Review & Comment  

Draft Reply  

Acknowledge Receipt  

Xerox ___ copies  

File  

Mail  

For Information  

REMARKS:  

Need to pull from D. Lum: S. Matsui. 

Process WUP & WCP concurrently.  

Need actual use for PHWMA caprock source.  

(OSCo. date) 1989? start.
STATE WELL NO. 1902-03  
WELL NAME Honouliuli Brackish #1  
ISLAND Oahu  

LOCATION Honouliuli Wastewater treatment plant  
TAX MAP KEY

WELL OWNER City & County of Honolulu  

DRILLING OR PUMP INSTALLATION CONTRACTOR  Roscoe Moss Hawaii, Inc.

DATE OF WELL COMPLETION 12/11/91  
DATE OF PUMP INSTALLATION

GROUND ELEVATION (msl) 36 ft.  
Top of Drilling Platform (msl) 36 ft.  
Height of drilling platform above ground surface 0 ft.  
Bench mark and method used to determine ground elevation

TOTAL DEPTH OF WELL BELOW GROUND 51 ft.

HOLE SIZE: 18 inch dia. from 0 ft. to 51 ft. below ground  
        18 inch dia. from 0 ft. to 51 ft. below ground

CASING INSTALLED:  

ANNUAL:  

PUMPING TESTS: Reference point (R.P.) used: ground which elevation is 36 ft.

PROPOSED USE: Washing Facility  

INITIAL WATER LEVEL 34.5 ft. below ground.  Date and time of measurement 7:30 am / 11/16/91

INITIAL CHLORIDE 300 ppm.  Date and time of sampling 7:30 am / 11/16/91

DRILLER'S LOG:

REMARKS: 36' depth on cuttings wash away

OMITTED BY (PRINT)

TITLE

NATURE

DATE
Briefly describe the proposed work:

Drilled hole, test pump prior to casing & after completed. Chlorinated and capped both ends.

As Built

**PROPOSED SECTION OF WELL**

Elevation at top of casing 38 ft., msl. capped

**Ground Elev.** 36 ft., msl*

Cement Grout 28 ft.

Hole Dia. 18 in.

Total Depth 51 ft.

Rock Packing 23 ft. capped

Solid Casing:
- Material: PVC
- Length: 31' to ground ft.
- Diameter: 12" in.
- Wall thickness: .406 in.

Casing: / /Perforated / /Screen
- Material: PVC
- Length: 20 ft.
- Diameter: 12" in.
- Wall thickness: .406 in.
- Openings: 82.3 sq. in./L.F.

Open Hole:
- Length: none
- Diameter: ____________ in.
INSTRUCTIONS: Please print or type and submit completed report within 30 days of well completion to the Division of Water & Land Development, P.O. Box 373, Honolulu, HI 96803. An as-built drawing of the well and chemical analysis, if available, should also be submitted. If necessary, phone 548-7543, Hydrology, Geology Section for assistance.

A. STATE WELL NO. 1902-04
B. LOCATION Honouliuli Brackish #2 ISLAND Cahu

C. WELL OWNER City & County of Honolulu
D. DRILLING OR PUMP INSTALLATION CONTRACTOR Roscoe Moss Hawaii, Inc.
E. TYPE OF RIG cable tool
F. DATE OF WELL COMPLETION 12/11/91
G. DATE OF PUMP INSTALLATION
H. GROUND ELEVATION (ma) 36 ft.
I. HOLE SIZE: 18 inch dia. from 0 ft. to 51 ft. below ground
J. CASING INSTALLED: 12 in. I.D. x .406 in. wall solid section to 31 ft. below ground
K. ANHULUS: Grouted from 0 ft. to 28 ft. below ground
L. PERMANENT PUMP INSTALLATION: Capacity GPA
   Pump type, make, serial No.
   Motor type, H.P., voltage, r.p.m.
   Depth of pump intake setting ft. below ground
   Depth of bottom of airlift ft. below ground
M. PROPOSED USE Washing Facilities
N. INITIAL WATER LEVEL 34.8 ft. below ground.
O. INITIAL CHLORIDE ppm
P. PUMPING TESTS: Reference point (R.P.) used: Date and time of measurement 7:00am / 12/3/91
   Date and time of sampling 7:30am / 12/3/91
   Start water level 34.8 ft. below R.P.
   Depth of well 57 ft. below R.P.
   Elapsed Time (hours) Rate (ppm) Draw- down (ft) Cl-. (ppm) Temp.
   0 to 10 500 69 300
   10 to 10 400 70 300
   10 to 10 300 80 300
   10 to 10 200 90 300
   10 to 10 100 100 300
   10 to 10 0 0 0 0
Q. DRILLER'S LOG:
   Depth, ft. Rock Description & Remarks Water Level
   0 to 3 Top Soil
   3 to 15 Gravel
   15 to 51 White Coral
   51 to 51 White Coral

REMARKS:

Submitted by (print) Tracy Lunnells
Signature Tracy Lunnells

State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
Division of Water Resource Management
WELL COMPLETION REPORT
Briefly describe the proposed work:

Drilled hole one pump test when completed chlorinated and capped both ends.

As Built

PROPOSED SECTION OF WELL

Elevation at top of casing
38 ft., msl.

Ground Elev. 36 ft., msl

Cement Grout 28 ft.

Hole Dia. 18 in.

Total Depth 51 ft.

Rock Packing 23 ft.

Solid Casing:
Material PVC
Length 31' to ground ft.
Diameter 12" in.
Wall thickness .406 in.

Casing: /x/Perforated / /Screen
Material PVC
Length 20' ft.
Diameter 12 in.
Wall thickness .406 in.
Openings 82.3 sq. in./L.F.

Open Hole:
Length none
Diameter

000011
December 22, 1989

The Honorable William W. Paty, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Paty:

SUBJECT: WELL CONSTRUCTION PERMIT APPLICATION
HONOLIULI WWTP CAPROCK WELL
STATE WELL NO. 1902-03
EWA, OAHU

Thank you for the opportunity to comment on the well drilling permit for the proposed well. We offer the following comments:

1. The permit application indicates that the well will be for industrial use (to supply brackish caprock water for in-plant process use at the wastewater treatment plant).

2. Because the proposed well will not be supplying potable water, it will not be subject to the Department's Administrative Rules, Title 11, Chapter 20, "Potable Water Systems".

Should you have any questions, please contact the Safe Drinking Water Branch at 543-8258.

Very truly yours,

JOHN C. LEWIN, M.D.
Director of Health

cc: George Uyema
City and County of Honolulu
Division of Wastewater Management
650 S. King Street
Honolulu, Hawaii 96813
Mr. Manabu Tagomori  
Deputy Director  
Commission on Water  
Resource Management  
Department of Land and  
Natural Resources  
State of Hawaii  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Tagomori:

Subject: Comments Regarding Well Construction Permit  
Application for Honouliuli WWTP Caprock Well  
No. 1902-03

We do not have any comments or objections to the proposed  
well.

Very truly yours,

\[\text{Signature}\]

FOR KAZU HAYASHIDA  
Manager and Chief Engineer

---

Pure Water... man's greatest need - use it wisely
REF: PZ-KC

Honorable John C. Lewin, M.D.  
Director of Health  
Department of Health  
State of Hawaii  
1250 Punchbowl Street  
Honolulu, Hawaii 96813

Attn: Mr. Thomas Ariyoshi, Drinking Water Branch  

Dear Dr. Lewin:

Well Construction and Pump Installation Permit Applications

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168-12(c), we are sending you a copy of the following permit applications:

- Makaha Well VI (Well No. 3911-04)  
- Kawaihae Well 2 (Well No. 6048-01)  
- Cull Wells C&D (Well Nos. 6048-04, 05)  
- O'ahu-HASEKO Well (Well No. 4258-01)  
- Kåheawai-Pilani Irr. Well (Well No. 4577-08)  
- Wai'anae Well (Well No. 1903-08)  
- Wai'anae Well (Well No. 1903-63)

Please submit your comments to us, orally or in writing, within three weeks from the date of this letter.

If you have any questions, please contact Hanabu Tagomori at 548-7533.

Very truly yours,

WILLIAM W. PATY

Enc.
November 27, 1989

Mr. Kazu Hayashida  
Manager and Chief Engineer  
Board of Water Supply  
City and County of Honolulu  
630 South Beretania Street  
Honolulu, Hawaii 96843

Dear Mr. Hayashida:

Well Construction Permit Application

We are sending you a copy of the following permit application for your review and comments:

Honouliuli WWTP Caprock Well (Well No. 1902-03)

Please submit your comments to us, orally or in writing, within three weeks from the date of this letter.

If you have any questions, please contact Ed Sakoda at 548-7543.

Sincerely,

MANABU TAGOMORI  
Deputy Director

Enc.
November 27, 1999

Division of Wastewater Management
Department of Public Works
City and County of Honolulu
650 S. King Street
Honolulu, Hawaii 96813

Gentlemen:

We acknowledge receipt of your applications for a water use permit, well construction permit, and pump installation permit for a well (Well No. 1902-03) at the Honolulu Wastewater Treatment Plant.

My staff will be processing the water use permit and well construction permits concurrently. We are returning the pump installation permit to you for resubmittal upon successful completion and testing of the well.

My staff will contact your staff should we have further questions.

Sincerely,

MANABU TAGOMORI
Deputy Director

ES:ko
Encl. G
cc: BMP Associates (Lee A. Mansfield)
    C&C Dept. of Public Works (Cyril Hamada)
APPLICATION FOR

PUMP INSTALLATION PERMIT

INSTRUCTIONS: Please print or type and send completed application with attachments to the Division of Water and Land Development, P.O. Box 375, Honolulu, Hawaii 96809. Application must be accompanied by a non-refundable filing fee of $125.00 payable to the Department of Land and Natural Resources. (Filing fee waived for government agencies.) If necessary, phone 448-7667, Hydrology/Geology Section for assistance.

1. WELL LOCATION

Island Oahu Tax Map Key 9-1-13-7
Address 91-1501 Geiger Road, Ewa Beach, Hawaii 96706 (Honolulu WWTP)
(Attach a USGS map (scale 1"=2000') and property tax map showing well location referenced to established property boundaries.)

2. WELL OWNER

City & County of Honolulu
Firm Name Div. of Wastewater Management
Contact Person Mr. George Uyema
Address 650 S. King Street
Honolulu, Hawaii 96813
Phone 527-5037

LANDOWNER
Firm Name City & County of Honolulu
Contact Person Mr. George Uyema
Address 650 S. King Street
Honolulu, Hawaii 96813
Phone 527-5037

3. PROPOSED CONTRACTOR FOR:

Well Drilling Pump Installation
Name ____________ Phone ____________
Address ____________ Contractor's License No. ____________

4. PROPOSED WORK

Drill New Well
Alter
Install New Pump
Deepen
Seal
Replace Pump
Redrill
Abandon
Modify Pump

(Briefly describe the proposed work and fill in the diagram on the back of this form.)

5. PROPOSED USE

Municipal (including hotels, stores, etc.)
Domestic (individual, noncommercial water systems)
Irrigation (specify)
Military
Industrial
Other (specify)In-plant process water for the Honolulu WWT

6. PROPOSED AMOUNT OF WITHDRAWAL 500,000 gallons per day

7. PROPOSED PUMP INFORMATION

Pump Type: Vertical Turbine
Submersible
Centrifugal
Motor: Diesel
Gas
Electric: 40
Rated Pump Capacity 500 gallons per minute (gpm)

For Official Use Only:

Field Checked By ____________ Latitude ____________ Hydrologic Unit ____________
Date ____________ Longitude ____________ State Well No. 1902-03
Briefly describe the proposed work:

Well drilling for brackish caprock water and installation of casings.

---

PROPOSED SECTION OF WELL

Elevation at top of casing 39 ft., msl.

Ground Elev. 38 ft., msl*

Cement Grout 15 ft.

Solid Casing:
- Material: PVC Sch. 40
- Length: 39 ft.
- Diameter: 12 in.
- Wall thickness: 0.5 in.

Hole Dia. 16 in.

Casing: / perforated / Screen
- Material: PVC Sch. 40
- Length: 20 ft.
- Diameter: 12 in.
- Wall thickness: 0.5 in.
- Openings: 90 sq. in./L.F.

Total Depth 58 ft.

Rock Packing 43 ft.

Open Hole:
- Length: Not Required
- Diameter: ___________ in.

---

*Approximate elevation at time of filing application. Final elevation (msl) by a surveyor licensed by the State must be submitted at start of construction.
DEPARTMENT OF WASTEWATER MANAGEMENT
ISSUANCE OF WATER USE PERMIT (WUP NO. 160)
CCH-OA97-1
FOLDER #1: WATER USE PERMIT APPLICATION

INDEX
(As of December 10, 1997)

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description of Document</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11-17-89 Application for Water Use Permit</td>
<td>1-5</td>
</tr>
<tr>
<td>2</td>
<td>1-25-90 Public Notice</td>
<td>6-9</td>
</tr>
<tr>
<td>3</td>
<td>2-7-90 Letter from William W. Paty to Dr. John C. Lewin</td>
<td>10</td>
</tr>
<tr>
<td>4</td>
<td>2-7-90 Letter from William W. Paty to Honorable Frank F. Fasi</td>
<td>11</td>
</tr>
<tr>
<td>5</td>
<td>2-14-90 Letter from Frank Fasi to William W. Paty</td>
<td>12</td>
</tr>
<tr>
<td>6</td>
<td>2-21-90 Letter from W.D. Balfour to Manabu Tagomori</td>
<td>13-14</td>
</tr>
<tr>
<td>7</td>
<td>2-20-90 Letter from Kazu Hayashida to William W. Paty</td>
<td>15-14</td>
</tr>
<tr>
<td>8</td>
<td>3-7-90 Letter from Manabu Tagomori to City and County of Honolulu, Division of Wastewater Management</td>
<td>17</td>
</tr>
<tr>
<td>9</td>
<td>3-15-90 Staff Submittal</td>
<td>18-20</td>
</tr>
<tr>
<td>10</td>
<td>3-15-90 Minutes for Item 2 of March 15, 1990 CWRM Meeting</td>
<td>21</td>
</tr>
<tr>
<td>11</td>
<td>3-26-90 Letter William W. Paty to City and County of Honolulu, Division of Wastewater Management</td>
<td>22</td>
</tr>
<tr>
<td>12</td>
<td>7-2-93 Fax transmittal from Lenore Nakama to Andrew Amuro</td>
<td>23</td>
</tr>
<tr>
<td>13</td>
<td>7-2-93 Staff Memorandum from Lenore Nakama to Roy Hardy</td>
<td>24</td>
</tr>
<tr>
<td>14</td>
<td>8-13-93 Fax transmittal from Neal Fujii to Nick Musico</td>
<td>25-26</td>
</tr>
<tr>
<td>15</td>
<td>6-20-96 Letter from Rae M. Loui to Felix Limtiaco</td>
<td>27</td>
</tr>
<tr>
<td>16</td>
<td>7-18-96 Letter from Felix B. Limtiaco to Rae M. Loui</td>
<td>28-29</td>
</tr>
<tr>
<td>17</td>
<td>7-30-96 Letter from Rae M. Loui to Felix Limtiaco</td>
<td>30</td>
</tr>
<tr>
<td>18</td>
<td>2-21-97 Letter from Rae M. Loui to Ken Sprague</td>
<td>31-46</td>
</tr>
<tr>
<td>19</td>
<td>3-10-97 Letter from Kenneth E. Sprague to Rae M. Loui</td>
<td>47-48</td>
</tr>
<tr>
<td>20</td>
<td>4-7-97 Letter from Rae M. Loui to Kenneth E. Sprague</td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>21</td>
<td>5-9-97 to 5-13-97</td>
<td>Fax List and Fax Transmission Reports</td>
</tr>
<tr>
<td>22</td>
<td>5-14-97</td>
<td>Staff Submittal</td>
</tr>
<tr>
<td>23</td>
<td>6-5-97</td>
<td>Letter from Rae M. Loui to Kenneth E. Sprague</td>
</tr>
<tr>
<td>24</td>
<td>7-7-97</td>
<td>Notice of Appeal to Hawaii Supreme Court</td>
</tr>
<tr>
<td>25</td>
<td>7-8-97</td>
<td>Motion for Reconsideration</td>
</tr>
<tr>
<td>26</td>
<td>7-7-97</td>
<td>Complaint; Summons</td>
</tr>
<tr>
<td>27</td>
<td>7-17-97</td>
<td>Fax Transmittal - Request for Transcript</td>
</tr>
<tr>
<td>28</td>
<td>7-17-97</td>
<td>Request for Transcript</td>
</tr>
<tr>
<td>29</td>
<td>7-23-97</td>
<td>Petition for Contested Case Hearing</td>
</tr>
<tr>
<td>30</td>
<td>7-7-97</td>
<td>Notice of Appeal to Circuit Court</td>
</tr>
<tr>
<td>31</td>
<td>7-16-97</td>
<td>Issuance of Water Use Permit</td>
</tr>
<tr>
<td>32</td>
<td>7-16-97</td>
<td>Letter from Rae M. Loui to Ewa Caprock Water Users (Notice of 5/14/97 CWRM action on Ewa Caprock Aquifer)</td>
</tr>
<tr>
<td>33</td>
<td></td>
<td>Transcript of Excerpted Portion of 5/14/97 CWRM Meeting</td>
</tr>
</tbody>
</table>
C&C HONOLULU WELL NOS. 1902-03,04
WATER USE PERMIT
FILE #1

Notice of Appeal (HI Supreme Court)    July 7, 1997
Notice of Appeal (1st Circuit Court)    July 7, 1997
Complaint; Summons (1st Circuit Court)  July 7, 1997
Motion for Reconsideration (CWRM)       July 8, 1997
Petition for Contested Case Hearing (CWRM) July 23, 1997

(to July 23, 1997)

GO TO FILE FOLDER #2
To Water User (See attached list)

Dear Water User:

This is to notify you of the May 14, 1997 Commission on Water Resource Management (Commission) action for the Ewa Caprock Aquifer to:

1. Adopt the aquifer systems for the Ewa Caprock Aquifer as shown in Exhibit 1.

2. Adopt a sustainable capacity for individual irrigation wells at 1,000 mg/l of chloride as an interim management plan, subject to review within two (2) years and subject to variances on a case-by-case basis.

3. Direct the staff to work with industrial users in the Ewa Plain to develop minimum chloride standards for industrial wells.

Pursuant to 2. above, if you find that the chlorides in your irrigation well(s) exceed 1,000 mg/l, you must cease pumping. If the chlorides in your wells are already in excess of 1,000 mg/l, you may request a variance from the 1,000 mg/l and provide appropriate justification and any hydrologic or other data to support your requested variance.

Regarding 3. above, we request industrial users to propose a reasonable minimum chloride standard for industrial wells based on historic chloride data and actual need. Please submit the data to support your proposed standard unless these data have previously been provided to the Commission. Please inform us if chloride data are not presently available. Thank you in advance for your attention to this matter.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI
Deputy Director

LN:ss
LIST OF WATER USERS

GENTRY DEVELOPMENT CORP. NORMAND YER
HAWAIIAN REFINERY INC. CHRIS JANSEN
C&C DPW KEN SPRAGUE
STATE DONALD
GRACE PACIFIC JON SHIRAKI
HAWAII PRINCE GOLF CLUB GARRICK INAMURO
Palm Villa I ASSOCIATION STEVEN LOPEX
C&C DWW MELVIN LIMENTACO
A&S BARBERS POINT, INC. TOM COOPER
KALAEHOA PARTNERS, L.P. GAYLE BAKER
C&C DEPT. OF PARKS & REC PALM COURT ASSOCIATION GILBERTO GALARZA
Palm Villa II ASSOCIATION
HONOLULU ROSAIKO, INC. TOSHIHO ISHIDO/TOD STMONDS
ARBORS ASSOCIATION BEN NICKS
HAWAIIAN ELECTRIC CO. XEN PONG
CAMPBELL ESTATE GEORGE HIU
U.S. NAVY DENNIS PACHET
HAHKO (EWA), INC. MELSON W.G. LEE
Puu MAXARILLO INC. MED DEMENT
U.S. FISH & WILDLIFE ROBERT K. OSER
STATE NFDC STEVE THOMAS
KAPOLEI PEOPLE'S, INC. BERNARD H. HAYAMO
EWA BY GENTRY COMM ASSOC JIM FLOODY
CHEVRON PRODUCTS CO. ALICE POTTER

P.O. BOX 295 HONOLULU 96809
P.O. BOX 3379 HONOLULU 96842
650 SOUTH KING ST. HONOLULU 96813
P.O. BOX 373 HONOLULU 96810
HONOLULU 96806
91-1200 FORT WEAVER RD. EWA BEACH 96706
91-1241 FUMAEHOLO ST., #D EWA BEACH 96706
650 S. KING ST. HONOLULU 96813
91-806 KAMION LOOP KAPOLEI 96707
91-1114 KALAEHOA BLVD KAPOLEI 96707
650 S. KING ST. HONOLULU 96813
91-1119 NIKOHU ST. #D EWA BEACH 96706
91-10119 WAIHIU APT. E EWA BEACH 96706
1001 KAMOKILA BLVD. KAPOLEI 96707
620 MILILANI ST., STR 810 HONOLULU 96813
P.O. BOX 2750 HONOLULU 96840
EWA BEACH 96706
P.O. BOX 2750 HONOLULU 96840
KAPOLEI 96707
820 MILILANI ST., STR 810 HONOLULU 96813
NAVAFIC ENG COMMAND PEARL HARBOR 96860
P.O. BOX 78 HONOLULU 96810
HONOLULU 96810
P.O. BOX 5067 HONOLULU 96850
HONOLULU 96813
677 QUEEN ST., SUITE 300 HONOLULU 96813
91-701 PARRIMONT HWY. KAPOLEI 96707
91-1076 POLEA ST., 819A EWA BEACH 96706
91-480 MALAKOLE ST. KAPOLEI 96707
<table>
<thead>
<tr>
<th>FROM:</th>
<th>DATE:</th>
<th>SUSPENSE DATE:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7/15/97</td>
<td></td>
</tr>
</tbody>
</table>

**TO:**

<table>
<thead>
<tr>
<th>TO:</th>
<th>INIT.</th>
<th>TO:</th>
<th>INIT.</th>
<th>FOR:</th>
<th>PLEASE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAUER, G.</td>
<td></td>
<td>LOUI, R.</td>
<td></td>
<td>Approval</td>
<td>See Me</td>
</tr>
<tr>
<td>CHING, F.</td>
<td></td>
<td>NAKAMA, L.</td>
<td></td>
<td>Signature</td>
<td>Review &amp; Comment</td>
</tr>
<tr>
<td>FUJII, N.</td>
<td></td>
<td>NAKANO, D.</td>
<td></td>
<td>Information</td>
<td>Take Action</td>
</tr>
<tr>
<td>HARDY, R.</td>
<td></td>
<td>OHYE, M.</td>
<td></td>
<td></td>
<td>Type Draft</td>
</tr>
<tr>
<td>HIGA, D.</td>
<td></td>
<td>SAKODA, E.</td>
<td></td>
<td></td>
<td>Type Final</td>
</tr>
<tr>
<td>HIRANO, E.</td>
<td></td>
<td>SUBIA, S.</td>
<td></td>
<td></td>
<td>File</td>
</tr>
<tr>
<td>ICE, C.</td>
<td></td>
<td>SWANSON, S.</td>
<td></td>
<td></td>
<td>Xerox copies</td>
</tr>
<tr>
<td>IMATA, R.</td>
<td></td>
<td>UWAIN, J.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JINNAI, R.</td>
<td></td>
<td>YODA, K.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KUNIMURA, I.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Approval
- Signature
- Information

**PLEASE:**

- See Me
- Review & Comment
- Take Action
- Type Draft
- Type Final
- File
- Xerox copies

[Handwritten Note]

Please note that although industrial use we are attaching 1000 CI limit to them since:
1) Not Suitable
2) Actual CI- x 500 parts
3) They are using some for irrigation allowing current action was only for industrial use.
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King St.  
Honolulu, HI 96813

Dear Mr. Sprague:

Issuance of Water Use Permit for Well Nos. 1902-03 & 04  
Puuloa Ground Water Management Area, Oahu

This letter transmits your water use permit for Honouliuli STP 1 Well (Well No. 1902-03) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on March 15, 1993. Honouliuli STP 2 Well (Well No. 1902-04) was administratively added to the water use permit as a backup source on December 8, 1993. We apologize for this late issuance of your official permit document.

Please be sure to read the conditions of your approved permit. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

Be advised that, pursuant to Hawaii Administrative Rule 13-168-7, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report forms. You should make copies of the enclosed report forms as needed.

Second, Hawaii Administrative Rule 13-13-171-42 requires you to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Puuloa Ground Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission’s overall Water Shortage Plan.

If you have any questions, please call the Commission staff at 587-0218.

Aloha,

Michael D. Wilson  
Chairperson

Attachments
GROUND WATER USE PERMIT
WUP NO. 160

PERMITTEE

Applicant/Water User
Address DEPARTMENT OF WASTEWATER MANAGEMENT
650 S. KING ST.
HONOLULU, HI 96813

Landowner of Source
Address DEPARTMENT OF WASTEWATER MANAGEMENT
650 S. KING ST.
HONOLULU, HI 96813

PERMITTED SOURCE INFORMATION

Island OAHU
Water Management Area PUULOA
Aquifer Sector EWA CAPROCK
Aquifer System PUULOA
System Sustainable Yield NA
Well Name HONOLUULI STP 1 & 2
State Well No. 1902-03 & 04

PERMITTED USE INFORMATION

Reasonable beneficial use INDUSTRIAL
Withdrawal (12 month moving ave.) 0.500 mgd
Chloride Cap 1.000 mg/l
Location of water use
TMK # 9-1-13:7
Address 91-1501 GEIGER RD.
State land use classification NA
County zoning classification NA

Pursuant to Hawaii’s State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
GENERAL CONDITIONS
1. The water use authorized by the permit must be for the reasonable-beneficial use described in the permit.
2. The use must not interfere with any existing legal use of water.
3. Modification of any permit condition must be approved by the Commission.
4. The applicant must comply with all other applicable laws, rules, and ordinances.

ADDITIONAL CONDITIONS
1. The permit shall be subject to the Chairperson’s approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Caprock Aquifer and establish courses of action to prevent the aquifer from becoming saline to use. The applicant must comply with the approved plan.
2. An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.
3. The development of the ground water source shall be completed within 24 months from the date of permit issuance.

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant’s Signature: ____________________________ Date: ____________________________

Printed Name: ____________________________ Firm or Title: ____________________________

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.

Attachment
DAVID Z. ARAKAWA, 2908
Corporation Counsel
MAILE R. CHUN, 4906
Deputy Corporation Counsel
City and County of Honolulu
Honolulu, Hawaii 96813
Telephone: 527-5351

Attorneys for Appellant

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

KENNETH E. SPRAGUE, Director ) CIVIL NO. 97-2778-07
of the Department of ) (Agency Appeal)
Wastewater Management, City ) NOTICE OF APPEAL TO CIRCUIT
and County of Honolulu, ) COURT; STATEMENT OF THE CASE;
 ) EXHIBIT A; DESIGNATION OF
 ) RECORD ON APPEAL; ORDER FOR
 ) CERTIFICATION AND TRANSMISSION
 ) OF RECORD
 vs. ) NOTICE OF APPEAL
 ) KENNETH E. SPRAGUE, Director
 ) of the Department of
 ) Wastewater Management, City
 ) and County of Honolulu,
 ) Appellant,
 )
 ) vs.
 ) COMMISSION ON WATER RESOURCE ) Appellee.
 ) MANAGEMENT, DEPARTMENT OF
 ) LAND AND NATURAL RESOURCES,
 ) STATE OF HAWAII,
 )
 ) NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that KENNETH E. SPRAGUE, Director of
the Department of Wastewater Management, City and County of
Honolulu, Appellant above named (hereinafter "Appellant"), by and
through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and
MAILE R. CHUN, Deputy Corporation Counsel, City and County of
Honolulu, pursuant to Section 91-14 of the Hawaii Revised
Statutes and Rule 72 of the Hawaii Rules of Civil Procedure,
hereby appeals to the Circuit Court of the First Circuit from the

CERTIFICATE OF SERVICE ATTACHED

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

N. ANAYA
CLERK

000166
Notice of Action Overpumpage Violation of WUP No. 160. (Well Nos. 1902-03, 04) Puuola Ground Water Management Area, Oahu of the COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAI'I (hereinafter "CWRM"), dated June 5, 1997, and received by Appellant on June 6, 1997, a true and correct copy of which is attached hereto as Exhibit A.


DAVID Z. ARAKAWA
Corporation Counsel

By

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
STATEMENT OF THE CASE

KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, Appellant herein (hereinafter "Appellant"), by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, City and County of Honolulu, submits the following Statement of the Case pursuant to Rule 72(e), Hawaii Rules of Civil Procedure:

1. The City and County of Honolulu (hereinafter "City") is a municipality of the State of Hawaii.

2. The Department of Wastewater Management (hereinafter "WWM") is a governmental agency of the City, and was such a governmental agency at all times mentioned and relevant herein.
3. Appellee COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII (hereinafter "CWRM") is a governmental agency of the State of Hawaii and was such a governmental agency at all times mentioned and relevant herein.

4. On or about December 11, 1991 two wells were constructed by the City, the purpose of which was to pump non-potable water from the ewa caprock for use within its Honouliuli Wastewater Treatment Plant (hereinafter "Honouliuli WWTP") for in-plant processing. The two wells were constructed with the intent of being considered as one non-potable water system. The two wells would function as a system, where one well could function as the primary well and the second well could function as a backup, or both could operate simultaneously.

5. On or about November 17, 1989 CWRM received WWM's Application for Water Use Permit (Groundwater) (hereinafter "Water Use Permit Application"), this being the first permit application under CWRM's requirements. Said Water Use Permit Application was for its well system which was constructed on or about December 11, 1991, in the area then known as the Pearl Harbor Water Management Area (currently referred to as the Puuloa System) in order to draw caprock water. The Water Use Permit Application stated that it was for a "New Well."

6. The Water Use Permit Application requested a 500,000 gallons per day of caprock water allotment from said area.
7. On or about March 15, 1990, at its CWRM meeting on the Water Use Permit Application, CWRM recommended approval of the issuance of a water use permit to the City to use 0.5 mgd of caprock water from Well No. 1902-03 for use within the Honouliuli WWTP, subject to certain conditions.

8. On or about March 15, 1990, during the CWRM meeting on the Water Use Permit Application, CWRM also amended the application to include the issuance of a well construction permit.

9. By letter dated March 26, 1990, William W. Paty, Chairperson of the Department of Land and Natural Resources, informed the City that CWRM approved the Water Use Permit Application for Well No. 1902-03 at its meeting on March 15, 1990, and that the permit was being prepared and will be sent to the Attorney General's Office for review prior to being issued.

10. To date, the City has not received its Water Use Permit and Well Construction Permit.

11. The two wells were placed into operation on or about March 30, 1993. On or about April 13, 1993, the City accepted the installation of pumps for its two wells.

12. On or about July 13, 1993, CWRM verbally informs the City that it is in violation because there is no pump installation permit for the two wells. For the first time, the City is now informed by CWRM that there should be a total of six permits for these two wells (two Water Use Permits, two Well Construction Permits, and two Pump Installation Permits).
13. After being verbally informed by CWRM, the City begins to submit its Monthly Ground Water Use Reports, the first of which was submitted on or about August 18, 1993. Each monthly submittal indicates the amount of non-potable water pumped for the month, chloride levels, and temperature.

14. On or about September 1, 1993, the City requested CWRM amend the approval of the Water Use Permit for Well No. 1902-03 to include the Pump Installation Permit. It was at this time that the City also amended the application to include the second existing well. This second well was assigned the number 1902-04 by CWRM.

15. CWRM's minutes of December 8, 1993 indicated that CWRM approved a Water Use Permit for Well No. 1902-03 on March 15, 1990. These minutes also indicate CWRM approved the well construction permit on March 15, 1990 and noted that Well No. 1902-04, which was to serve as a backup well, was drilled without a permit.

16. On December 29, 1993, an after-the-fact Well Construction Permit was issued by CWRM to the City for Well No. 1902-04, subject to conditions. CWRM notified the City that it was in violation for drilling without a permit, and CWRM fined the City $100.00. This amount was remitted to CWRM by the City on or about February 2, 1994. Also, the after-the-fact Well Construction Permit stated that the Water Use Permit for Well No. 1902-03 would be administratively amended to include Well No. 1902-04.
17. To date, the following summarizes the status of the City's Permits and Applications to the best of its knowledge:

   a. A Water Use Permit for Well No. 1902-03 was approved March 15, 1990, and a Water Use Permit for Well No. 1902-04 was approved December 29, 1993; however, to date, the City has not received its permits.

   b. A Well Construction Permit for Well No. 1902-03 was approved March 15, 1990; however, the City has not received this permit.

   c. An after-the-fact Well Construction Permit for Well No. 1902-04 was approved December 29, 1993 and said Permit was received by the City on February 22, 1994.

   d. Pump Installation Permits for Well Nos. 1902-03 and 1902-04 were approved December 8, 1993; however, the City has not received these permits.

18. To date, the City has never been issued or received Water Use Permits for its two wells, and assumes that said Permits would have set forth the specific conditions which the City would be required to comply with, including the methodology by which a compliance determination would be made.

19. On or about June 20, 1996, CWRM sent a Notice of Water Use Permit Violation, Well Nos. 1902-03 & 04 (WUP No. 160), regarding pumpage in excess of .5 mgd.

20. CWRM requested that the City provide an explanation for the overpumpage and an estimate for the length of time that it
would need to come into compliance with the terms of the permit. CWRM requested a written response by July 15, 1996.

21. On or about July 18, 1996, Appellant submitted a response to CWRM's letter of June 20, 1996 explaining major expansion and process changes that have increased the City's demand for groundwater at the Honouliuli WWTP. Appellant also stated that the City would be submitting a request to CWRM for an additional 500,000 gallons per day to meet the plant's current water demands.

22. On or about July 30, 1996, CWRM responded to the City's July 18, 1996 letter and enclosed a water use permit application form to be completed and returned to CWRM within thirty (30) days.

23. CWRM records do not indicate that a water use permit application was received from the City for an additional 500,000 gallons per day.

24. On or about February 21, 1997, CWRM requested the following from the City:

   a. The City's response to CWRM's letter of July 30, 1996 requesting that the City submit the water use permit application for the additional water use, as stated in the City's July 18, 1996 letter.

   b. CWRM also requested that the City provide an estimate for the length of time that it will need to come into compliance with the terms of its permit.
c. A water shortage plan for WUP No. 160 that outlines how water usage will be reduced in the event of a shortage.

d. The City's response to CWRM's letter of January 12, 1997 review comments relating to the City's permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water.

25. On or about March 10, 1997, the City responded to CWRM's letter of February 21, 1997 and stated that as of October 4, 1996, the City reduced its daily withdrawal to less than 0.5 mgd. The City also stated that it will continue to withdraw less than 0.5 mgd, but given that the method of compliance determination incorporates a running average method, the City will remain non-compliant at least until October 1997. The City stated that it could accelerate the time to comply with the 0.5 mgd by eliminating all well withdrawals and using potable water for its in-plant processes, but that that would be contradictory to the City's intent of saving a valued resource.

26. The City does not agree with CWRM's stated method of compliance determination. Furthermore, CWRM has never informed the City that compliance determination would be made utilizing this method.

27. On or about April 7, 1997, the CWRM responded to the City's letter of March 10, 1997 stating that it understood that
the City is currently limiting pumpage at Well Nos. 1902-03 & 04 to 0.5 mgd and expects to be in compliance with the 0.5 mgd allocation by October 1997. CWRM also stated that the City need not accelerate the time to comply with its current allocation by using potable water for in-plant processes, as CWRM agreed that non-potable water should be used for non-potable needs whenever possible. CWRM also stated that to date, it has not received the Water Use Permit Application for a water use permit modification for the additional 0.5 mgd. CWRM stated that if the City wished to increase its usage of the wells, it should complete and return the water use permit application form.

28. On or about May 14, 1997, CWRM had a meeting taking up certain matters on the agenda. CWRM did not provide notice of CWRM's intention to address the alleged violation of WUP No. 160 and violated the provisions of Hawaii Revised Statutes (hereinafter "HRS") Chapter 92. The staff submittal indicates a finding that WWM is in violation of WUP No. 160 for exceeding the allocation limit, and an imposition of a fine of $500 per day for the overpumpage violation for the period beginning June 1996 to May 14, 1997 ($174,000). In the alternative, CWRM minutes indicate that WWM may adhere to milestones, to be worked out by CWRM staff in conjunction with WWM staff, to ensure R-1 availability by June 30, 1999. This is the first time WWM became aware of the levying of fines.

29. On or about June 5, 1997, CWRM sent a Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04)
Puuloa Ground Water Management Area, Oahu, to Appellant. Said notice stated that this letter serves as the City's official notice of action by CWRM on the overpumpage violation of WUP No. 160.

30. CWRM stated that by a unanimous vote of CWRM at its regular meeting of May 14, 1997, CWRM found the City in violation of the water use permit for Well Nos. 1902-03, 04 for exceeding the allocation limit. CWRM stated that according to pumpage records provided by the City, the City has been pumping ground water in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years.

31. CWRM imposed a fine of $500.00 per day for the overpumpage violation, for the period beginning in June 1996, the date on which CWRM believed the City was first notified of the violation, to present. The total assessed fine was $174,000.00.

32. In the alternative, CWRM stated that the City may adhere to milestones to ensure R-1 availability by June 30, 1999, which may be satisfied by submitting detailed construction plans, schedules, and market analysis showing that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999.

33. To date, the City has never been issued or received Water Use Permits for its two wells, and assumes that said permits would have set forth the conditions which the City would be required to comply with, including the methodology by which a compliance determination would be made.
34. The City alleges that the method of compliance determination which utilizes a 12-month moving average is in violation of HRS Chapter 91.

35. Furthermore, the documents and CWRM's actions relating to the approval of the issuance of the water use permits to the City were ambiguous as to the City's pumping limitation.

36. In a series of meetings, the City was informed that the assessed fine amount would not be levied on the City, given the City's involvement in an integrated resource planning process which is under way.


38. Section 13-167-32 of the Rules of Practice and Procedure for the Commission on Water Resource Management provides for judicial review of an order of CWRM, which shall be governed by HRS Chapter 91.

WHEREFORE, Appellant respectfully petitions this Honorable Court to:

1. Declare that the Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu of the COMMISSION ON WATER RESOURCE MANAGEMENT, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, dated June 5, 1997, and received by Appellant on June 6, 1997, was improper under HRS Section 91-14(g).
2. Declare that CWRM's procedures, actions and decisions were improper.

3. Grant Appellant such other and further relief as may be just, equitable and proper.


DAVID Z. ARAKAWA
Corporation Counsel

By

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
Notice Of Action
Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04)
Puuloa Ground Water Management Area, Cahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the overpumpage violation of WUP No. 160.

By a unanimous vote of the Commission at their regular meeting of May 14, 1997, the Commission found the City and County of Honolulu, Department of Wastewater Management (DWM) in violation of the water use permit for Well Nos. 1902-03,04 (WUP No. 160) for exceeding the allocation limit.

According to pumpage records provided by DWM, DWM has been pumping groundwater from Well Nos. 1902-03,04 in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years (see Exhibit 1). By January, 1996, DWM was pumping Well Nos. 1902-03,04 at about twice the amount authorized under WUP No. 160 (1.0 mgd pumped vs. 0.5 mgd authorized).

The Commission also imposed a fine of $500 per day for the overpumpage violation, for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000).

In the alternative, DWM may adhere to milestones to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by June 30, 1999. This alternative to paying the $174,000 fine may be satisfied by your submittal of detailed construction plans and schedule and market analysis that shows that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999. The June 30, 1999 date coincides with DWM's latest estimate of R-1 availability.

In the event that you choose the alternative to paying a fine, please inform us within thirty (30) days of a reasonable timeframe for submittal of your construction plans and schedule. If you intend to pay the fine, please pay the fine within thirty (30) days.

If you have any questions, please contact Lenora Nakama at 587-0218.

Sincerely,

[Signature]

RAS M. LOUI
Deputy Director
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, Appellant,

vs.

COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, Appellee.

DESIGNATION OF RECORD ON APPEAL

COMES NOW Appellant KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, City and County of Honolulu, and hereby designates as the record on appeal herein the entire and complete records of the COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII (hereinafter "CWRM") relating to the final decision of CWRM as to the City and County of Honolulu’s alleged violation of its allocation limit for Well Nos. 1902-03, 04 as made at CWRM meeting on May 14, 1997 or any other CWRM meetings, and as reflected in the June 5, 1997 Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu, including but not limited to any and
all pleadings, motions, intermediate rulings, evidence received or considered, including oral testimony, exhibits, and statements of matters officially noticed, rulings, proposed findings and exceptions, reports, correspondence, staff memoranda, letters, orders, proposed orders, objections, photographs, and other papers of CWRM, and the transcripts of proceedings of the May 14, 1997 CWRM meeting or any other CWRM meetings relating to the foregoing.


DAVID Z. ARAKAWA
Corporation Counsel

By

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

KENNETH E. SPRAGUE, Director ) CIVIL NO. ________
of the Department of ) (Agency Appeal)
Wastewater Management, City ) ORDER FOR CERTIFICATION AND
and County of Honolulu, ) TRANSMISSION OF RECORD
Appellant, )

VS.

COMMISSION ON WATER RESOURCE ) ORDER FOR CERTIFICATION AND
MANAGEMENT, DEPARTMENT OF ) TRANSMISSION OF RECORD
LAND AND NATURAL RESOURCES, )
STATE OF HAWAII, )
Appellee. )

TO: RAE M. LOUI
Deputy Director
Commission on Water Resource Management
c/o Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Suite 227
Honolulu, Hawaii 96813

Pursuant to Rule 72(d)(1) of the Hawaii Rules of Civil
Procedure, you are hereby ordered to certify and transmit to this
Court within twenty (20) days from the date of this order, or
within such further time as may be allowed by the Court, the
following papers: the entire and complete records of the
COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND
NATURAL RESOURCES, STATE OF HAWAII (hereinafter "CWRM") relating
to the final decision of CWRM as to the City and County of
Honolulu's alleged violation of its allocation limit for Well
Nos. 1902-03, 04 as made at CWRM meeting on May 14, 1997 or any other CWRM meetings, and as reflected in the June 5, 1997 Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu, including but not limited to any and all pleadings, motions, intermediate rulings, evidence received or considered, including oral testimony, exhibits, and statements of matters officially noticed, rulings, proposed findings and exceptions, reports, correspondence, staff memoranda, letters, orders, proposed orders, objections, photographs, and other papers of CWRM, and the transcripts of proceedings of the May 14, 1997 CWRM meeting or any other CWRM meetings relating to the foregoing.


N. ANAYA
CLERK OF THE ABOVE-ENTITLED COURT
DAVID Z. ARAKAWA, 2908
Corporation Counsel
MAILE R. CHUN, 4906
Deputy Corporation Counsel
City and County of Honolulu
Honolulu, Hawaii 96813
Telephone: 527-5351

Attorneys for Appellant

THE COMMISSION ON WATER RESOURCE MANAGEMENT
OF THE STATE OF HAWAII

KENNETH E. SPRAGUE, Director
of the Department of
Wastewater Management, City
and County of Honolulu,
Appellant,

VS.

COMMISSION ON WATER RESOURCE
MANAGEMENT, DEPARTMENT OF
LAND AND NATURAL RESOURCES,
STATE OF HAWAII,
Appellee.

PETITION FOR CONTESTED CASE HEARING IN RELATION TO THE
ISSUANCE OF WATER USE PERMIT FOR WELL NOS. 1902-03 & 04,
PUULOA GROUND WATER MANAGEMENT AREA, OAHU; EXHIBIT A

Comes now KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu (hereinafter "Petitioner"), by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, and respectfully moves the COMMISSION ON WATER RESOURCE MANAGEMENT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES OF THE STATE OF HAWAII (hereinafter "CWRM") for a contested case hearing (CERTIFICATE OF SERVICE ATTACHED)
in relation to the Issuance of the Ground Water Use Permit for Well Nos. 1902-03 & 04, WUP No. 160, Puuola Ground Water Management Area, Oahu, which was issued on July 16, 1997, a true and correct copy of which is attached hereto as Exhibit A. Said permit, though issued July 16, 1997, appears to be effective as of March 15, 1995.

I. LEGAL AUTHORITY

This request for a contested case hearing is based on H.R.S. Chapter 91, and the Rules of Practice and Procedure for the Commission on Water Resource Management, Chapter 13-167.

II. TERMS AND CONDITIONS OF THE GROUND WATER USE PERMIT THAT ARE CONTESTED

A. Compliance Methodology

Petitioner contests the compliance methodology stated in the Ground Water Use Permit. The CWRM has established a 12-month moving average basis to determine whether or not Petitioner is in compliance with its pumping limitation for Well Nos. 1902-03 & 04.

However, none of the Administrative Rules of the State Water Code, Title 13, Department of Land and Natural Resources, have been adopted by CWRM pursuant to H.R.S. Chapter 91. No public hearing has been held by CWRM as to any particular type of compliance methodology that would be required of any permittee submitting an application to CWRM for a water use permit. Among other reasons, Petitioner, therefore, contests the use of the 12-month moving average basis in determining compliance.
B. Ambiguity in Application of the Chloride Cap Limitation

The Ground Water Use Permit provides for a chloride cap limitation of 1,000 mg/l. The Ground Water Use Permit also states the date of March 15, 1995, as the date that CWRM approved of the Petitioner's Ground Water Use Permit. However, it is unclear as to whether or not the chloride cap limitation applies retroactively to March 15, 1995, or if the chloride cap limitation applies from the date of issuance of the permit, July 16, 1997.

This ambiguity in the terms and conditions of the Ground Water Use Permit is inappropriate, as it does not allow fair notice to the Petitioner. Petitioner, therefore, contests the chloride cap limitation and the reference to the March 15, 1995 approval date.

C. Ground Water Use Permit General Condition No. 3

Petitioner contests Ground Water Use Permit General Condition No. 3 which states as follows:

Modification of any permit condition must be approved by the Commission.

Petitioner contests this general condition as it relates to the chloride cap limitation of 1,000 mg/l. There is no other mention of the chloride cap limitation. Therefore, the chloride cap limitation is considered to be a modification of the permit conditions, and must be approved by the Commission.

There being no indication that the Commission approved this modification, Petitioner contests General Condition No. 3.
D. **Ground Water Use Permit Additional Condition No. 1**

Petitioner contests Ground Water Use Permit Additional Condition No. 1 which states as follows:

The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Caprock Aquifer and establish courses of action to prevent the aquifer from becoming too saline to use. The applicant must comply with the approved plan.

What the "approved plan" is, is not indicated. Therefore, the additional condition is ambiguous as to what the "approved plan" is. Additional Condition No. 1 is inappropriate, as it does not allow fair notice to the Petitioner. Petitioner, therefore, contests Additional Condition No. 1.

E. **Ground Water Use Permit Additional Condition No. 2**

Petitioner contests Ground Water Use Permit Additional Condition No. 2 which states as follows:

An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.

Petitioner contests this additional condition as it relates to the approved flowmeter. There is no other mention of the installation of an approved flowmeter. Additionally, there is no mention as to the identity of the approving agency, nor the criteria by which said approval shall be granted. Therefore, the approved flowmeter is considered to be a modification of the permit conditions, and must be approved by the Commission.

There being no indication that the Commission approved this modification, Petitioner contests Additional Condition No. 2.
III. BASIC FACTS AND ISSUES RAISED

1. The City and County of Honolulu (hereinafter "City") is a municipality of the State of Hawaii.

2. The Department of Wastewater Management (hereinafter "WWM") is a governmental agency of the City, and was such a governmental agency at all times mentioned and relevant herein.

3. The COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII (hereinafter "CWRM") is a governmental agency of the State of Hawaii and was such a governmental agency at all times mentioned and relevant herein.

4. On or about December 11, 1991 two wells were constructed by the City, the purpose of which was to pump non-potable water from the ewa caprock for use within its Honouliuli Wastewater Treatment Plant (hereinafter "Honouliuli WWTP") for in-plant processing. The two wells were constructed with the intent of being considered as one non-potable water system. The two wells would function as a system, where one well could function as the primary well and the second well could function as a backup, or both could operate simultaneously.

5. On or about November 17, 1989 CWRM received WWM's Application for Water Use Permit (Groundwater) (hereinafter "Water Use Permit Application"), this being the first permit application under CWRM's requirements. Said Water Use Permit Application was for its well system which was constructed on or about December 11, 1991, in the area then known as the Pearl Harbor Water Management Area (currently referred to as the Puuloa...
System) in order to draw caprock water. The Water Use Permit Application stated that it was for a "New Well."

6. The Water Use Permit Application requested a 500,000 gallons per day of caprock water allotment from said area.

7. On or about March 15, 1990, at its CWRM meeting on the Water Use Permit Application, CWRM recommended approval of the issuance of a water use permit to the City to use 0.5 mgd of caprock water from Well No. 1902-03 for use within the Honouliuli WWTP, subject to certain conditions.

8. On or about March 15, 1990, during the CWRM meeting on the Water Use Permit Application, CWRM also amended the application to include the issuance of a well construction permit.

9. By letter dated March 26, 1990, William W. Paty, Chairperson of the Department of Land and Natural Resources, informed the City that CWRM approved the Water Use Permit Application for Well No. 1902-03 at its meeting on March 15, 1990, and that the permit was being prepared and will be sent to the Attorney General's Office for review prior to being issued.

10. To date, the City has not received its Well Construction Permit.

11. On July 16, 1997, CWRM issued the City its Ground Water Use Permit, and there appears to be an indication that said permit has been effective since March 15, 1995.

12. The two wells were placed into operation on or about March 30, 1993. On or about April 13, 1993, the City accepted the installation of pumps for its two wells.
13. On or about July 13, 1993, CWRM verbally informs the City that it is in violation because there is no pump installation permit for the two wells. For the first time, the City is now informed by CWRM that there should be a total of six permits for these two wells (two Water Use Permits, two Well Construction Permits, and two Pump Installation Permits).

14. After being verbally informed by CWRM, the City begins to submit its Monthly Ground Water Use Reports, the first of which was submitted on or about August 18, 1993. Each monthly submittal indicates the amount of non-potable water pumped for the month, chloride levels, and temperature.

15. On or about September 1, 1993, the City requested CWRM amend the approval of the Water Use Permit for Well No. 1902-03 to include the Pump Installation Permit. It was at this time that the City also amended the application to include the second existing well. This second well was assigned the number 1902-04 by CWRM.

16. CWRM’s minutes of December 8, 1993 indicated that CWRM approved a Water Use Permit for Well No. 1902-03 on March 15, 1990. These minutes also indicate CWRM approved the well construction permit on March 15, 1990 and noted that Well No. 1902-04, which was to serve as a backup well, was drilled without a permit.

17. On December 29, 1993, an after-the-fact Well Construction Permit was issued by CWRM to the City for Well No. 1902-04, subject to conditions. CWRM notified the City that it was in violation for drilling without a permit, and CWRM fined
the City $100.00. This amount was remitted to CWRM by the City on or about February 2, 1994. Also, the after-the-fact Well Construction Permit stated that the Water Use Permit for Well No. 1902-03 would be administratively amended to include Well No. 1902-04.

18. To date, the following summarizes the status of the City's Permits and Applications to the best of its knowledge:
   a. A Water Use Permit for Well No. 1902-03 was approved March 15, 1990, and a Water Use Permit for Well No. 1902-04 was approved December 29, 1993; the City received WUP No. 160 on July 16, 1997, and there appears to be an indication that said permit has been effective since March 15, 1995.
   b. A Well Construction Permit for Well No. 1902-03 was approved March 15, 1990; however, the City has not received this permit.
   c. An after-the-fact Well Construction Permit for Well No. 1902-04 was approved December 29, 1993 and said Permit was received by the City on February 22, 1994.
   d. Pump Installation Permits for Well Nos. 1902-03 and 1902-04 were approved December 8, 1993; however, the City has not received these permits.

19. On or about June 20, 1996, CWRM sent a Notice of Water Use Permit Violation, Well Nos. 1902-03 & 04 (WUP No. 160), regarding pumpage in excess of .5 mgd.

20. CWRM requested that the City provide an explanation for the overpumpage and an estimate for the length of time that it
would need to come into compliance with the terms of the permit. CWRM requested a written response by July 15, 1996.

21. On or about July 18, 1996, the City submitted a response to CWRM’s letter of June 20, 1996 explaining major expansion and process changes that have increased the City’s demand for groundwater at the Honouliuli WWTP. WWM also stated that the City would be submitting a request to CWRM for an additional 500,000 gallons per day to meet the plant’s current water demands.

22. On or about July 30, 1996, CWRM responded to the City’s July 18, 1996 letter and enclosed a water use permit application form to be completed and returned to CWRM within thirty (30) days.

23. CWRM records do not indicate that a water use permit application was received from the City for an additional 500,000 gallons per day.

24. On or about February 21, 1997, CWRM requested the following from the City:

a. The City’s response to CWRM’s letter of July 30, 1996 requesting that the City submit the water use permit application for the additional water use, as stated in the City’s July 18, 1996 letter.

b. CWRM also requested that the City provide an estimate for the length of time that it will need to come into compliance with the terms of its permit.
c. A water shortage plan for WUP No. 160 that outlines how water usage will be reduced in the event of a shortage.

d. The City's response to CWRM's letter of January 12, 1997 review comments relating to the City's permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water.

25. On or about March 10, 1997, the City responded to CWRM's letter of February 21, 1997 and stated that as of October 4, 1996, the City reduced its daily withdrawal to less than 0.5 mgd. The City also stated that it will continue to withdraw less than 0.5 mgd, but given that the method of compliance determination incorporates a running average method, the City will remain non-compliant at least until October 1997. The City stated that it could accelerate the time to comply with the 0.5 mgd by eliminating all well withdrawals and using potable water for its in-plant processes, but that would be contradictory to the City's intent of saving a valued resource.

26. The City does not agree with CWRM's stated method of compliance determination. Furthermore, CWRM has never informed the City that compliance determination would be made utilizing this method.

27. On or about April 7, 1997, the CWRM responded to the City's letter of March 10, 1997 stating that it understood that the City is currently limiting pumpage at Well Nos. 1902-03 & 04 to 0.5 mgd and expects to be in compliance with the 0.5 mgd
allocation by October 1997. CWRM also stated that the City need
not accelerate the time to comply with its current allocation by
using potable water for in-plant processes, as CWRM agreed that
non-potable water should be used for non-potable needs whenever
possible. CWRM also stated that to date, it has not received the
Water Use Permit Application for a water use permit modification
for the additional 0.5 mgd. CWRM stated that if the City wished
to increase its usage of the wells, it should complete and return
the water use permit application form.

28. On or about May 14, 1997, CWRM had a meeting taking up
certain matters on the agenda. CWRM did not provide notice of
CWRM’s intention to address the alleged violation of WUP No. 160
and violated the provisions of Hawaii Revised Statutes
(hereinafter "HRS") Chapter 92. The staff submittal indicates a
finding that WWM is in violation of WUP No. 160 for exceeding the
allocation limit, and an imposition of a fine of $500 per day for
the overpumpage violation for the period beginning June 1996 to
May 14, 1997 ($174,000). In the alternative, CWRM minutes
indicate that WWM may adhere to milestones, to be worked out by
CWRM staff in conjunction with WWM staff, to ensure R-1
availability by June 30, 1999. This is the first time WWM became
aware of the levying of fines.

29. On or about June 5, 1997, CWRM sent a Notice of Action
Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04)
Puuloa Ground Water Management Area, Oahu, to WWM. Said notice
stated that this letter serves as the City’s official notice of
action by CWRM on the overpumpage violation of WUP No. 160.
30. CWRM stated that by a unanimous vote of CWRM at its regular meeting of May 14, 1997, CWRM found the City in violation of the water use permit for Well Nos. 1902-03, 04 for exceeding the allocation limit. CWRM stated that according to pumpage records provided by the City, the City has been pumping ground water in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years.

31. CWRM imposed a fine of $500.00 per day for the overpumpage violation, for the period beginning in June 1996, the date on which CWRM believed the City was first notified of the violation, to present. The total assessed fine was $174,000.00.

32. In the alternative, CWRM stated that the City may adhere to milestones to ensure R-1 availability by June 30, 1999, which may be satisfied by submitting detailed construction plans, schedules, and market analysis showing that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999.

33. The City alleges that the method of compliance determination which utilizes a 12-month moving average is in violation of HRS Chapter 91.

34. Furthermore, the documents and CWRM's actions relating to the approval of the issuance of the water use permits to the City were ambiguous as to the City's pumping limitation.

35. In a series of meetings, the City was informed that the assessed fine amount would not be levied on the City, given the City's involvement in an integrated resource planning process which is under way.


IV. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully petitions the Commission on Water Resource Management to grant it a contested case hearing in relation to the Issuance of the Ground Water Use Permit for Well Nos. 1902-03 & 04, WUP No. 160, Puuloa Ground Water Management Area, Oahu, which was issued on July 16, 1997.

DATED: Honolulu, Hawaii, \underline{JUL 23 1997}

DAVID Z. ARAKAWA
Corporation Counsel

By

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
Mr. Kenneth E. Sprague
City and County of Honolulu
Department of Wastewater Management
650 S. King St.
Honolulu, HI 96813

Dear Mr. Sprague:

Issuance of Water Use Permit for Well Nos. 1902-03 & 04
Puunola Ground Water Management Area, Oahu

This letter transmits your water use permit for Honolulu STP 1 Well (Well No. 1902-03) for use of 0.500 million gallons per day (mgd) of water on a 12-month moving average basis that was approved by the Commission on Water Resource Management (Commission) on March 15, 1995. Honolulu STP 2 Well (Well No. 1902-04) was administratively added to the water use permit as a backup source on December 8, 1993. We apologize for this late issuance of your official permit document.

Please be sure to read the conditions of your approved permit. If you accept these terms, please sign and return one copy of this permit to the Commission and retain a copy for your record.

Be advised that, pursuant to Hawaii Administrative Rule 13-168-7, you are required to keep a record of your monthly total pumpage, water level, salinity, and water temperature. This information must be submitted to the Commission on a regular monthly basis using the enclosed water use report forms. You should make copies of the enclosed report forms as needed.

Second, Hawaii Administrative Rule 13-13-171-42 requires you to submit a water shortage plan to the Commission within thirty (30) days of the issuance date of this permit. Your water shortage plan simply identifies what you are willing to do should the Commission declare a water shortage situation in the Puunola Ground Water Management Area and can be as short as a one page letter. In a water shortage situation, the Commission may require temporary reductions in pumpage from all sources. The Commission is required, by law, to formulate a plan to implement such area-wide reductions, which should accommodate, include, and be consistent with your plans. Therefore, your help, by submitting your water shortage plan, is greatly needed in formulating the Commission’s overall Water Shortage Plan.

If you have any questions, please call the Commission staff at 587-0218.

Aloha,

Michael D. Wilson
Chairperson

Attachments
# GROUND WATER USE PERMIT

**WUP NO. 160**

## PERMITTEE

<table>
<thead>
<tr>
<th>Applicant/Water User</th>
<th>Landowner of Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Address</td>
</tr>
<tr>
<td>600 S. KING ST.</td>
<td>600 S. KING ST.</td>
</tr>
<tr>
<td>HONOLULU, HI 96813</td>
<td>HONOLULU, HI 96813</td>
</tr>
</tbody>
</table>

## PERMITTED SOURCE INFORMATION

<table>
<thead>
<tr>
<th>Island</th>
<th>OAHU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Management Area</td>
<td>PUULOA</td>
</tr>
<tr>
<td>Aquifer Sector</td>
<td>EWA CAPROCK</td>
</tr>
<tr>
<td>Aquifer System</td>
<td>PUULOA</td>
</tr>
<tr>
<td>System Sustainable Yield</td>
<td>NA</td>
</tr>
<tr>
<td>Well Name</td>
<td>HONOLULU STP 1 &amp; 2</td>
</tr>
<tr>
<td>State Well No.</td>
<td>1902-03 &amp; 04</td>
</tr>
</tbody>
</table>

## PERMITTED USE INFORMATION

<table>
<thead>
<tr>
<th>Reasonable beneficial use</th>
<th>INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal (12 month moving ave.)</td>
<td>0.500 meq</td>
</tr>
<tr>
<td>Chloride Cap</td>
<td>1.000 mg/l</td>
</tr>
<tr>
<td>Location of water use</td>
<td>9-1-13-7</td>
</tr>
<tr>
<td>TMK #</td>
<td>91-1301 GEGER RD.</td>
</tr>
<tr>
<td>Address</td>
<td>NA</td>
</tr>
<tr>
<td>State land use classification</td>
<td>NA</td>
</tr>
<tr>
<td>County zoning classification</td>
<td>NA</td>
</tr>
</tbody>
</table>

Pursuant to Hawaii's State Constitution, Article XI, Section 7, Hawaii Revised Statutes, Chapter 174C; Hawaii Administrative Rules, Chapters 13-167 through 13-171; and Hawaii decisional law and custom, the applicant is hereby authorized to use ground water from the sources and in the amount and from and upon the locations described above; subject however, to the requirements of law including but not limited to the following conditions:
GENERAL CONDITIONS

1. The water use authorized by the permit must be for the reasonable-beneficial use described in the permit.

2. The use must not interfere with any existing legal use of water.

3. Modification of any permit condition must be approved by the Commission.

4. The applicant must comply with all other applicable laws, rules, and ordinances.

ADDITIONAL CONDITIONS

1. The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize seawater contamination of the Cayuse Aquifer and establish courses of action to prevent the aquifer from becoming unsuitable for use. The applicant must comply with the approved plan.

2. An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.

3. The development of the ground water source shall be completed within 24 months from the date of permit issuance.

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: ___________________________ Date: ___________________________

Printed Name: ___________________________ Firm or Title: ___________________________

Please sign both copies of this permit, return one to the Commission, and retain the other for your records.

Attachment
# Monthly Ground Water Use Report

City and County of Honolulu, Dept. of Wastewater Management  
650 S. King St.  
Honolulu, Hawaii 96813

Month of __________, 19__

**Instructions:** Please provide the following information to complete this report:
- **Site Name:** [Name of your well source]
- **Location:** [Location of your well source]
- **Contact Person:** [Name and phone number of contact person]
- **Contact Person:** [Name and phone number of contact person]
- **Wells:** [Number of wells]
- **Total Volume:** [Total volume of water used]
- **Type of Well:** [Type of well]
- **Well Depth:** [Well depth]
- **Well Diameter:** [Well diameter]
- **Well Construction:** [Well construction]
- **Well Completion:** [Well completion date]
- **Well Maintenance:** [Well maintenance]
- **Well Use:** [Well use]
- **Well Abandonment:** [Well abandonment]
- **Well Reuse:** [Well reuse]

**Other Comments:**
- [Additional comments]

---

<table>
<thead>
<tr>
<th>Date</th>
<th>Site Name</th>
<th>Total Volume (Gal)</th>
<th>Type of Well</th>
<th>Well Depth (ft)</th>
<th>Well Diameter (in)</th>
<th>Well Construction</th>
<th>Well Completion Date</th>
<th>Well Maintenance</th>
<th>Well Use</th>
<th>Well Abandonment</th>
<th>Well Reuse</th>
</tr>
</thead>
<tbody>
<tr>
<td>1902-03 &amp; 04</td>
<td>Honolulu STP 1 &amp; 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1902-03 &amp; 04</td>
<td>Honolulu STP 1 &amp; 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1902-03 &amp; 04</td>
<td>Honolulu STP 1 &amp; 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1902-03 &amp; 04</td>
<td>Honolulu STP 1 &amp; 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

- **Flow meter, electrical consumption, wear of frumes, not metered (estimated).**

- **Measurement should be taken while pump is NOT running just prior to a pumping cycle;**
  - **If measurement is taken while pump is running, please indicate so.**

**Other Comments or Additional Information:**
- [Additional comments]

**Submitted by (print):** [Name]  
**Signature:** [Signature]  
**Date:** [Date]

---

Form: mgwurf.fm (10/98)
**MONTHLY GROUND WATER DELIVERY REPORT**

Informaiton to Be Used by U.S. Geological Survey

City and County of Honolulu, Dept. of Wastewater Management
850 S. King St.
Honolulu, HI 96813

**Month of: __________, 19__**

**Instructions:** Please TYPE OR PRINT CLEARLY. Complete this form to report total monthly ground water use and other information from each of your well sources. Mail to: Commission on Water Resource Management, P.O. Box 221, Honolulu HI 96802. For assistance, please call (808) 587-0284.

* Use of water code:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AQ</td>
<td>Aquaculture</td>
</tr>
<tr>
<td>AN</td>
<td>Agriculture non-irrigation use (livestock, cane wash, etc.)</td>
</tr>
<tr>
<td>C</td>
<td>Commercial</td>
</tr>
<tr>
<td>D</td>
<td>Domestic</td>
</tr>
<tr>
<td>I</td>
<td>Irrigation - Drip</td>
</tr>
<tr>
<td>IF</td>
<td>Irrigation - Furrow</td>
</tr>
<tr>
<td>IS</td>
<td>Irrigation - Drip</td>
</tr>
</tbody>
</table>

**For estimated values use code:**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>Power consumption</td>
</tr>
<tr>
<td>T</td>
<td>Total time of operation</td>
</tr>
<tr>
<td>D</td>
<td>Comparison with past data</td>
</tr>
<tr>
<td>X</td>
<td>Other means - (indicate method)</td>
</tr>
</tbody>
</table>

Other comments or additional information:

Submitted by (print) ____________________________
Signature ____________________________________
Title ____________________________
Date ____________________________

Form mwgdfr.fm (11/96)
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof was served upon the following by mailing the same, postage prepaid, on JUL 23 1997:

WILLIAM M. TAM, ESQ.
Deputy Attorney General
465 South King Street
Room 300
Honolulu, Hawaii 96813

Attorney for Appellee

MAILE R. CHUN
Deputy Corporation Counsel
July 17, 1997

VIA FACSIMILE AND U.S. MAIL

Mr. Michael D. Wilson, Chair
Ms. Rae M. Loui, Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Room 227
Honolulu, Hawaii 96813

Dear Chair Wilson and Ms. Loui:

Re: Notice of Action - Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04)
Puuloa Ground Water Management Area, Oahu
Notice of Appeal

Pursuant to Rule 10 of the Hawaii Rules of Appellate Procedure, the City, as appellant in the above mentioned case, shall order from the reporter, the transcript of the proceedings held on May 14, 1997 (the regular meeting of the Commission on Water Resource Management, Agenda Item No. 5) in relation to the notice of violation and fine against the City.

Pursuant to Rule 11(b) of the Hawaii Rules of Appellate Procedure, upon receipt of an order for a transcript, the reporter shall acknowledge at the foot of the order the fact that he has received it and the date on which he expects to have the transcript completed and shall transmit the order, so endorsed, to the clerk of the Supreme Court. If the transcript cannot be completed within 30 days of receipt of the order, the reporter shall request an extension of time from the clerk of the Supreme Court before the expiration of the 30 days. A failure to make such a request by the reporter may result in a fine from the Supreme Court. Please review Rule 11 for additional duties and responsibilities.
Please bill the city for the cost of the transcript. If you have any questions or concerns, please call me at 527-5351. Thank you for your attention to this matter.

Very truly yours,

MAILE R. CHUN
Deputy Corporation Counsel

cc: Kenneth E. Sprague, Director
Department of Wastewater Management
Cheryl K. Okuma-Sepe, Deputy Director
Department of Wastewater Management
DATE: JULY 17, 1997

TO: MR. MICHAEL D. WILSON, CHAIR
    MS. RAE M. LOUI, DEPUTY DIRECTOR
    COMMISSION ON WATER RESOURCE MANAGEMENT

ORGANIZATION/OFFICE: DEPARTMENT OF LAND AND NATURAL RESOURCES

FAX TELEPHONE: 587-0219

FROM: MAILE R. CHUN
       DEPUTY CORPORATION COUNSEL

TELEPHONE: 527-5351

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET: 3

IF YOU EXPERIENCE DIFFICULTY IN RECEIVING THIS TRANSMISSION, OR YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL EDEN AT (808) 527-5635.

MESSAGE: 

CO0127
July 17, 1997

VIA FACSIMILE AND U.S. MAIL

Mr. Michael D. Wilson, Chair
Ms. Rae M. Loui, Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Room 227
Honolulu, Hawaii 96813

Dear Chair Wilson and Ms. Loui:

Re: Notice of Action - Overpumpage Violation of
WUP No. 160 (Well Nos. 1902-03, 04)
Puuloa Ground Water Management Area, Oahu
Notice of Appeal

Pursuant to Rule 10 of the Hawaii Rules of
Appellate Procedure, the City, as appellant in the
above mentioned case, shall order from the reporter,
the transcript of the proceedings held on May 14, 1997
(the regular meeting of the Commission on Water
Resource Management, Agenda Item No. 5) in relation to
the notice of violation and fine against the City.

Pursuant to Rule 11(b) of the Hawaii Rules of
Appellate Procedure, upon receipt of an order for a
transcript, the reporter shall acknowledge at the foot
of the order the fact that he has received it and the
date on which he expects to have the transcript
completed and shall transmit the order, so endorsed, to
the clerk of the Supreme Court. If the transcript
cannot be completed within 30 days of receipt of the
order, the reporter shall request an extension of time
from the clerk of the Supreme Court before the
expiration of the 30 days. A failure to make such a
request by the reporter may result in a fine from the
Supreme Court. Please review Rule 11 for additional
duties and responsibilities.
Mr. Michael D. Wilson, Chair  
Ms. Rae M. Loui, Deputy Director  
July 17, 1997

Page 2

Please bill the city for the cost of the transcript. If you have any questions or concerns, please call me at 527-5351. Thank you for your attention to this matter.

Very truly yours,

MAILE R. CHUN  
Deputy Corporation Counsel

MRC:eY

cc: Kenneth E. Sprague, Director  
Department of Wastewater Management  
Cheryl K. Okuma-Sepe, Deputy Director  
Department of Wastewater Management

L-CWMM.2
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

KENNETH E. SPRAGUE, Director ) CIVIL NO. 97-2779-07
of the Department of ) (Declaratory Relief)
Wastewater Management, City ) COMPLAINT; SUMMONS
and County of Honolulu, )
Plaintiff, )

vs. )
COMMISSION ON WATER RESOURCE )
MANAGEMENT, DEPARTMENT OF )
LAND AND NATURAL RESOURCES, )
STATE OF HAWAII, )
Defendant. )

COMPLAINT

Plaintiff KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu (hereinafter "Director"), by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, alleges a cause of action against the COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII (hereinafter "CWRM"), as follows:

I do hereby certify that this is a true, correct copy of the original on file in this office.

N. ANAYA
CLERK
1. The City and County of Honolulu (hereinafter "City") is a municipality of the State of Hawaii.

2. The Department of Wastewater Management (hereinafter "WWM") is a governmental agency of the City.

3. The CWRM is a governmental agency of the State of Hawaii and was such a governmental agency at all times mentioned and relevant herein.

4. On or about December 11, 1991, two wells were constructed by WWM, the purpose of which was to pump non-potable water from the ewa caprock for use within its Honouliuli Wastewater Treatment Plant (hereinafter "Honouliuli WWTP") for in-plant processing. The two wells were constructed with the intent of being considered as one non-potable water system. The two wells would function as a system, where one well could function as the primary well and the second well could function as a backup, or both could operate simultaneously.

5. On or about November 17, 1989, CWRM received WWM's Application for Water Use Permit (Groundwater) (hereinafter "Water Use Permit Application"). Said Water Use Permit Application was for WWM's well system which was constructed on or about December 11, 1991, in the area then known as the Pearl Harbor Water Management Area (currently referred to as the Puuloa System) in order to draw caprock water. The Water Use Permit Application stated that it was for a "New Well."

6. The Water Use Permit Application requested an allocation of 500,000 gallons per day of caprock water.
7. On or about March 15, 1990, at its public meeting on the Water Use Permit Application, CWRM recommended approval of the issuance of a water use permit to the WWM to use 0.5 mgd of caprock water from Well No. 1902-03 for use within the Honouliuli WWTP, subject to certain conditions.

8. On or about March 15, 1990, during the CWRM meeting on the Water Use Permit Application, CWRM also amended the application to include the issuance of a well construction permit.

9. By letter dated March 26, 1990, William W. Paty, Chairperson of the Department of Land and Natural Resources, informed WWM that CWRM approved the Water Use Permit Application for Well No. 1902-03 at its meeting on March 15, 1990, and that the permit was being prepared and would be sent to the Attorney General’s Office for review prior to issuance to WWM.

10. To date, the WWM or the City have not received its Water Use Permit and Well Construction Permit.

11. The two wells were placed into operation on or about March 30, 1993. On or about April 13, 1993, the WWM accepted the installation of pumps for its two wells.

12. On or about July 13, 1993, CWRM verbally informed WWM that it is in violation because there is no pump installation permit for the two wells. WWM learns for the first time that CWRM requires a total of six permits for WWM’s two wells (two Water Use Permits, two Well Construction Permits, and two Pump Installation Permits).
13. Upon verbal instructions from CWRM, WWM submitted Monthly Ground Water Use Reports, the first of which was submitted on or about August 18, 1993. Each monthly submittal indicates the amount of non-potable water pumped for the month, chloride levels, and temperature.

14. On or about September 1, 1993, WWM requested that CWRM amend the approval of the Water Use Permit for Well No. 1902-03 to include the Pump Installation Permit. It was at this time that WWM also amended the application to include the second existing well. This second well was assigned the number 1902-04 by CWRM.

15. CWRM's minutes of December 8, 1993 indicated that CWRM approved a Water Use Permit for Well No. 1902-03 on March 15, 1990. These minutes also indicate CWRM approved the well construction permit on March 15, 1990 and noted that Well No. 1902-04, which was to serve as a backup well, was drilled without a permit.

16. On December 29, 1993, an after-the-fact Well Construction Permit was issued by CWRM to WWM for Well No. 1902-04, subject to conditions. CWRM notified WWM that it was in violation for drilling without a permit, and CWRM fined WWM $100.00. This amount was remitted to CWRM by the City on or about February 2, 1994. Also, the after-the-fact Well Construction Permit stated that the Water Use Permit for Well No. 1902-03 would be administratively amended to include Well No. 1902-04.
17. To date, the following summarizes the status of WWM's Permits and Applications to the best of its knowledge:

   a. A Water Use Permit for Well No. 1902-03 was approved March 15, 1990, and a Water Use Permit for Well No. 1902-04 was approved December 29, 1993; however, to date, WWM or the City have not received its permits.

   b. A Well Construction Permit for Well No. 1902-03 was approved March 15, 1990; however, the WWM or the City have not received this permit.

   c. An after-the-fact Well Construction Permit for Well No. 1902-04 was approved December 29, 1993 and said Permit was received by WWM on February 22, 1994.

   d. Pump Installation Permits for Well Nos. 1902-03 and 1902-04 were approved December 8, 1993; however, WWM has not received these permits.

18. To date, WWM has not been issued has never received Water Use Permits for its two wells. WWM assumes that said Permits would have set forth the specific conditions which the WWM and the City would be required to comply with, including the methodology by which a compliance determination would be made.

19. On or about June 20, 1996, CWRM sent WWM a Notice of Water Use Permit Violation, Well Nos. 1902-03 & 04 (WUP No. 160), regarding pumpage in excess of the .5 mgd allocation.

20. CWRM requested that WWM provide an explanation for the overpumpage and an estimate for the length of time that it would
need to come into compliance with the terms of the permit. CWRM requested a written response by July 15, 1996.

21. On or about July 18, 1996, WWM submitted a response to CWRM's letter of June 20, 1996 explaining major expansion and process changes that have increased WWM’s demand for groundwater at the Honouliuli WWTP. WWM stated it would submit a request to CWRM for an additional 500,000 gallons per day to meet the plant’s current water demands.

22. On or about July 30, 1996, CWRM responded to WWM’s July 18, 1996 letter and enclosed a water use permit application form to be completed and returned to CWRM within thirty (30) days.

23. CWRM records do not indicate that a water use permit application was received from WWM for an additional 500,000 gallons per day.

24. On or about February 21, 1997, CWRM requested the following from WWM:

   a. WWM’s response to CWRM’s letter of July 30, 1996 requesting that WWM submit the water use permit application for the additional water use, as stated in WWM’s July 18, 1996 letter.

   b. CWRM also requested that WWM provide an estimate for the length of time that it will need to come into compliance with the terms of its permit.
c. A water shortage plan for WUP No. 160 that outlines how water usage will be reduced in the event of a shortage.

d. WWM's response to CWRM's letter of January 12, 1997 review comments relating to WWM's permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water.

25. On or about March 10, 1997, WWM responded to CWRM's letter of February 21, 1997 and stated that as of October 4, 1996, WWM reduced its daily withdrawal to less than 0.5 mgd. WWM also stated that it will continue to withdraw less than 0.5 mgd, but given that the method of compliance determination incorporates a 12-month moving average method of calculation, WWM would remain non-compliant until October 1997. WWM stated that it could accelerate the time to comply with the 0.5 mgd by eliminating all well withdrawals and using potable water for its in-plant processes, but that that would be contradictory to the City's intent of saving a valued resource.

26. CWRM's 12-month moving average method of compliance is not supported by statute or regulations. Furthermore, CWRM has never informed WWM that compliance determination would be made utilizing this method.

27. On or about April 7, 1997, CWRM responded to WWM's letter of March 10, 1997 stating that it understood that WWM is currently limiting pumpage at Well Nos. 1902-03 & 04 to 0.5 mgd
and expects to be in compliance with the 0.5 mgd allocation by October 1997. CWRM also stated that WWM need not accelerate the time to comply with its current allocation by using potable water for in-plant processes. CWRM agreed that non-potable water should be used for non-potable needs whenever possible. CWRM also stated that to date, it has not received the Water Use Permit Application for a water use permit modification for the additional 0.5 mgd. CWRM stated that if WWM wished to increase its usage of the wells, it should complete and return the water use permit application form.

28. On or about May 14, 1997, CWRM had a meeting taking up certain matters on the agenda. CWRM did not provide notice of CWRM's intention to address the alleged violation of WUP No. 160 and violated the provisions of Hawaii Revised Statutes (hereinafter "HRS") Chapter 92. The staff submittal indicates a finding that WWM is in violation of WUP No. 160 for exceeding the allocation limit, and an imposition of a fine of $500 per day for the overpumpage violation for the period beginning June 1996 to May 14, 1997 ($174,000). In the alternative, CWRM minutes indicate that WWM may adhere to milestones, to be worked out by CWRM staff in conjunction with WWM staff, to ensure R-1 availability by June 30, 1999. This is the first time WWM became aware of the levying of fines.

29. On or about June 5, 1997, CWRM sent a Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu, to the Director. Said
notice stated that this letter serves as WWM's official notice of action by CWRM on the overpumpage violation of WUP No. 160.

30. CWRM stated that by a unanimous vote of CWRM at its regular meeting of May 14, 1997, CWRM found WWM in violation of the water use permit for Well Nos. 1902-03, 04 for exceeding the allocation limit. CWRM stated that according to WWM's pumpage records WWM has been pumping ground water in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years.

31. CWRM imposed a fine of $500.00 per day for the overpumpage violation, for the period beginning in June 1996, the date on which CWRM believed WWM was first notified of the violation, to present. The total assessed fine was $174,000.00.

32. In the alternative, CWRM stated that WWM may adhere to milestones to ensure R-1 availability by June 30, 1999, which may be satisfied by submitting detailed construction plans, schedules, and market analysis showing that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999.

33. To date, WWM has never been issued or received Water Use Permits for its two wells and assumes that said permits would have set forth the conditions which WWM would be required to comply with, including the methodology by which a compliance determination would be made.
34. WWM alleges that the method of compliance determination which utilizes a 12-month moving average is in violation of HRS Chapter 91.

35. Furthermore, the documents and CWRM’s actions relating to the approval of the issuance of the water use permits to WWM were ambiguous as to WWM’s pumping limitation.

36. In a series of meetings, WWM was informed that a fine would not be levied on WWM, since WWM made a commitment to funding an integrated resource planning process.


38. Section 174C-12, HRS and Section 13-167-32 of the Rules of Practice and Procedure for the Commission on Water Resource Management provide for judicial review of an order of CWRM in accord with HRS Chapter 91.

WHEREFORE, Plaintiff respectfully petitions this Honorable Court:

1. Pursuant to the Court’s powers under HRS Section 91-14(a), to declare that the Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu of the COMMISSION ON WATER RESOURCE MANAGEMENT, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, dated June 5, 1997, and received by Plaintiff on June 6, 1997, null and void;
2. Pursuant to the Court’s powers under HRS Section 603-23, enjoin CWRM from levying penalties upon WWM for alleged violations of WUP No. 160;

3. Pursuant to this Court’s powers under HRS Section 91-7, to declare that CWRM’s procedures, actions and decisions were improper and illegal;

4. To declare that the decision made at the CWRM’s meeting on May 14, 1997 is null and void as a matter of law pursuant to HRS Chapters 91 and/or 92;

5. Grant Plaintiff such other and further relief as may be just, equitable and proper.


DAVID Z. ARAKAWA
Corporation Counsel

By
MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

KENNETH E. SPRAGUE, Director
of the Department of
Wastewater Management, City
and County of Honolulu,
Plaintiff,

vs.

COMMISSION ON WATER RESOURCE
MANAGEMENT, DEPARTMENT OF
LAND AND NATURAL RESOURCES,
STATE OF HAWAII,
Defendant.

SUMMONS

STATE OF HAWAII
To the above-named Defendant:

You are hereby summoned and required to serve upon David Z.
Arakawa and Maile R. Chun, Plaintiff’s attorneys, whose address
is 530 South King Street, Room 110, Honolulu, Hawaii 96813, an
answer to the Complaint which is herewith served upon you within
twenty (20) days after service of this summons upon you,
exclusive of the day of service. If you fail to do so, judgment
by default will be taken against you for the relief demanded in
the Complaint.

This summons shall not be personally delivered between
10:00 p.m. and 6:00 a.m. on premises not open to the general
public, unless a judge of the above-entitled court permits, in
writing on this summons, personal delivery during those hours.
A failure to obey this summons may result in an entry of default and default judgment against the disobeying person or party.

DATED: Honolulu, Hawaii, ________________.

JUL 7 1997

N. ANAYA

CLERK OF THE ABOVE-ENTITLED COURT

COMP
THE COMMISSION ON WATER RESOURCE MANAGEMENT
OF THE STATE OF HAWAII

KENNETH E. SPRAGUE, Director
of the Department of
Wastewater Management, City
and County of Honolulu,
Appellant,

vs.

COMMISSION ON WATER RESOURCE
MANAGEMENT, DEPARTMENT OF
LAND AND NATURAL RESOURCES,
STATE OF HAWAII,
Appellee.

DIRECTOR OF THE DEPARTMENT OF
WASTEWATER MANAGEMENT'S MOTION
FOR RECONSIDERATION OF THE
COMMISSION ON WATER RESOURCE
MANAGEMENT'S FINAL DECISION IN
ITS NOTICE OF ACTION,
OVERPUMPAGE VIOLATION OF
WUP NO. 160 (WELL NOS. 1902-03, 94),
PUULOA GROUND WATER
MANAGEMENT AREA, OAHU, DATED
JUNE 5, 1997; EXHIBIT A

Comes now Appellant KENNETH E. SPRAGUE, Director of the
Department of Wastewater Management, City and County of Honolulu
(hereinafter "WWM Director"), by and through his attorneys,
DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy
Corporation Counsel, and respectfully moves the COMMISSION ON
WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL

CERTIFICATE OF SERVICE ATTACHED
RESOURCES, STATE OF HAWAII (hereinafter "CWRM") to reconsider its final decision and order in its Notice of Action, Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04), Puuloa Ground Water Management Area, Oahu, dated June 5, 1997, a true and correct copy of which is attached hereto as Exhibit A.

The WWM Director is requesting that the CWRM reconsider its final decision and order based on the substantial injustice that would be placed on the Department of Wastewater Management (hereinafter "WWM") in this case.

WWM bases its motion on the following:

1. The 12-month moving average that CWRM employs to determine compliance with water use allocation has not been adopted by statute or by rule and, therefore, violates Chapter 91, Hawaii Revised Statutes (hereinafter "HRS").

2. HRS Section 174C-15 enables CWRM to impose a fine for each day that a violation occurs. On May 14, 1997, CWRM voted to assess WWM a fine of $500 per day for the period beginning June 20, 1996 to May 14, 1997. WWM asserts and the record of pumpage for WUP 160 confirms that WWM was in compliance with its allocation limits after October 4, 1996. WWM did not violate its allocation during the period October 5, 1996 to May 14, 1997, but yet CWRM assessed WWM a $500 fine for each of those days.

3. CWRM justifies its levy of a fine for the period October 5, 1996 to May 14, 1997 by way of the 12-month moving average. There is no authority for the 12-month moving average in the statute or the rules. This policy of CWRM has not been
adopted as a rule pursuant to HRS Chapter 91, and its application to the instant case is illegal and imposes a substantial injustice upon WWM.

4. The agenda for CWRM’s May 14, 1997 meeting did not list CWRM’s intent to address the alleged overpumping violation by WWM’s pertaining to WUP No. 160. The improper notice was in violation of HRS Chapters 91 and/or 92.


DAVID Z. ARAKAWA
Corporation Counsel

By

MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
Mr. Kenneth R. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King Street  
Honolulu, HI 96813

Dear Mr. Sprague:

Notice Of Action  
Overpumpage Violation of WUP No.160 (Well Nos. 1902-03, 04)  
Punika Ground Water Management Area, Oahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the overpumpage violation of WUP No. 160.

By a unanimous vote of the Commission at its regular meeting of May 14, 1997, the Commission found the City and County of Honolulu, Department of Wastewater Management (DWM) in violation of the water use permit for Well Nos. 1902-03,04 (WUP No. 160) for exceeding the allocation limit.

According to pumpage records provided by DWM, DWM has been pumping groundwater from Well Nos. 1902-03,04 in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years (see Exhibit 1). By January 1996, DWM was pumping Well Nos. 1902-03,04 at about twice the amount authorized under WUP No. 160 (1.0 mgd pumped v. 0.5 mgd authorized).

The Commission also imposed a fine of $500 per day for the overpumpage violation, for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000).

In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in consultation with DWM staff, to ensure R-1 availability by June 30, 1999. This alternative to paying the $174,000 fine may be satisfied by your submission of detailed construction plans and schedule and market analysis that shows that the infrastructure, administration, and operations for R-1 delivery to users in the Kapolei will be completed by June 30, 1999. The June 30, 1999 date coincides with DWM's latest estimate of R-1 availability.

In the event that you choose the alternative to paying a fine, please inform us within thirty (30) days of a reasonable timeframe for submission of your construction plans and schedule. If you intend to pay the fine, please pay the fine within thirty (30) days.

If you have any questions, please contact Lenora Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

EXHIBITA
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof was served upon the following by mailing the same, postage prepaid, on July 8, 1997:

WILLIAM M. TAM, ESQ.
Deputy Attorney General
465 South King Street
Room 300
Honolulu, Hawaii 96813

Attorney for Appellee

MAILE R. CHUN
Deputy Corporation Counsel
July 7, 1997

Mr. Michael D. Wilson, Chair
Ms. Rae M. Loui, Deputy Director
Commission on Water Resources Management
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Room 227
Honolulu, Hawaii 96813

Dear Chair Wilson and Ms. Loui:

Re: Notice of Action - Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04)
Puuloa Ground Water Management Area, Oahu
Notice of Appeal

Pursuant to Hawaii Revised Statutes Section 91-14, Kenneth E. Sprague, Director of the Department of Wastewater Management, City and County of Honolulu, herein submits the enclosed Notice of Appeal; Exhibit A, appealing the Commission on Water Resources Management's decision dated June 5, 1997 and received by the Department of Wastewater Management on June 6, 1997.

If you have any questions, please feel free to contact me at 527-5351.

Very truly yours,

MAILE R. CHUN
Deputy Corporation Counsel

MRC:ek
Enc.
cc: William M. Tam, Esq.
DAVID Z. ARAKAWA, 2908
Corporation Counsel
MAILE R. CHUN, 4906
Deputy Corporation Counsel
City and County of Honolulu
Honolulu, Hawaii 96813
Telephone: 527-5351
Attorneys for Appellant

THE COMMISSION ON WATER RESOURCE MANAGEMENT
OF THE STATE OF HAWAII

KENNETH E. SPRAGUE, Director
of the Department of
Wastewater Management, City
and County of Honolulu,
Appellant,

vs.

COMMISSION ON WATER RESOURCE
MANAGEMENT, DEPARTMENT OF
LAND AND NATURAL RESOURCES,
STATE OF HAWAII,
Appellee.

NOTICE OF APPEAL

Notice is hereby given that KENNETH E. SPRAGUE, Director of the Department of Wastewater Management, City and County of Honolulu, Appellant above named (hereinafter "Appellant"), by and through his attorneys, DAVID Z. ARAKAWA, Corporation Counsel, and MAILE R. CHUN, Deputy Corporation Counsel, City and County of Honolulu, appeals to the Supreme Court of the State of Hawaii from the final decision and order of the COMMISSION ON WATER RESOURCE MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES,
STATE OF HAWAII in its Notice of Action Overpumpage Violation of WUP No. 160 (Well Nos. 1902-03, 04) Puuloa Ground Water Management Area, Oahu, dated June 5, 1997, a true and correct copy of which is attached hereto as Exhibit A.

This appeal is brought pursuant to Section 91-14 of the Hawaii Revised Statutes and Rules 3 and 4 of the Hawaii Rules of Appellate Procedure.


DAVID Z. ARAKAWA
Corporation Counsel

By
MAILE R. CHUN
Deputy Corporation Counsel
Attorneys for Appellant
Notice Of Action
Overpumpage Violation of WUP No.160 (Wells Nos. 1902-03, 04)
Puuleo Ground Water Management Area, Oahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the overpumpage violation of WUP No. 160.

By a unanimous vote of the Commission at their regular meeting of May 14, 1997, the Commission found the City and County of Honolulu, Department of Wastewater Management (DWM) in violation of the water use permit for Well Nos. 1902-03, 04 (WUP No. 160) for exceeding the allocation limit.

According to pumpage records provided by DWM, DWM has been pumping ground water from Well Nos. 1902-03, 04 in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years (see Exhibit 1). By January, 1996, DWM was pumping Well Nos. 1902-03, 04 at about twice the amount authorized under WUP No. 160 (1.0 mgd pumped v. 0.5 mgd authorized).

The Commission also imposed a fine of $500 per day for the overpumpage violation, for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000).

In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by June 30, 1999. This alternative to paying the $174,000 fine may be satisfied by your submittal of detailed construction plans and schedule and market analysis that shows that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999. The June 30, 1999 date coincides with DWM's latest estimate of R-1 availability.

In the event that you choose the alternative to paying a fine, please inform us within thirty (30) days of a reasonable timeframe for submittal of your construction plans and schedule. If you intend to pay the fine, please pay the fine within thirty (30) days.

If you have any questions, please contact Lenora Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof was served upon the following by mailing the same, postage prepaid, on July 7, 1997:

WILLIAM M. TAM, ESQ.
Deputy Attorney General
465 South King Street
Room 300
Honolulu, Hawaii 96813

Attorney for Appellee

MAILE R. CHUN
Deputy Corporation Counsel
JUN 5 1997

Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King Street  
Honolulu, HI 96813

Dear Mr. Sprague:

Notice Of Action  
Overpumpage Violation of WUP No.160 (Well Nos. 1902-03, 04)  
Puuloa Ground Water Management Area, Oahu

This letter serves as your official notice of action by the Commission on Water Resource Management (Commission) on the overpumpage violation of WUP No. 160.

By a unanimous vote of the Commission at their regular meeting of May 14, 1997, the Commission found the City and County of Honolulu, Department of Wastewater Management (DWM) in violation of the water use permit for Well Nos. 1902-03,04 (WUP No. 160) for exceeding the allocation limit.

According to pumpage records provided by DWM, DWM has been pumping ground water from Well Nos. 1902-03,04 in excess of the permitted amount (based upon a 12-month moving average) for over two (2) years (see Exhibit 1). By January, 1996, DWM was pumping Well Nos. 1902-03,04 at about twice the amount authorized under WUP No. 160 (1.0 mgd pumped v. 0.5 mgd authorized).

The Commission also imposed a fine of $500 per day for the overpumpage violation, for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000).

In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by June 30, 1999. This alternative to paying the $174,000 fine may be satisfied by your submittal of detailed construction plans and schedule and market analysis that shows that the infrastructure, administration, and operations for R-1 delivery to users in the caprock will be completed by June 30, 1999. The June 30, 1999 date coincides with DWM's latest estimate of R-1 availability.

In the event that you choose the alternative to paying a fine, please inform us within thirty (30) days of a reasonable timeframe for submittal of your construction plans and schedule. If you intend to pay the fine, please pay the fine within thirty (30) days.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI  
Deputy Director

LN:ss  
Attachment
for the meeting of the 
COMMISSION ON WATER RESOURCE MANAGEMENT 
May 14, 1997 
Honolulu, Oahu

APPLICATIONS FOR WATER USE PERMITS 
APPLICATIONS FOR WELL CONSTRUCTION/PUMP INSTALLATION PERMITS 
Requests for New and Continued Nonpotable Urban Uses

**ALLOCATION PLAN FOR WATER USE PERMITS**
Ewa Caprock Ground Water Management Area, Oahu

<table>
<thead>
<tr>
<th>APPLICANT(S):</th>
<th>LANDOWNER(S):</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Well Nos. 1905-08,10) The Estate of James Campbell 1001 Kamokila Blvd. Kapolei, HI 96707</td>
<td>Same</td>
</tr>
<tr>
<td>(Well Nos. 2003-04,07) State of Hawaii, Housing Finance &amp; Development Corp. 7 Waterfront Plaza, Suite 300 500 Ala Moana Blvd. Honolulu, HI 96813</td>
<td>Same</td>
</tr>
<tr>
<td>(Well Nos. 2003-01,02,05) Kapolei People’s Inc. 91-701 Farrington Hwy. Kapolei, HI 96707</td>
<td>Same</td>
</tr>
<tr>
<td>(Well Nos. 1900-02,17 to 20 &amp; 1901-03) Hawaii Prince Golf Club 91-1200 Fort Weaver Rd. Ewa Beach, HI 96706</td>
<td>Same</td>
</tr>
</tbody>
</table>
LOCATION MAP: See Exhibit 1

BACKGROUND:

A brief description of the proposed uses and background information are provided in Exhibit 2. Please refer to the previous item on this agenda, which provides additional pertinent background information on the Ewa Caprock situation.

ANALYSIS/ISSUES:

PCUG NONPOTABLE WATER MASTER PLAN

The staff's comments regarding the latest Puuloa Caprock Users Group (PCUG) Nonpotable Water Master Plan, dated January 22, 1997, are shown in Exhibit 3. Given the numerous outstanding issues and questions regarding the latest draft plan, and the fact that it is unsigned by the group members, the staff is not recommending that the Commission adopt the draft plan as a complete package.
However, the efforts of the PCUG have provided valuable information to the Commission on the hydrology of the caprock aquifer (refer to previous agenda item), future nonpotable demands, reclaimed water supply, and users' commitments to convert to reclaimed water. This has allowed the staff to develop a modified allocation and interim management plan for the Ewa Caprock Aquifer Systems (Exhibits 4 and 5). The objectives of the staff's proposed interim management plan are to:

- Protect the water resource
- Protect existing uses
- Conform to the county’s land use plans for the area (ie. urbanization)
- Bring permitted uses more in line with actual uses
- Recognize the correlative rights of landowners

The details of the staff’s proposed interim management plan and implementation thereof is discussed in the following sections.

**AGRICULTURAL PERMITTED USES, PUULOA AQUIFER SYSTEM**

Agricultural uses account for 10.630 mgd of current permitted uses in Puuloa. These water use permits were originally approved for Oahu Sugar Company’s (OSCo) sugarcane agriculture, but have since been transferred to the respective landowners at the source locations. The current permitted users and allocations are shown in Exhibit 5 (Pre-1978 Permanent Permits).

With the exception of Haseko (Ewa), Inc. (Haseko), agricultural allocations have not been used since OSCo ceased operations. However, again with the exception of Haseko, agricultural permittees will not voluntarily relinquish any part of the allocations.

Haseko has indicated that, based on their agricultural acreage and projected demands, only 1.800 mgd of agricultural water is needed. Accordingly, the staff is recommending that the Commission reduce Haseko’s agricultural use permit (WUP No. 192) by 0.860 mgd.

Assuming that the Commission has adopted the recommendation on the previous agenda item to establish a 1,000 mg/l chloride cap for irrigation wells, the staff recommends that the Commission require agricultural permittees to conduct a new pump test to confirm that the sources can sustain withdrawals at the current permitted amounts with chlorides less than or equal to 1,000 mg/l.

The Department of the Navy (Navy) and The Estate of James Campbell (Campbell) have both indicated an inability to conduct a pump test due to the lack of power, that they have no immediate plans to use the well, yet neither have proposed any reasonable alternative pump test procedure.

On the other hand, Haseko has indicated their willingness to perform a pump test and has proposed a pump test procedure. The staff and Haseko are in the process of working out an acceptable pump test; the final pump test procedure will be designed to address the sustainable well capacity and provide additional hydrologic information on the caprock aquifer. The staff
Staff Submittal

recommends that the Commission delegate the authority to the Commission staff to approve the final pump test procedure. Further, the staff recommends that the Commission require all agricultural permittees to conduct a pump test, similar to Haseko's, prior to reactivation of the wells to establish the sustainable capacity of the individual well source in accordance with the interim management plan. Haseko's preliminary pump test procedure is shown in Exhibit 6.

Finally, the staff is planning to recommend that the Commission revoke water use permits due to four (4) years continuous nonuse, as provided for in §174C-58(4) HRS. The dates on which these permits may begin to be revoked, assuming no new agriculture occurs on the former sugarcane lands and amounts are based on the twelve-month moving average withdrawal (12-MAV), are shown in Table 1:

<table>
<thead>
<tr>
<th>Permittee</th>
<th>Well Name/No.</th>
<th>Permitted Use</th>
<th>4-yr Nonuse Begins</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>EP 21/2000-01</td>
<td>2.08</td>
<td>10/98</td>
</tr>
<tr>
<td>Haseko</td>
<td>EP 27/1902-01</td>
<td>2.66</td>
<td>10/98</td>
</tr>
<tr>
<td>Navy</td>
<td>EP 23/2001-01</td>
<td>5.89</td>
<td>9/97</td>
</tr>
<tr>
<td>TOTALS</td>
<td></td>
<td>10.63</td>
<td></td>
</tr>
</tbody>
</table>

The Commission may wish to consider that the 4-year nonuse is based on the day usage stopped, rather than using the 12-MAV as has been done in the past. This would speed the revocation period, but would deviate from past revocation policy and would allow the 4-year period of nonuse to be more easily extended.

APPLICATIONS FOR WATER USE PERMITS, PUULOA AQUIFER SYSTEM

Applications for water use permits in Puuloa are summarized in Exhibit 5 (Expired Interim Permits (1-yr)). Recommended allocations, based on either projected or actual usages, are also shown. Issues relating to the proposed interim management plan are discussed below:

- Request for Variance from 1,000 mg/l Chloride Cap

Hawaii Prince Golf Club (Hawaii Prince) has requested a variance from the 1,000 mg/l chloride cap for existing irrigation wells that currently exceed the standard. Hawaii Prince is planning to jointly develop a new well, Area 30 Well (Well No. 2001-12), with Gentry Investment Co. to be located in the Ewa by Gentry project. During daytime hours, well water will be delivered to the Hawaii Prince golf course for irrigation use. At night, the well will provide irrigation supply for roadways, multi-family parcels, parks, and other common areas in Ewa by Gentry.

Because there is no other feasible alternative source of nonpotable water for the existing Hawaii Prince golf course at this time, the staff recommends that the Commission approve the variance until the new Area 30 Well comes on line.
Requests for Variance from Non-Renewal of Unused Interim Permits

Haseko and Gentry have requested variances from the staff's proposed interim management plan (Exhibit 4), which recommends denial without prejudice for unused one-year interim permits.

Haseko received approval for a one-year interim water use permit for 1.5 mgd for Well No. 1902-01 for golf course and landscape irrigation and dust control in July, 1994. No water has been used under this permit to date.

Gentry received approval for a one-year interim water use permit for 0.130 mgd for Well No. 2002-15 for landscape irrigation surrounding their proposed golf course in January, 1995. No water has been used under this permit to date. However, Gentry has stated that, because of the delays in obtaining the required water allocation and well permit, water for the initial planting and dust control is being provided by a BWS hook-up to a fire hydrant. Water use has averaged over .125 mgd for the past year. Gentry has recently received zoning approval for the golf course and is requesting an increase in permitted use to bring the total allocation to 0.690 mgd for the golf course and landscape irrigation.

To support their requests, these applicants have provided golf course plans and specifications and other documentation to show that the need for golf course irrigation water is imminent. Gentry states that uncertainty regarding the water allocation is the only thing that is holding up their golf course development. Haseko has submitted a schedule for the permitting of their golf course which shows a possible need for water as early as January, 1998. The staff feels that, based on the information provided, the demands for golf course and other irrigation water appears imminent.

Gentry also received approval for a one-year interim permit for 0.022 mgd for Well No. 2001-10 for landscape irrigation. The well construction and testing was recently completed. The condominium project is under construction and the first units will be occupied in May, 1997. Water use will commence shortly thereafter.

Request for Variance from Domestic Consumption Guideline

Hawaii Prince has requested a variance from the 4,000 gpd/ac duty that the staff uses as a guideline for reasonable turf irrigation requirement (Domestic Consumption Guideline for Schools, Parks in Hawaii Water System Standards, 1985).

The recommended allocation for a new interim permit for Hawaii Prince (Exhibit 5) is derived from information provided by Hawaii Prince that supports an irrigation requirement for 4,700 gpd/ac for plant evapotranspiration based on rainfall and pan evaporation data, plus an additional 10% due to application inefficiencies because of the windy site, plus an additional 20% for leaching to avoid salt-buildup. The staff is not recommending approval for an additional 0.150 mgd requested by Hawaii Prince to offset evaporative losses from the 32-acres of open lake surfaces.
Reclaimed Water

Reclaimed water is needed to address the current overallocation problem and for future nonpotable supply. The forecasted usage of nonpotable water by users in the Puuloa Aquifer System is at least 10 mgd by 2001, exceeding the recharge to the caprock aquifer.

The PCUG Plan indicates a commitment on the part of four (4) private users to utilize reclaimed water (Haseko, Gentry, Ewa Beach International Golf Club, and Hawaii Prince Golf Club). The 309 Consent Decree specifies a July 1, 1998 date for the reuse of 2.0 mgd, and these private users have indicated conversion to reclaimed water for specific amounts, totalling 1.0 mgd, by July, 1998.

However, we understand that the Department of Wastewater Management (DWM) is now looking towards a June 30, 1999 date for R-1 delivery. The PCUG plan shows a commitment by the private users to utilize 1.5 mgd by July, 1999. The staff recommends that the Commission attach a special condition to all water use permits approved for these users to sign a contract within 12 months with DWM to buy reclaimed water at the amounts specified in the PCUG plan for July, 1999. The schedule for reclaimed water may be reviewed at a later date as we get closer to the July 1, 1998 date for the first increment of reuse. A summary of the DWM Consent Order and Decree related to reuse and private users commitments are shown in Exhibit 7. If the Commission were to accept this extended period for reuse, it would also allow complete revocations of agricultural permits to be based on the 12-MAV, which has been the past policy of the Commission.

Conditions for a Water Use Permit

Section 174C-49(a) of the State Water Code establishes seven (7) criteria that must be met to obtain a water use permit:

1. Can be accommodated with the available water source.

Again, assuming the Commission has approved the staff’s recommendation in the previous agenda item regarding the establishment of sustainable capacities for individual irrigation wells at 1,000 mg/l of chloride, as determined through a pumping test, then the proposed uses can be accommodated with the available water source.

2. Is a reasonable-beneficial use as defined in section 174C-3.

Section 174C-3 HRS defines "reasonable-beneficial use" is

"...the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest".

The recommended allocations in Exhibit 5 are based on actual usage or projected demand using the Domestic Consumption Guideline (Hawaii Water System
Standards, 1985). Where a variance from this guideline has been requested and is reflected in Exhibit 5, the applicant has provided sufficient and appropriate justification. Other reasonable-beneficial use criteria are analyzed in the following sections.

(3) Will not interfere with any existing legal use of water.

The limitations in pumpage, imposed by the duty used to estimate reasonable water use and the 1,000 mg/l chloride cap, should preclude interference with other existing legal uses. Many of these uses are ongoing, and no claim of interference has occurred as yet. Finally, Standard Condition 3 for water use permits provides for modification or revocation of the permit if any interference with other existing legal uses results.

(4) Is consistent with the public interest.

These reasonable-beneficial uses of brackish, nonpotable water for golf course, landscape, and other urban irrigation uses, where no adverse impacts to other existing legal uses will result, are deemed to be in the public interest.

(5) Is consistent with state and county general plans and land use designations.

These proposed uses are consistent with the state and county general plans and land use designations.

(6) Is consistent with county land use plans and policies.

These proposed uses are consistent with county land use plans and policies.

(7) Will not interfere with the rights of the department of Hawaiian home lands as provided in section 221 of the Hawaiian Homes Commission Act.

All permits are subject to the prior rights of Hawaiian home lands. The Department of Hawaiian Home Lands (DHHL) and the Office of Hawaiian Affairs have reviewed this application. No objections or concerns were raised.

- **Recommended Duration of New Interim Water Use Permits**

The recommended duration of any new interim water use permits is to October, 1998 (to coincide with complete revocation of the Navy’s permit and beginning revocation of other unused agricultural permits) or until such time that a significant change in permitted, actual, or projected uses or water supply occurs. It also provides a milestone date to check on the progress of wastewater reuse, the availability of which is now scheduled for July, 1999.
• **Chloride Sampling Protocol**

Assuming the Commission has approved the staff’s recommendation in the previous agenda item regarding the establishment of sustainable capacities for individual irrigation wells at 1,000 mg/l of chloride, the staff recommends that the Commission condition all interim permits on weekly chloride sampling according the attached protocol (Exhibit 8). Weekly chloride measurements are desired for at least one (1) year so that the relation of water chemistry to the hydrology of the caprock may be better understood.

**OTHER PERMITTED USES, PUULOA AQUIFER SYSTEM**

• **Sogo Hawaii, Inc./Puuloa Homes, Ltd. dba Ewa Beach International Golf Club for Well Nos. 1900-21, 22 & 1959-08**

Permanent permits have been approved for irrigation use for Ewa Beach International Golf Club for: 1) Well No. 1900-21 for 0.100 mgd and 2) Well Nos. 1900-22 & 1959-08 for 0.600 mgd.

A review of the pumpage data shows that actual pumpage at Well Nos. 1900-22 & 1959-08 has been consistently less than the 0.600 mgd allocation for the wells for about the last four (4) years (Exhibit 9). However, pumpage at Well No. 1900-21 is currently exceeding the 0.100 mgd allocation (Exhibit 10). We understand that all three (3) sources are located at the Ewa Beach International Golf Club (EBIGC) for the golf course irrigation supply.

In a letter dated April 7, 1997, we proposed that the allocations be combined under a single water use permit that would supersede the two (2) existing water use permits (WUP Nos. 170 and 367) to allow flexibility in pumping the wells and avoid overpumpage violations at Well No. 1900-21 in the future. We advised EBIGC that the staff would recommend that the Commission approve and issue a new interim permit for the three (3) sources, subject to the standard conditions and any special conditions that may be attached to caprock wells (EBIGC is a member of PCUG which has committed to conversion to R-1). If EBIGC would be amenable to this proposal, the staff would recommend that the Commission not pursue the current overpumpage at Well No. 1900-21 as a violation subject to fines.

We requested a written response to our April 7, 1997 letter in twenty (20) days, however, we understand that EBIGC is currently in the process of being sold, and our contact person, the golf course manager, has been terminated. The staff recommends deferring these issues to a later date when a new contact person can be identified. However, we will hold EBIGC to the water shortage plan that was previously submitted. (A water shortage plan for Puuloa is discussed below).
DWM for Well Nos. 1902-03 & 04

Pumpage at the Honouliuli Wastewater Treatment Plant has exceeded the 0.500 mgd allocation for the wells since the beginning of 1995 (Exhibit 11). We understand that DWM is currently limiting pumpage to 0.5 mgd and expects to be in compliance with the allocation by October, 1997. A water use permit was never issued.

The staff recommends that the Commission find DWM in violation of WUP No. 160 for exceeding their allocation limit and establish a fine of $500 per day for the overpumpage violation beginning in June, 1996, the date on which DWM was first notified of the violation, to present. The cash fine would amount to $174,000. In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by June 30, 1999.

WATER SHORTAGE PLAN, PUULOA AQUIFER SYSTEM

The staff is also recommending that the Commission adopt a water shortage plan for the Puuloa Aquifer System. Administrative Rule 13-171-42 provides:

"(a) The commission shall formulate a plan for implementation during periods of water shortage. As a part of the plan, the commission shall adopt a reasonable system of permit classification according to source of water supply, method of extraction or diversion, use of water, or a combination thereof.

(b) In accordance with this chapter, the commission may impose such restrictions on one or more classes of permits as may be necessary to protect the water resources of the area from serious harm and to restore them to their previous condition.

(c) All permittees, unless exempted by the commission, shall submit a water shortage plan outlining how it will reduce its own water use in case of a shortage. Every water shortage plan shall be subject to approval or modification by the commission."

That staff proposes a permit classification system according to type of use. The highest priority of nonpotable use will be agriculture because the State's policy is to promote agriculture, and also because agricultural correlative uses are assured through the 1978 Constitutional Amendment. The second priority in water use is golf course irrigation because of the economic impacts that may result from inadequate water supply. The lowest priority in water use is landscape irrigation and dust control.

Although it is uncertain whether a water shortage could occur given the proposed 1,000 mg/l chloride caps on individual wells, the staff feels that the current situation in the caprock warrants a water shortage plan that can be implemented immediately in the event of unforeseen circumstances that may require area-wide cutbacks in pumpage.
The priorities assigned to each permitted use and the maximum reductions indicated in the individual users' water shortage plans are shown in the last two columns of Exhibit 5. Individual water shortage plans outline smaller initial cutbacks (ie. 10% to 30%), however under the most severe shortage situations, Exhibit 5 shows the maximum reduction in Puuloa Aquifer System pumpage will be at least 3.718 mgd.

Water shortage plans were requested from all of the users in Puuloa, with the exception of USFWS. Some of the users have requested extensions (Navy, DWM). Others have not responded to our request (Gentry Homeowners Associations). The staff will continue to work with these users to come up with their individual plans. Submittal of water shortage plans are a condition of the water use permits. We appreciate the concessions made by the users who have submitted reasonable water shortage plans.

The staff recommends that the Commission delegate the authority to the Chairperson to approve or modify individual water shortage plans, pursuant to §13-171-42(c) HAR. For the Puuloa Aquifer System water shortage plan, the staff recommends that the Commission approve the proposed permit classification system and delegate the authority to the Chairperson to approve the regional water shortage plan.

APPLICATIONS FOR WELL CONSTRUCTION/PUMP INSTALLATION PERMITS, PUULOA AQUIFER SYSTEM

There are two (2) pending applications for well construction/pump installation permits in Puuloa:

- Gentry Golf Course Well (Well No. 2002-15)
- Gentry Keanui Area 30 Well (Well No. 2001-12)

In adopting the Hawaii Well Construction and Pump Installation Standards on January 23, 1997, the Commission also delegated the authority to the Chairperson to approve well construction and well modification permit applications statewide, unless the Chairperson determines that the matter should be decided by the Commission. However, because no sustainable yield was established for Puuloa and it appears to be overallocated, the staff is submitting these applications to the full Commission for approval.

In the event that the Commission approves the staff's proposed interim management plan, which provides for the establishment of chloride caps instead of a sustainable yield number, then future well construction permit applications may be approved administratively, prior to pump installation and water use permit approvals, which would require Commission action.
APPLICATIONS FOR WATER USE PERMITS, KAPOLEI AQUIFER SYSTEM

Exhibit 13 shows current total allocations in this system to be 2.946 mgd. Chlorides in this area are actually improving, which indicates that an overallocation situation does not exist in this area, unlike the Puuloa Aquifer System. Since a potential overallocation situation does not exist in this area, the staff recommends that the Commission approve the pending requests for new interim permits, as described in the applications and Exhibit 2, for the requested amounts:

Table 2. Summary of Water Use Permit Applications, Kapolei Aquifer System

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Well Name/No.</th>
<th>Recommended Allocation (mgd)</th>
<th>Proposed Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell Estate</td>
<td>Kapolei Irr (1905-08,10)</td>
<td>0.302</td>
<td>Landscape Irrigation</td>
</tr>
<tr>
<td>State HFDC</td>
<td>Kapolei Irr C-1,D (2003-04,07)</td>
<td>0.494</td>
<td>Dust Control, Irrigation</td>
</tr>
<tr>
<td>Kapolei People’s Inc.</td>
<td>Kapolei Irr A,B,E (2003-01,02,05)</td>
<td>1.000</td>
<td>Golf Course Irrigation</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>1.796</td>
<td></td>
</tr>
</tbody>
</table>

Section 174C-49(a) of the State Water Code establishes seven (7) criteria that must be met to obtain a water use permit:

(1) Can be accommodated with the available water source.

   Again, assuming the Commission has approved the staff’s recommendation in the previous agenda item regarding the establishment of sustainable capacities for individual irrigation wells at 1,000 mg/l of chloride, as determined through a pumping test, then the proposed uses can be accommodated with the available water source.

(2) Is a reasonable-beneficial use as defined in section 174C-3.

Section 174C-3 HRS defines "reasonable-beneficial use" is

"...the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest".

The recommended allocations in Table 2 are based on actual usage or projected demand using the Domestic Consumption Guideline (Hawaii Water System Standards, 1985). Where a variance from this guideline has been requested and is reflected in Exhibit 5, the applicant has provided sufficient and appropriate justification. Other reasonable-beneficial use criteria are analyzed in the following sections.
(3) Will not interfere with any existing legal use of water.

The limitations in pumpage, imposed by the duty used to estimate reasonable water use and the 1,000 mg/l chloride cap, should preclude interference with other existing legal uses. Many of these uses are ongoing, and no claim of interference has occurred as yet. Finally, Standard Condition 3 for water use permits provides for modification or revocation of the permit if any interference with other existing legal uses results.

(4) Is consistent with the public interest.

These reasonable-beneficial uses of brackish, nonpotable water for golf course, landscape, and other urban irrigation uses, where no adverse impacts to other existing legal uses will result, are deemed to be in the public interest.

(5) Is consistent with state and county general plans and land use designations.

These proposed uses are consistent with the state and county general plans and land use designations.

(6) Is consistent with county land use plans and policies.

These proposed uses are consistent with county land use plans and policies.

(7) Will not interfere with the rights of the department of Hawaiian home lands as provided in section 221 of the Hawaiian Homes Commission Act.

All permits are subject to the prior rights of Hawaiian home lands. The Department of Hawaiian Home Lands (DHHL) and the Office of Hawaiian Affairs have reviewed this application. No objections or concerns were raised.

RECOMMENDATIONS:

The staff recommends that the Commission:

1. Modify WUP No. 192 for Haseko (Ewa), Inc. by reducing the permitted use amount from 2.660 mgd to 1.800 mgd and by replacing the conditions of WUP No. 192 with the standard conditions shown in Attachment A, and the following special condition:

   a. Standard Condition 18 for interim water use permits shall not apply.

2. Require Haseko (Ewa), Inc. to conduct a pump test within one (1) month from the date of this submittal to confirm that the source can sustain withdrawals at the modified permitted amount without exceeding 1,000 mg/l of chloride.
a. Delegate the authority to the Commission staff to approve or modify the proposed pump test procedure.

3. Require The Estate of James Campbell to propose a pump test and conduct such test prior to reactivation of Well No. 2000-01 to confirm that the source can sustain withdrawals at the current permitted amount without exceeding 1,000 mg/l of chloride.

a. Delegate the authority to the Commission staff to approve or modify the proposed pump test procedure.

4. Require the Department of Navy to propose a pump test, to be approved by the Commission staff, and conduct such test prior to reactivation of Well No. 2001-01 to confirm that the source can sustain withdrawals at the current permitted amount without exceeding 1,000 mg/l of chloride.

a. Delegate the authority to the Commission staff to approve or modify the proposed pump test procedure.

5. Approve the issuance of interim permits for the Puuolo Aquifer System to the applicants listed above for the reasonable-beneficial uses and sources described in the applications for the Recommended Allocations shown in Exhibit 5, subject to the standard water use permit conditions in Attachment A and the following special conditions:

a. The duration of the interim permits shall be to October, 1998 or until such time that a significant change in permitted, actual, or projected use or water supply occurs.

b. Require adherence to the chloride sampling protocol shown in Exhibit 8 and the submittal of weekly chloride data.

c. Require adherence to the Conservation Conditions shown in Exhibit 12.

d. Require the following PCUG members to sign a contract within twelve (12) months with the City Department of Wastewater Management to buy reclaimed water by July 1, 1999 for the cumulative amounts specified in Exhibit 7 (Pro-Rata Share):

1) Gentry Investment Co. - Commitment to use a total of 0.430 mgd of R-1 by July, 1999 for a corresponding reduction in allocation for Well No. 2002-15 and Well No. 2001-10.

2) Haseko (Ewa), Inc. - Commitment to use a total of 0.40 mgd of R-1 by July, 1999 for a corresponding reduction in allocation for Well No. 1902-01.
3) Hawaii Prince Golf Club - Commitment to use a total of 0.40 mgd of R-1 by July, 1999 for a corresponding reduction in allocation for Well Nos. 1900-02, 17 to 20 & 1901-03.

4) Ewa Beach International Golf Club - Commitment to use a total of 0.27 mgd of R-1 by July, 1999 for a corresponding reduction in allocation for Well Nos. 1900-21, 22 & 1959-08.

6. Find the Department of Wastewater Management in violation of WUP No. 160 for exceeding their allocation limit.

7. Impose a fine of $500 per day for the overpumpage violation in Recommendation 6 for the period beginning in June, 1996, the date on which DWM was first notified of the violation, to present ($174,000). In the alternative, DWM may adhere to milestones, to be worked out by the Commission staff in conjunction with DWM staff, to ensure R-1 availability by June 30, 1999.

8. Approve a permit classification system for the Puuloa Aquifer System by type of use, with agriculture the highest priority use, followed by golf course irrigation, followed by landscape irrigation and dust control.

9. Delegate the authority to the Chairperson to approve individual water shortage plans and the regional water shortage plan for the Puuloa Aquifer System.

10. Approve well construction permits for the following wells, subject to the standard conditions shown in Attachment B, and any special conditions that may be required to ensure compliance with the Hawaii Well Construction and Pump Installation Standards (January 1997).

   a. Gentry Golf Course Well (Well No. 2002-15)
   b. Gentry Area 30 Well (Well No. 2001-12)

11. Approve the issuance of interim water use permits for the Kapolei Aquifer System to the applicants listed above for the reasonable-beneficial uses and sources described in the applications for requested quantities shown in Exhibit 2, subject to the standard water use permit conditions in Attachment A and the following special conditions:

   a. The duration of the interim permits shall be to October, 1998 or until such time that a significant change in permitted, actual, or projected use or water supply occurs.

   b. Require adherence to the chloride sampling protocol shown in Exhibit 8 and the submittal of weekly chloride data.
c. Require adherence to the Conservation Conditions shown in Exhibit 12.

Respectfully submitted,

[Signature]

RAE M. LOUI
Deputy Director

Attachment(s):
A (Standard Conditions for a Water Use Permit)
B (Standard Conditions for a Well Construction Permit)

Exhibit(s):
1 (Location Map)
2 (Summary of Pending Water Use Permit Applications)
3 (CWRM Comments on January 22, 1997 PCUG Plan)
4 (Interim Management Plan)
5 (Allocation Plan)
6 (Preliminary Pump Test Procedure for Agricultural Wells)
7 (DWM Consent Order and Decree)
8 (Chloride Sampling Protocol)
9 (Graph of Pumpage for Well No. 1900-21)
10 (Graph of Pumpage for Well Nos. 1900-22 & 1959-08)]
11 (Graph of Pumpage for Well Nos. 102-03 & 04)
12 (Conservation Conditions)
13 (Current Permitted Uses, Kapolei Aquifer System)
STANDARD WATER USE PERMIT CONDITIONS

1. The water described in this water use permit may only be taken from the location described and used for the reasonable beneficial use described at the location described above. Reasonable beneficial uses means "the use of water in such a quantity as is necessary for economic and efficient utilization which is both reasonable and consistent with State and County land use plans and the public interest." (HRS § 174C-3)

2. The right to use ground water is a shared use right.

3. The water use must at all times meet the requirements set forth in HRS § 174C-49(a), which means that it:
   a. Can be accommodated with the available water source;
   b. Is a reasonable-beneficial use as defined in HRS § 174C-3;
   c. Will not interfere with any existing legal use of water;
   d. Is consistent with the public interest;
   e. Is consistent with State and County general plans and land use designations;
   f. Is consistent with County land use plans and policies; and
   g. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in section 221 of the Hawaiian Homes Commission Act and HRS § 174C-101(a).

4. The ground water use here must not interfere with surface or other ground water rights or reservations.

5. The ground water use here must not interfere with interim or permanent instream flow standards. If it does, then:
   a. A separate water use permit for surface water must be obtained in the case an area is also designated as a surface water management area;
   b. The interim or permanent instream flow standard, as applicable, must be amended.

6. The water use authorized here is subject to the requirements of the Hawaiian Homes Commission Act, as amended, if applicable.

7. The water use permit application and submittal, as amended, approved by the Commission at its May 14, 1997 meeting are incorporated into this permit by reference.

8. Any modification of the permit terms, conditions, or uses may only be made with the express written consent of the Commission.
9. This permit may be modified by the Commission and the amount of water initially
granted to the permittee may be reduced if the Commission determines it is necessary to:

a. protect the water sources (quantity or quality);
b. meet other legal obligations including other correlative rights;
c. insure adequate conservation measures;
d. require efficiency of water uses;
e. reserve water for future uses, provided that all legal existing uses of water as of
   June, 1987 shall be protected;
f. meet legal obligations to the Department of Hawaiian Home Lands, if applicable;
or
g. carry out such other necessary and proper exercise of the State’s and the
   Commission’s police powers under law as may be required.

Prior to any reduction, the Commission shall give notice of its proposed action to the
permittee and provide the permittee an opportunity to be heard.

10. If the ground water source does not presently exist, the new well shall be completed, i.e.
able to withdraw water for the proposed use on a regular basis, within twenty-four (24)
months from the date the water use permit is approved.

11. An approved flowmeter(s) must be installed to measure monthly withdrawals and a
monthly record of withdrawals, salinity, temperature, and pumping times must be kept
and reported to the Commission on Water Resource Management on forms provided by
the Commission on a monthly basis (attached).

12. This permit shall be subject to the Commission’s periodic review of the Puuloa Aquifer
System’s sustainable yield. The amount of water authorized by this permit may be
reduced by the Commission if the sustainable yield of the Puuloa Aquifer System, or
relevant modified aquifer(s), is reduced.

13. A permit may be transferred, in whole or in part, from the permittee to another, if:

a. The conditions of use of the permit, including, but not limited to, place, quantity,
   and purpose of the use, remain the same; and
b. The Commission is informed of the transfer within ninety days.

Failure to inform the department of the transfer invalidates the transfer and constitutes a
ground for revocation of the permit. A transfer which involves a change in any condition
of the permit, including a change in use covered in HRS § 174C-57, is also invalid and
constitutes a ground for revocation.

14. The use(s) authorized by law and by this permit do not constitute ownership rights.

ATTACHMENT A

000084
15. The permittee shall request modification of the permit as necessary to comply with all applicable laws, rules, and ordinances which will affect the permittee's water use.

16. The permittee understands that under HRS § 174C-58(4), that partial or total nonuse, for reasons other than conservation, of the water allowed by this permit for a period of four (4) continuous years or more may result in a permanent revocation as to the amount of water not in use. The Commission and the permittee may enter into a written agreement that, for reasons satisfactory to the Commission, any period of nonuse may not apply towards the four-year period. Any period of nonuse which is caused by a declaration of water shortage pursuant to section HRS § 174C-62 shall not apply towards the four-year period of forfeiture.

17. The permittee shall prepare and submit a water shortage plan within 30 days of the issuance of this permit as required by HAR § 13-171-42(c). The permittee's water shortage plan shall identify what the permittee is willing to do should the Commission declare a water shortage in the Puuloa Ground Water Management Area.

18. The water use permit granted shall be an interim water use permit, pursuant to HAR § 13-167-3(6). The final determination of the water use quantity shall be made within five years.

19. The water use permit shall be subject to the Commission's establishment of instream standards and policies relating to the Stream Protection and Management (SPAM) program, as well as legislative mandates to protect stream resources.

20. The permittee understands that any willful violation of any of the above conditions or any provisions of HRS § 174C or HAR § 13-171 may result in the suspension or revocation of this permit.
Standard Well Construction Permit Conditions

1. The Chairperson of the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work authorized by this permit commences.

2. The well construction permit shall be for construction and testing of the well only. A minimum one-inch diameter monitor tube shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels. The permittee shall coordinate with the Chairperson and conduct a pumping test in accordance with the attached Aquifer Pump Testing Procedure (attached). The permittee shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump and withdraw water for use. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson.

3. In basal ground water, the depth of the well may not exceed one-fourth (1/4) of the theoretical thickness (41 times initial head) of the basal ground water unless otherwise authorized by the Chairperson.

4. The permittee shall incorporate mitigation measures to prevent construction debris from entering the aquatic environment, to schedule work to avoid periods of high rainfall, and to revegetate any cleared areas as soon as possible.

5. In the event that subsurface cultural remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee shall stop work and contact the Department's Historic Preservation Division (587-0045) immediately.

6. The proposed well construction shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to construct the well shall not constitute a determination of correlative water rights.

7. The following shall be submitted to the Chairperson within sixty (60) days after completion of work:
   b. Elevation (referenced to mean sea level, msl) survey by a Hawaii-licensed surveyor.
   c. As-built sectional drawing of the well.
   d. Plot plan and map showing the exact location of the well.
   e. Complete pumping test records, including time, pumping rate, drawdown, chloride content, and other data.

8. The permittee shall comply with all applicable laws, rules, and ordinances, and non-compliance may be grounds for revocation of this permit.

Attachment B
9. The well construction permit application is incorporated into this permit by reference and is subject to the Hawaii Well Construction & Pump Installation Standards (1/23/97).

10. The permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The work proposed in the well construction permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than three (3) months prior to the date the permit expires. If the commencement date is not met, the Commission may revoke the permit after giving the permittee notice of the proposed action and an opportunity to be heard.

11. If the well is not to be used it must be properly capped. If the well is to be abandoned then the permittee must apply for a well abandonment permit in accordance with §13-168-12(f) prior to any well sealing or plugging work.

12. Special conditions in the attached cover transmittal letter are incorporated herein by reference.
WELL COMPLETION REPORT

3/20/96 WCR Form

(Check Appropriate Box)  [ ] Well Construction  [ ] (Permanent) Pump Installation

Instructions: Please print or type and submit completed report within 30 days after well completion to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. An as-built drawing of the well and chemical analysis should also be submitted. For assistance call the Commission Regulation Branch at 587-0225, or 1-800-468-4644 Extension 70225.

1. State Well No.:  
Well Name:  
Island:  

2. Location/Address:  
Tax Map Key:  

PART I. WELL CONSTRUCTION REPORT

3. Drilling Company:  

4. Name of driller who performed work:  

5. Type of rig/construction:  

6. Date(s) Well Construction and pump tests (if any) completed:  

7. GROUND ELEVATION (referenced to mean sea level, msl):  
   Well Bench Mark (description/location):  
   Elevation(msl):  

8. DRILLER’S LOG: Please attach geologic log (if available or if required by permit)
   Depths (ft.) Rock Description, Water Level, Dates, etc.  
   Depths (ft.) Rock Description, Water Level, Dates, etc.  

9. Total depth of well below ground:  ft.  

10. Hole size:  
     inch dia. from  ft. to  ft. below ground  
     inch dia. from  ft. to  ft. below ground  
     inch dia. from  ft. to  ft. below ground  

11. Casing installed:  
     in. I.D. x  in. wall solid section to  ft. below ground  
     in. I.D. x  in. wall perforated section to  ft. below ground  
     Casing Material/Slot Size:  

12. Annulus:  
     Grouted from  ft. below ground to  ft. below ground  
     Gravel packed from  ft. below ground to  ft. below ground  

13. Initial water level:  ft. below ground  
   Date and time of measurement:  

14. Initial chloride:  ppm  
   Date and time of sampling:  

15. Initial temperature:  °F  
   Date and time of measurement:  

16. PUMPING TESTS: Reference Point (R.P.) used:  
   which elevation is  ft.
   (1) Step-Drawdown Test Date  
   Start water level  ft. below R.P.  
   End water level  ft. below R.P.  
   (2) Long-term Aquifer Test Date  
   Start water level  ft. below R.P.  
   End water level  ft. below R.P.  

17. Aquifer Pump Test Procedures data & graphs (1/19/96 LTAT Form) attached?  Yes  No  

18. As-built drawings attached?  Yes  No  

19. Other remarks/comments: (On back of this form)

Well Drilling Contractor (print)  
C-57 Lic. No.  

Signature  
Date  

Surveyor (print)  
Lic. No.  

Signature  
Date  

Applicant (print)  
Lic. No.  

Signature  
Date  

000080
PART II. (PERMANENT) PUMP INSTALLATION REPORT

20. Pump Installation Company:

21. Name of person performing work:

22. Date Pump Installation Completed:

23. PUMP INSTALLATION:
   Pump Type, Make, Serial No.: ____________________________ Capacity: ________ gpm
   Motor type, H.P., Voltage, rpm:
   Depth of Pump Intake Setting ______ ft. below ______, which elevation is ______ ft.
   Depth to bottom of airline ______ ft. below ______, which elevation is ______ ft.
   Pumping Head is ______ ft. Type of flow meter: ______ which measures in ______.

24. As-built drawings attached __ Yes __ No

25. Other remarks/comments: (See below)

Pump Installation Contractor (print) ____________________________ C-57 Lic. No. ____________

Signature __________________________________ Date ____________

Applicant (print) ____________________________________________

Signature __________________________________ Date ____________

8.(cont'd) DRILLER'S LOG (cont’d):

<table>
<thead>
<tr>
<th>Water Level Dates (ft.)</th>
<th>Depth (ft.)</th>
<th>Rock Description, Remarks,</th>
<th>Water Level Dates (ft.)</th>
<th>Depth (ft.)</th>
<th>Rock Description, Remarks,</th>
</tr>
</thead>
<tbody>
<tr>
<td>to</td>
<td></td>
<td></td>
<td>to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to</td>
<td></td>
<td></td>
<td>to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to</td>
<td></td>
<td></td>
<td>to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to</td>
<td></td>
<td></td>
<td>to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to</td>
<td></td>
<td></td>
<td>to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to</td>
<td></td>
<td></td>
<td>to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to</td>
<td></td>
<td></td>
<td>to</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

19. & 25. Remarks:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

000679
EXHIBIT 1

EWA CAPROCK WELLS

Map Projection: Universal Transverse Mercator
WATER USE PERMIT APPLICATIONS

**Palm Villas II AOAO**

91-1119 Mikohu St., #D
Ewa Beach, HI 96706

Location ............................................ Ewa By Gentry
Water Management Area ............................ Ewa Caprock
Tax Map Key ........................................ 9-1-61:27
Well Name & No. ................................. Palm Villa II (2001-08)
Aquifer System ..................................... Ewa Caprock

Request for new interim water use permit for landscape and roadway irrigation use at Palm Villas II, Ewa by Gentry development. Requested withdrawal, 0.048 mgd. (One-year interim water use permit expired July 12, 1995; CWRM extended duration of permit pending decision on request for new interim permit.)

Date Completed Application Received: May 10, 1995
CWRM Action Date: July 5, 1995
Deferred.

CWRM Action Date: March 13, 1996
Deferred for approximately six months until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.

CWRM Action Date: December 18, 1996
Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.

**The Arbors Homeowners Association**

91-920 La'aula St., #1G
Ewa Beach, HI 96706

Location ............................................ Ewa By Gentry
Water Management Area ............................ Ewa Caprock
Tax Map Key ........................................ 9-1-61:32
Well Name & No. ................................. Arbors (2001-07)
Aquifer System ..................................... Ewa Caprock

Request for new interim water use permit for landscape and roadway irrigation use at The Arbors, Ewa by Gentry development. Requested withdrawal, 0.063 mgd. (One-year interim water use permit expired July 12, 1995; CWRM extended duration of permit pending decision on request for new interim permit.)

Date Completed Application Received: May 22, 1995
CWRM Action Date: July 5, 1995
Deferred.

CWRM Action Date: March 13, 1996
Deferred for approximately six months until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.

CWRM Action Date: December 18, 1996
Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.

**Palm Court Homeowners Association**

91-1019 Puaniu St., #25R
Ewa Beach, HI 96706

Location ............................................ Ewa By Gentry
Water Management Area ............................ Ewa Caprock
Tax Map Key ........................................ 9-1-61:32
Well Name & No. ................................. Palm Court (2002-12)
Aquifer System ..................................... Ewa Caprock

Request for new interim water use permit for landscape and roadway irrigation use at Palm Court, Ewa by Gentry development. Requested withdrawal, 0.066 mgd. (One-year interim water use permit expired July 12, 1995; CWRM extended duration of permit pending decision on request for new interim permit.)

Date Completed Application Received: May 22, 1995
CWRM Action Date: July 5, 1995
Deferred.

CWRM Action Date: March 13, 1996
Deferred for approximately six months until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.

CWRM Action Date: December 18, 1996
Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.

**The Estate of James Campbell**

1001 Kamokila Blvd.
Kapolei, HI 96707

Location ............................................ City of Kapolei, Ewa Water Management Area ............................ Ewa Caprock
Tax Map Key ........................................ 9-1-16:01
Well Name & No. ................................. Kapolei Irr (1905-08,10)
Aquifer System ..................................... Ewa Caprock

Request for new interim water use permit for nonpotable urban uses at the City of Kapolei Business Park and Kapolei Regional Park. Requested withdrawal, 0.302 mgd. (One-year interim water use permit expired July 12, 1995; CWRM extended duration of permit pending decision on request for new interim permit.)

Date Completed Application Received: May 22, 1995
CWRM Action Date: July 5, 1995
Deferred.

CWRM Action Date: March 13, 1996
Deferred for approximately six months until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.

CWRM Action Date: December 18, 1996
Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.
<table>
<thead>
<tr>
<th>Well Name &amp; No.</th>
<th>Aquifer System</th>
<th>Users</th>
<th>CWRM Action Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Haseko Well No. 1 (1902-01)</td>
<td>Ewa Caprock</td>
<td>Nonpotable Water Master Plan</td>
<td>May 22, 1995</td>
</tr>
<tr>
<td>Haseko Well No. 1 (1902-01)</td>
<td>Ewa Caprock</td>
<td>Nonpotable Water Master Plan</td>
<td>May 22, 1995</td>
</tr>
</tbody>
</table>

**EXHIBIT 2**

---

**EXHIBIT 2**

---
• State Housing Finance and Development Corp.  
7 Waterfront Plaza, Ste. 300  
500 Ala Moana Blvd.  
Honolulu, HI 96813  
Location: Villages of Kapolei  
Water Management Area: Ewa Caprock  
Well Name & No: Kapolei Irr A, B, C-1, D, E (2003-04 & 07)  
Aquifer System: Ewa Caprock  
Request for new interim water use permit for irrigation uses at Villages of Kapolei and the Kapolei Golf Course. Requested withdrawal, 0.494 mgd. (One-year interim water use permit expired July 12, 1995; CWRM extended duration of permit pending decision on request for new interim permit.)  
Date Completed Application Received: May 23, 1995  
CWRM Action Date: July 5, 1995  
Deferred  
CWRM Action Date: March 13, 1996  
Deferred for approximately six months until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.  
CWRM Action Date: December 18, 1996  
Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.  

• Gentry Investment Properties  
560 N. Nimitz Highway  
Honolulu, HI 96817  
Location: Ewa By Gentry, Oahu  
Water Management Area: Ewa Caprock  
Tax Map Key: 9-1-612  
Well Name & No: Gentry Golf Course Irrigation (2002-15)  
Aquifer System: Ewa Caprock  
Request for new water use at TMK 9-1-70:132. Requested withdrawal, 0.690 mgd.  
Date Completed Application Received: March 28, 1996  
CWRM Action Date: August 14, 1996  
Deferred until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.  
CWRM Action Date: December 18, 1996  
Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.  

• Kapolei People’s, Inc.  
91-701 Farrington Hwy.  
Kapolei, HI 96707  
Location: Kapolei Golf Course, Oahu  
Water Management Area: Ewa Caprock  
Tax Map Key: 9-1-1625  
Well Name & No: Kapolei Irr A, B, C, D, E (2003-01, 02, 05)  
Aquifer System: Ewa Caprock  
Request for new water use at TMK 9-1-1625 for irrigation supply for Kapolei Golf Course. Requested withdrawal, 1.000 mgd.  
Date Completed Application Received: June 10, 1996  
CWRM Action Date: August 14, 1996  
Deferred until a decision is made on the possible establishment of a sustainable yield estimate in the Water Resources and Protection Plan.  
CWRM Action Date: December 18, 1996  
Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.  

• Ewa By Gentry Community Association  
91-1076 Poles St. #1A  
Ewa Beach, HI 96706  
Location: Ewa By Gentry, Oahu  
Water Management Area: Ewa Caprock  
Tax Map Key: 9-1-70:132  
Well Name & No: Sun Terra Tot Lot (2001-05)  
Aquifer System: Ewa Caprock  
Request to modify water use permit to increase allocation by 0.046 mgd to 0.066 mgd for irrigation supply for 13.23 acres of park lawn & roadway landscaping at TMK 9-1-70:132. Requested withdrawal, 0.066 mgd.  
Date Completed Application Received: September 19, 1996  
Public Notice Dates: October 8 and 15, 1996  
Deadline for Objections: October 29, 1996  
CWRM Action Date: December 18, 1996  
Deferred pending a briefing on Puuloa Caprock Users Group Nonpotable Water Master Plan.  

EXHIBIT 2
TO: PCUG Members

FROM: Rae M. Loui, Deputy Director
Commission on Water Resource Management

SUBJECT: Comments on the Draft Puuola Nonpotable Water Master Plan, January 22, 1997

Based on a preliminary review of the subject report, we have the following comments:

- Pg. 2, para 3 - refers to development projects which have immediate need but no necessary water use permits. It would be helpful to list and quantify these unmet specific project water needs.

- Pg. 4 - The list of PCUG members doesn't include the State, yet the signature page shows HFDC. On Table 1, only the State's Puuola Mauka lands are represented, what about the rest of the state's interests in Puuola?

- Pg. 5 - Users/potential users who are NOT part of PCUG include Ewa Villages, West Loch Golf Courses, and Campbell Estate but:

  How can PCUG commit to conversion of the City Golf Courses (1.8 mgd) by 7/99 (pg. 1) if the City golf courses aren't part of PCUG?

  How can the plan state that Table 1 is comprehensive in terms of demand projections (pg. 3) if Campbell Estate, which owns considerable undeveloped lands, is not participating? How was the demand for Campbell lands estimated?

- Pg. 5 - What is the basis for excluding all Gentry wells & the USFWS from the commitment? What are they exempted from, the sharing in the cost of reclaimed water? We need a rational basis for the exemptions because other users may also want to be exempt. Pg. 28 states that 9 Gentry wells are excluded from the requirements of R-1 water delivery, but must comply & conform to all other requirements of the Master Plan. Then shouldn't these users be part of PCUG?

- Pg. 7, Exhibit B (well location), & Table 2 - the FGE & BC monitor well locations are described but not shown on map (exhibit 2).

- Pg. 21 - Was the Notice to Proceed issued in 12/96?

- Pg. 21 - If the capital costs for the R-1/R-2 facility upgrade will be financed through DWM's CIP, should this information be included as an appendix?
Memo to PCUG Members
Page 2
FEB 12 1997

- Pg. 19 - states small scale demonstration projects for both direct and indirect use will proceed, but the last sentence on pg. 22 states that a demonstration aquifer recharge will be "evaluated to serve as an alternative to the R-1/R-2 facility".

- Pg. 26, 3rd paragraph - A correct statement would be that "the CWRM has indicated that a commitment to reclaimed water is the only means by which the over-allocation problem may be resolved, short of ratcheting back allocations in the caprock".

- Pg. 27, 2nd table:
  
  Which Gentry wells will be converting to R-1 (so we can specify the duration of these interim permits to coincide with the availability of R-1 water)?

  Gentry shows a commitment to convert to 0.72 mgd by 2001, yet Table 1 shows 2001 projected need for 1.6 mgd; does this mean that the difference, 0.88 mgd (an increase of 0.278 mgd over current allocation) will be supplied from the caprock? from which wells?

  Haseko shows commitment to convert to 0.80 mgd by 2001, while Table 1 shows an ultimate demand for 2.0 mgd in the caprock, does that mean that 2.96 mgd (4.16 - 1.2) can be revoked in 2001? and 2.16 can be revoked immediately?

  For HPGC & EBIGC, is it reasonable to use this table as a schedule for caprock allocation reductions? Which EBIGC allocation to reduce?

- Pg. 28, 2nd paragraph - How will Gentry manage transfers in the future if the Homeowners Associations are not part of this plan or group? Also, are commitments permanent or temporary?

- Pg. 28, 3rd paragraph - We have concerns regarding this disclaimer, which holds the City to the financing and construction schedule.

- Pg. 28, B. - "commits" the City Golf Courses to using R-1 in 2000-2001, but pg. 5 stated that the City Golf Courses are not part of PCUG.

- Pg. 29, Table:

  There is a discrepancy in the City golf course conversion: pg. 1 states both courses will convert (1.8 mgd) by 7/99; but the table on pg. 29 shows only 1.5 mgd conversion by 7/99 (is this 1.0 for WWTP and only 0.5 for golf courses?)

  Also, the total City usage is 2.8 mgd (1.0 for WWTP & 1.8 for courses), yet there is only a commitment for 2.0 mgd.

- Pg. 29, Navy lands:

  BPNAS is still in negotiations. If they commit to 0.7 mgd R-1, then a statement to the effect that the allocation for Barbers Pt. shaft be reduced by 0.7 mgd should also amend this plan.

  Since Solenberger's lease went through, does this mean the Navy's Ag lands won't be using any reclaimed water?

  EXHIBIT 3
USFWS exemption is further clarified, i.e., no commitment to R-1 delivery, but what about cost-sharing for the recharged caprock aquifer? Also, if water needs are not salinity dependent can the USFWS use west Loch ocean water or modify the existing caprock source to lessen impact on brackish lens?

- Pg. 30, para 3 - What does 'all caprock users' mean for those sharing in the reclaimed water cost - non-PCUG members too? Future caprock users?

- Pg. 32 para. 5 - It should be made clear that managing at the well head (i.e., pumped water from caprock alone) is subject to any standard chloride limit and NOT some mix of caprock water and reclaimed water.

- Pg. 33 - There is still no clear resolution of the over-allocation. The plan suggests that the CWRM must continually juggle (via written agreements?) the 15 mgd permitted use with individual users actual needs. We find this proposal to be unduly burdensome. In addition, we are concerned that the current group members may change over time.

- Pg. 34 - states "all nonpotable users in the Puuola sector" (whether they are part of PCUG or not?) shall contribute to the balance of the development cost if the total development cost of the R-1 effluent pipeline distribution system exceeds available Consent Decree funds. Are nonmembers of PCUG, the Navy (pg. 36), Gentry Homeowners, and USFS exempt from this provision also?

- Pg. 34 - Gentry plans to increase usage by 1 mgd in two years, but given their past record (actual use is only 0.3 mgd), is it possible to juggle Gentry's current allocations (0.602 mgd) to cover the next 2 years? We reiterate listing projects which do not have necessary water use permits.

- Pg. 35 - The agreements not to pump will have to specify no pumpage until re-use replaces caprock allocations.

- Pg. 36 - Didn't Solenberger's lease go through? If so, the plan needs to be amended already (proposing a 7 mgd pumping limit?).

- Pg. 37 - The allocation plan (Table 8) is only looking to ending of 1998. There is still no clear resolution of the over-allocation situation.

- Pg. 39 - Has Campbell agreed to the phasing out of its agricultural allocation?

- Doesn't look like the 309 consent decree will be met.

- City signature - who is ultimately responsible, the mayor?

- Need to clarify Gentry's option to purchase Campbell land.
State of Hawaii,
Department of Land and Natural Resources
COMMISSION ON WATER RESOURCE MANAGEMENT

May 14, 1997
EWA CAPROCK INTERIM MANAGEMENT PLAN

1. Reclaimed water is the only way to address the overallocation problem. In addition, reclaimed water must supply some future needs since the forecasted usage of potable water by users in the Puuloa Aquifer System will be at least 10 mgd by 2001, exceeding the caprock availability. We assume that there is a commitment by the users to utilize reclaimed water to meet some of these needs. We are also assuming 2.0 mgd of R-1 will come in to supplement the caprock by July 1, 1998, and 4.0 mgd by July 1999. The situation will be reevaluated at that time.

2. Boundaries for three aquifer systems will be adopted.

3. Instead of a sustainable yield number, protection and management of caprock water quality will be by chloride standards for individual wells based on pump test or historic data.

4. Applicants for new usage can apply for well construction permits first. Based on the pump test, set the pump size and chloride cap and check reasonable beneficial quantity. The Pump Installation and Water Use Permits can be applied for after that.

5. Agricultural permit holders will be asked to provide information on remaining agricultural acreage and to conduct a pump test according to a protocol established by the Commission.

6. Permit amounts for four years of non-use will be revoked.

7. Unused one-year interim Water Use Permits will not be renewed. Applicants can reapply when the usage is imminent.

8. Permits will be issued for remaining one-year interim Water Use Permits for a term to expire upon completion of the R-1 facility in July 1998 or soon thereafter. A condition of the permits will be that Gentry, Haseko, HPGC, and EBIGC negotiate and enter into further definite agreements regarding the purchase of reclaimed water according to the table on page 27 of the PCUG Report.

9. The Commission will formulate a water shortage plan for implementation during periods of water shortage. The plan will be prepared by aquifer system and propose restrictions on one or more classes of permits.

10. The City WWM will provide to the Commission, as a means to track the progress of the R-1 facility, the quarterly reports that are submitted to the Dept. of Health.
<table>
<thead>
<tr>
<th>User</th>
<th>Well Name/No.</th>
<th>Use</th>
<th>Current Allocation</th>
<th>Recommended Allocation</th>
<th>Basis</th>
<th>Water Shortage Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Priority</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Campbell</td>
<td>EP 21/2000-01</td>
<td>Ag</td>
<td>2.080</td>
<td>2.080</td>
<td>Existing Use</td>
<td>1</td>
</tr>
<tr>
<td>Haseko</td>
<td>EP 27/1902-01</td>
<td>Ag</td>
<td>2.660</td>
<td>1.800</td>
<td>Ag acreage</td>
<td>1</td>
</tr>
<tr>
<td>Navy</td>
<td>EP 23/2001-01</td>
<td>Ag</td>
<td>5.890</td>
<td>5.890</td>
<td>Existing Use</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Hawaii Prince</td>
<td>EP 22, Wells 1 to 5/1900-02,17 to 20,1901-03</td>
<td>G.Course</td>
<td>0.900</td>
<td>0.900</td>
<td>Actual Use</td>
<td>2</td>
</tr>
<tr>
<td>Sogo Hawaii (EBIGC)</td>
<td>Puuloa GC Irr/1900-21</td>
<td>G.Course</td>
<td>0.001</td>
<td>0.700</td>
<td>Actual Use</td>
<td>2</td>
</tr>
<tr>
<td>Puuloa Homes (EBIGC)</td>
<td>Dug Wells A&amp;B/1900-22,1959-08</td>
<td>G.Course</td>
<td>0.600</td>
<td>0.700</td>
<td>Actual Use</td>
<td>3</td>
</tr>
<tr>
<td>C&amp;C DWWMM</td>
<td>STP 1&amp;2/1902-03,04</td>
<td>Industrial</td>
<td>0.500</td>
<td>0.500</td>
<td>Actual Use</td>
<td>3</td>
</tr>
<tr>
<td>Gentry</td>
<td>Ewa Gentry/2001-02</td>
<td>Landscape</td>
<td>0.080</td>
<td>0.040</td>
<td>Projected</td>
<td>3</td>
</tr>
<tr>
<td>Palm Villa I Assoc.</td>
<td>Palm Villa I/2001-06</td>
<td>Landscape</td>
<td>0.080</td>
<td>0.080</td>
<td>Actual Use</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.020</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.033</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.012</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.345</td>
</tr>
<tr>
<td>TOTALS</td>
<td></td>
<td></td>
<td>15.177</td>
<td>14.879</td>
<td></td>
<td>3.718</td>
</tr>
</tbody>
</table>

1 = Highest priority (Ag)
2 = Intermediate priority (G. Course)
3 = Lowest priority (Landscape Irr. dust control)

Maximum reduction indicated in water shortage plan.
PROPOSED EP-27 PRODUCTION WELL PUMPING TEST PROCEDURE

General

The objectives of the pumping test are to measure aquifer water level response to pumping from EP-27 at a rate of 2.66 mgd (1,850 gpm) and to assess the effect, if any, of this pumping on chloride concentrations in the discharge water.

A constant rate test will be conducted at a pumping rate of at least 2.66 mgd (1,850 gpm) from EP-27. EP-28 and EP-29 will be idle during the entire duration of the test. Because this is an existing system, a step-drawdown test is not necessary to determine an appropriate constant rate test pumping rate. The proposed constant rate pumping test procedures are generally consistent with Hawaii standards for production well pump tests.

Pre-Pump Test Monitoring

For a period of one day prior to the start of the pumping test, well EP-27 (and EP-29 and EP-29) will remain idle. During this period, water level in the pool from which EP-27 pumps will be measured at maximum 15 minute intervals.

A dedicated pressure transducer with data recorder to take measurements at pre-defined intervals will be in place at EP-27. Manual measurements will also be made during the course of the test to confirm transducer readings.

Pumping Rate and Duration

Well EP-27 will be pumped continuously at a rate of 1,850 gpm for a period of 96 hours. The rate of pumping will be recorded and the pumping rate will be maintained to within 30 gpm of the target rate.

The pump will discharge water into the existing irrigation distribution piping from which the water will be spread on the current agricultural acreage of the Ewa Marina property. Some water may also be discharged to Kaloi Gulch.

Water Level Measurements

Water level measurements will be taken at intervals not to exceed the schedule below. The data recorder may be set to take measurements at more frequent intervals during test setup.

- 10 minute intervals during the first 2 hours of pumping
- 1 hour intervals up to 24 hours
- 2 hour intervals up to 96 hours

Temperature and Salinity Measurements

Temperature measurements and salinity samples will be taken from the pump discharge 2 times during each day of the test. A one-pint (approximately) plastic bottle will be used for the salinity sample. The bottle will be rinsed with pump discharge water 3 times prior to sample collection.

Post-Pump Test (Recovery) Monitoring

After termination of pumping, the water level will be read at 10 minute (maximum) intervals for an additional 24 hours.

Report

A pumping test report will be prepared documenting measurements of pumping rates, water levels, temperature, and salinity. The report will also assess the impact of pumping on salinity based on salinity measurements made during the test and water level measurements which will indicate the potential or lack of potential for upconing of salt water to the well.
DWM Consent Order & Decree

Consent Order (89-CW-EOW-6) with Dept. of Health to design and construct a 13 mgd capacity secondary treatment facility, with the option to treat to R-2 or R-1 quality; higher quality water would be made available to interested users, provided such a market existed. If no market, then DOH will allow the secondary treated R-3 water to be discharged through the ocean outfall.

309 Consent Decree (Civ. No. 94-00765DAE) settlement with USEPA and DOH to implement a reuse program with agreed-upon time schedule and associated volumes. The city is to continue 10 mgd of reuse until July 1, 2011.

### 309 CONSENT DECREE

<table>
<thead>
<tr>
<th>Implementation Date</th>
<th>Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1, 1998</td>
<td>2.0</td>
</tr>
<tr>
<td>June 30, 1999</td>
<td>5.0</td>
</tr>
<tr>
<td>July 1, 2001</td>
<td>10.0</td>
</tr>
</tbody>
</table>

### R-1 SUPPLY AND DEMAND SCHEDULE

<table>
<thead>
<tr>
<th>Date</th>
<th>R-1 Supply Available</th>
<th>City Commitment to Use R-1</th>
<th>Private Sector Commitment to Use R-1²</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>User</td>
</tr>
<tr>
<td>July 1998</td>
<td>2.0</td>
<td>1.0</td>
<td>Gentry</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Haseko</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>HPGC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EBI GC</td>
</tr>
<tr>
<td>July 1999</td>
<td>4.0</td>
<td></td>
<td>Gentry</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Haseko</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>HPGC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EBI GC</td>
</tr>
<tr>
<td>July 2000</td>
<td>1.5</td>
<td></td>
<td>Gentry</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Haseko</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>HPGC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EBI GC</td>
</tr>
<tr>
<td>July 2001</td>
<td>6.5</td>
<td>2.0</td>
<td>Gentry</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Haseko</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>HPGC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EBI GC</td>
</tr>
</tbody>
</table>

1 Honouliuli STP (1.0 mgd), Ewa Villages G.C. and West Loch G.C. (1.8 mgd); City to convert all three uses to R-1.
2 Commitments by Private Sector users are based on their respective pro-rata shares of the members' total projected nonpotable water demand.

EXHIBIT 7
GUIDELINES FOR CHLORIDE CONCENTRATION SAMPLING FOR KWA CAPROCK

1. Sample Collection

- Sampling Schedule

The sampling schedule depends upon your pump capacity:

<table>
<thead>
<tr>
<th>Pump Capacity (gpm)</th>
<th>Sampling Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 50</td>
<td>Once a month</td>
</tr>
<tr>
<td>Greater than 50</td>
<td>Once a week</td>
</tr>
</tbody>
</table>

- When to Sample

Before taking a sample, allow a minimum length of time to elapse after turning on the pump. This minimum time can be read off the attached table for your well casing diameter and your pump capacity. If you sample 20 minutes after the minimum time, you should consistently sample 20 minutes after the minimum time each time you take samples.

- Sample Bottle

Use a plastic container and cap that holds a volume of about a pint. Rinse the container three times with the water to be sampled before taking the sample. Also rinse the cap with sample water.

- Labeling

On the sample bottle, affix a label that contains the following information:

- Well No.
- Date
- Time Sampled
- Sampler's Name
- Water Temperature (if available)
- Pumping Rate (prior to sampling)
2. **Determination of Chloride Concentration**

- **Private Laboratories**

  If the sample is sent to a private laboratory, then prepare the water sample and label the bottle in the manner described above.

  Private laboratories will use methods that are more accurate than field methods described below.

- **Hach Kit (Drop Count Titrator)**

  Be aware of the approximate chloride concentration range in your well. Use the appropriate sample bottle for titration. Be consistent with the end-point color change.

  For low chloride concentrations (5-100 mg/l) each drop will equal 5 mg/l. For higher concentrations (20-400 mg/l) each drop equals 20 mg/l. Other kits for concentrations greater than 400 mg/l (500-10,000 mg/l) each drop is equal to 500 mg/l. Obviously, for water greater than 400 mg/l, a "drop-count" Hach Kit is not appropriate, and a digital titrator, described below, should be used.

- **Hach Kit (Digital Titrator)**

  A digital titrator is the appropriate method for water with greater than 400 mg/l chloride. A digital titrator using silver nitrate is accurate to within 10 mg/l for a chloride range from 10-10,000 mg/l, and for a titrator using mercuric nitrate accuracy varies from 0.1-20 mg/l for a chloride range of 10-8,000 mg/l.

  **Note:** Be consistent with the end-point color. Silver nitrate ages and needs to be replenished within the recommended guidelines of the Hach Company.

- **Other Methods**

  An ion-selective probe for chloride is available, and can measure concentration from 1.8-35,500 mg/l.
3. Reporting Results

How to Report

The following information should be entered on the "Monthly Ground Water Use Report" form provided by the Commission on Water Resource Management:

1. Chloride concentration (mg/l) and temperature (°F) in the columns provided.

Under "Notes" Section of the Monthly Water Use Report:

2. Method used for chloride analysis.

3. Total elapsed time before sampling.

If there are any questions, please call the Commission on Water Resource Management staff at 587-0265 on Oahu or toll free from the neighbor islands 1-800-468-4644, ext. 70265.

EXHIBIT 8
<table>
<thead>
<tr>
<th>CASING DIAMETER (in.)</th>
<th>PUMP CAPACITY (gpm)</th>
<th>MINIMUM TIME (min.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>10-20</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>110</td>
</tr>
<tr>
<td>8</td>
<td>10-20</td>
<td>190</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>125</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>85</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>&gt;250</td>
<td>75</td>
</tr>
<tr>
<td>12</td>
<td>10-20</td>
<td>360</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>210</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>68</td>
</tr>
<tr>
<td>16</td>
<td>10-20</td>
<td>560</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>310</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>160</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>110</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>70</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>65</td>
</tr>
<tr>
<td>20</td>
<td>50-100</td>
<td>220</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>95</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>72</td>
</tr>
</tbody>
</table>

1 Assumes saturated well depth of 100 feet.

2 Five well volumes is a standard guideline recommended by EPA.
EWA BEACH INT. GC (SOGO) PUMPAGE
DUG WELLS (WELL# 1959-08,1900-22)

DATE (Latest Data 11/96)

---

monthly pumpage ——— 12-MAV ——— permitted allocation
EWA BEACH INT GC (SOGO) PUMPAGE
PUULOA GC IRR (WELL NO. 1900-21)

DATE (Latest Data 12/96)

monthly-pumpage  12-MAV  permitted-allocation
1. The permittee shall adopt self-administered water conservation programs and plans with collective monitoring to protect and maintain the caprock resource. Water conservation programs and plans shall be submitted to the Commission within 60 days from the date of Commission approval.

2. Water conservation programs and plans shall address (as applicable) but not be limited to the following:
   
a. Reduce the demand for non-potable water by:
      - Identifying and utilizing water efficient plants and drought tolerant plants for landscaping and quantifying their demands (Xeriscape);
      - Mulching planting areas with organic materials, etc., to minimize evaporation;
      - Efficiently maintaining the plants;
      - Improving land management practices to conserve water.

b. Improve efficiency in use and reduce losses and waste of non-potable water by:
   - Using efficiently designed landscaping and irrigation systems;
   - Monitoring irrigation requirements and controlling usage accordingly;
   - Managing irrigation scheduling to minimize water demand;
   - Eliminating opportunities for water wastage;
   - Maintaining and improving irrigation systems as necessary.

c. Industrial users should employ the recirculation of cooling water and the reuse of cooling and process water.

3. The permittee shall pursue and participate in alternative non-potable water source development and use such as wastewater reuse (direct reuse and/or recharge injection).

4. In the event that water conservation programs and plans are not complied with or that a waste of water is occurring, the Commission shall proceed with the necessary actions to revoke this permit.
Current Active Water Use Permits (Excluding salt water use permits)

ISLAND OF OAHU
WMA Aquifer System: KAPOLEI
Sustainable Yield = 5 mgd

<table>
<thead>
<tr>
<th>Wup</th>
<th>No. Approved</th>
<th>Applicant</th>
<th>Well No.</th>
<th>Well Name</th>
<th>WUP (mgd)</th>
<th>12-MAV Diff (mgd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>162</td>
<td>3/15/90</td>
<td>PUU MAKAKILO INC.</td>
<td>1904-02</td>
<td>MAKAKILO GC</td>
<td>1.150</td>
<td></td>
</tr>
<tr>
<td>247</td>
<td>4/24/91</td>
<td>PUU MAKAKILO INC.</td>
<td>1904-03</td>
<td>MAKAKILO GC STBYDB</td>
<td>0.302</td>
<td></td>
</tr>
<tr>
<td>182</td>
<td>3/13/96</td>
<td>CAMPBELL ESTATE</td>
<td>1905-08</td>
<td>KAPOLEI IRR 1</td>
<td>1.000</td>
<td></td>
</tr>
<tr>
<td>182</td>
<td>3/13/96</td>
<td>CAMPBELL ESTATE</td>
<td>1905-10</td>
<td>KAPOLEI IRR 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>431</td>
<td>3/13/96</td>
<td>KAPOLEI PEOPLES, INC.</td>
<td>2003-01</td>
<td>KAPOLEI IRR A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>431</td>
<td>3/13/96</td>
<td>KAPOLEI PEOPLES, INC.</td>
<td>2003-02</td>
<td>KAPOLEI IRR B</td>
<td>0.494</td>
<td></td>
</tr>
<tr>
<td>432</td>
<td>3/13/96</td>
<td>STATE HFDC</td>
<td>2003-04</td>
<td>KAPOLEI IRR D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>431</td>
<td>3/13/96</td>
<td>KAPOLEI PEOPLES, INC.</td>
<td>2003-05</td>
<td>KAPOLEI IRR E</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8 Permits Totalling Available SY: 2.946

May 8, 1997

EXHIBIT 13
TO:  
Garrick Iwamuro, Hawaii Prince Golf Club  
Ronald M. Uemura/Randolph Ouye, Gentry Investment  
Ben Hicks, The Arbors Association, c/o Gentry Dev. Co.  
Gilberto Galarza, Palm Court Association, c/o Gentry Dev. Co.  
Larry Tucker, Palm Villas II Association, c/o Gentry Dev. Co.  
Donna Goth/George Hiu, The Estate of James Campbell  
Steve Thomas, Housing Finance and Development Corp  
Nelson Lee, Haseko (Ewa), Inc.  
Jon Shiraki, Grace Pacific  
Chris Jansen, Hawaiian Refinery, Inc.  
William J. Snarponis, Kalaeloa Partners, L.P.  
Jonathon Shimada, Department of Public Works  
Timothy J. Canute, Ewa Beach International  
Marshall A. McCormick/Alice Potter, Chevron USA, Inc.  
Ned Dewey, Puu Makakilo Inc.  
Kenneth Sprague, Department of Wastewater Management  
Andrew Monden, Land Division  
Robert K. Oser, U.S. Fish & Wildlife  
Bernie Matano, Kapolei People's Inc.  
Steven Lopes, Palm Villas I Association, c/o Gentry Dev. Co.  
John D. D'Araujo, Jr./Lester Lai, Dept. of Parks & Recreation  
Doug Ing, Watanabe, Ing & Kawashima  
Alan Oshima/Angela Fong/Yvonne Izu, Oshima, Chun, Fong & Chung  
Tom Nance, TNWRE  
Tom Cooper, AES Barbers Point, Inc.  
Roy Uemura, Hawaiian Electric Co.  
Jim Houts, BetzDearborn  
J.M. Killian/Cheryl Connett, Dept. of the Navy  
Mark Morita, Corporation Counsel

FROM: RAE M. LOUI

TOTAL PAGES FAXED: 21

Please call back if not legible: 587-0218
MAY 14, 1997 CWRM MEETING, AGENDA ITEM 5
(Ewa Caprock Water Use Permittees and Other Interested Parties)

TO:
Garrick Iwamuro, Hawaii Prince Golf Club
Ronald M. Uemura/Randolph Ouye, Gentry Investment
Ben Hicks, The Arbors Association, c/o Gentry Dev. Co.
Gilberto Galarza, Palm Court Association, c/o Gentry Dev. Co.
Larry Tucker, Palm Villas II Association, c/o Gentry Dev. Co.
Donna Goth/George Hiu, The Estate of James Campbell
Steve Thomas, Housing Finance and Development Corp
Nelson Lee, Haseko (Ewa), Inc.
Jon Shiraki, Grace Pacific
Chris Jansen, Hawaiian Refinery, Inc.
William J. Snarponis, Kalaeloa Partners, L.P.
Jonathon Shimada, Department of Public Works
Timothy J. Canute, Ewa Beach International
Marshall A. McCormick/Alice Potter, Chevron USA, Inc.
Ned Dewey, Puu Makakilo Inc.
Kenneth Sprague, Department of Wastewater Management
Andrew Monden, Land Division
Robert K. Oser, U.S. Fish & Wildlife
Bernie Matano, Kapolei People’s Inc.
Steven Lopes, Palm Villas I Association, c/o Gentry Dev. Co.
John D. D’Araujo, Jr./Lester Lai, Dept. of Parks & Recreation
Doug Ing, Watanabe, Ing & Kawashima
Alani Oshima/Angela Fong/Yvonne Izu, Oshima, Chun, Fong & Chung
Tom Nance, TNWRE
Tom Cooper, AES Barbers Point, Inc.
Roy Uemura, Hawaiian Electric Co.
Jim Houts, BetzDearborn
J.M. Killian/Cheryl Connett, Dept. of the Navy
Mark Morita, Corporation Counsel

FROM: RAE M. LOUI

TOTAL PAGES FAXED: 21

Please call back if not legible: 587-0218
<table>
<thead>
<tr>
<th>No.</th>
<th>DATE START</th>
<th>MODE</th>
<th>IDENTIFICATION</th>
<th>PAGE TIME</th>
<th>CODE JOB No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>MAY-88 12:48</td>
<td>EMMR/T</td>
<td>00058966501</td>
<td>009 00'00 CALL</td>
<td>434</td>
</tr>
<tr>
<td>02</td>
<td>MAY-88 13:25</td>
<td>EMMR/T</td>
<td>00058966501</td>
<td>001 00'25 OK</td>
<td>434</td>
</tr>
<tr>
<td>03</td>
<td>MAY-88 13:30</td>
<td>G3/T</td>
<td>0007393375</td>
<td>002 01'29 140</td>
<td>435</td>
</tr>
<tr>
<td>04</td>
<td>MAY-88 13:33</td>
<td>G3/R</td>
<td>JENNIFER FAUX</td>
<td>001 00'54 OK</td>
<td>436</td>
</tr>
<tr>
<td>05</td>
<td>MAY-88 13:37</td>
<td>G3/T</td>
<td>0007393375</td>
<td>002 01'14 OK</td>
<td>436</td>
</tr>
<tr>
<td>06</td>
<td>MAY-88 13:47</td>
<td>G3/T</td>
<td>088 956 9612</td>
<td>002 01'18 OK</td>
<td>437</td>
</tr>
<tr>
<td>07</td>
<td>MAY-88 14:14</td>
<td>EMMR/R</td>
<td>+1 008 531 8466</td>
<td>003 00'51 OK</td>
<td>438</td>
</tr>
<tr>
<td>08</td>
<td>MAY-88 14:46</td>
<td>G3/R</td>
<td>521694</td>
<td>003 10'20 OK</td>
<td>439</td>
</tr>
<tr>
<td>09</td>
<td>MAY-88 15:22</td>
<td>EMMR/T</td>
<td>000 488 9449</td>
<td>007 20'12 OK</td>
<td>440</td>
</tr>
<tr>
<td>10</td>
<td>MAY-88 15:30</td>
<td>G3/R</td>
<td>002 01'05 OK</td>
<td>441</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>MAY-88 15:53</td>
<td>G3/T</td>
<td>JENNIFER FAUX</td>
<td>001 00'54 OK</td>
<td>442</td>
</tr>
<tr>
<td>12</td>
<td>MAY-88 16:22</td>
<td>G3/T</td>
<td>0885397654</td>
<td>005 02'56 OK</td>
<td>443</td>
</tr>
<tr>
<td>13</td>
<td>MAY-88 06:43</td>
<td>EMMR/R</td>
<td>0885467386</td>
<td>002 02'28 OK</td>
<td>444</td>
</tr>
<tr>
<td>14</td>
<td>MAY-88 06:59</td>
<td>G3/T</td>
<td>0885397654</td>
<td>028 10'32 OK</td>
<td>445</td>
</tr>
<tr>
<td>15</td>
<td>MAY-88 09:21</td>
<td>EMMR/T</td>
<td>008 009 0812</td>
<td>021 09'50 OK</td>
<td>446</td>
</tr>
<tr>
<td>16</td>
<td>MAY-88 09:31</td>
<td>EMMR/T</td>
<td>952370932</td>
<td>021 11'37 OK</td>
<td>447</td>
</tr>
<tr>
<td>17</td>
<td>MAY-88 09:43</td>
<td>EMMR/T</td>
<td>952370932</td>
<td>021 11'36 OK</td>
<td>448</td>
</tr>
<tr>
<td>18</td>
<td>MAY-88 09:55</td>
<td>55268950</td>
<td>008 08'00 088</td>
<td>449</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>MAY-88 09:59</td>
<td>EMMR/T</td>
<td>ATTY GEN LAND TRANS</td>
<td>005 01'18 OK</td>
<td>450</td>
</tr>
<tr>
<td>20</td>
<td>MAY-88 10:05</td>
<td>EMMR/T</td>
<td>952370932</td>
<td>021 11'48 OK</td>
<td>451</td>
</tr>
<tr>
<td>21</td>
<td>MAY-88 10:18</td>
<td>EMMR/T</td>
<td>952370932</td>
<td>018 10'37 116</td>
<td>452</td>
</tr>
<tr>
<td>22</td>
<td>MAY-88 10:29</td>
<td>ECM/T</td>
<td>008 974 3111</td>
<td>021 09'38 OK</td>
<td>453</td>
</tr>
<tr>
<td>23</td>
<td>MAY-88 10:38</td>
<td>ECM/T</td>
<td>0885979060</td>
<td>021 09'49 OK</td>
<td>454</td>
</tr>
<tr>
<td>24</td>
<td>MAY-88 10:54</td>
<td>G3/T</td>
<td>0887393375</td>
<td>082 01'28 140</td>
<td>455</td>
</tr>
<tr>
<td>25</td>
<td>MAY-88 10:56</td>
<td>EMMR/T</td>
<td>088 545 2450</td>
<td>084 01'38 OK</td>
<td>456</td>
</tr>
<tr>
<td>26</td>
<td>MAY-88 11:04</td>
<td>G3/R</td>
<td>088 527 6195</td>
<td>083 02'22 OK</td>
<td>457</td>
</tr>
<tr>
<td>27</td>
<td>MAY-88 11:11</td>
<td>5455598</td>
<td>088 08'38 088</td>
<td>458</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>MAY-88 11:55</td>
<td>G3/T</td>
<td>0887393375</td>
<td>002 01'19 140</td>
<td>459</td>
</tr>
<tr>
<td>29</td>
<td>MAY-88 13:00</td>
<td>G3/T</td>
<td>672 3998</td>
<td>021 10'52 OK</td>
<td>460</td>
</tr>
<tr>
<td>30</td>
<td>MAY-88 13:11</td>
<td>ECM/T</td>
<td>0885473818</td>
<td>016 08'18 OK</td>
<td>461</td>
</tr>
<tr>
<td>31</td>
<td>MAY-88 13:20</td>
<td>EMMR/T</td>
<td>KALAELOA PARTNERS</td>
<td>021 06'58 OK</td>
<td>462</td>
</tr>
<tr>
<td>32</td>
<td>MAY-88 13:27</td>
<td>G3/T</td>
<td>088 506 0521</td>
<td>021 13'02 OK</td>
<td>463</td>
</tr>
<tr>
<td>No.</td>
<td>DATE</td>
<td>START</td>
<td>MODE</td>
<td>IDENTIFICATION</td>
<td>PAGE</td>
</tr>
<tr>
<td>-----</td>
<td>----------</td>
<td>---------</td>
<td>---------</td>
<td>------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>01</td>
<td>MAY-09</td>
<td>13:20</td>
<td>EMMR/T</td>
<td>KALAELOA PARTNERS</td>
<td>021</td>
</tr>
<tr>
<td>02</td>
<td>MAY-09</td>
<td>13:27</td>
<td>G3/T</td>
<td>808 506 0521</td>
<td>021</td>
</tr>
<tr>
<td>03</td>
<td>MAY-09</td>
<td>13:41</td>
<td>EMMR/R</td>
<td>ATTY GEN LAND TRANS</td>
<td>001</td>
</tr>
<tr>
<td>04</td>
<td>MAY-09</td>
<td>13:42</td>
<td>EMMR/R</td>
<td>808 955 4249</td>
<td>001</td>
</tr>
<tr>
<td>05</td>
<td>MAY-09</td>
<td>13:47</td>
<td>G3/T</td>
<td>3241379</td>
<td>006</td>
</tr>
<tr>
<td>06</td>
<td>MAY-09</td>
<td>13:50</td>
<td>EMMR/R</td>
<td>808 955 4249</td>
<td>001</td>
</tr>
<tr>
<td>07</td>
<td>MAY-09</td>
<td>14:04</td>
<td></td>
<td>96922214</td>
<td>001</td>
</tr>
<tr>
<td>08</td>
<td>MAY-09</td>
<td>14:05</td>
<td>G3/R</td>
<td>FRED RAMES</td>
<td>001</td>
</tr>
<tr>
<td>09</td>
<td>MAY-09</td>
<td>14:06</td>
<td></td>
<td>99494161</td>
<td>001</td>
</tr>
<tr>
<td>10</td>
<td>MAY-09</td>
<td>14:14</td>
<td>EMMR/R</td>
<td>ATTY GEN LAND TRANS</td>
<td>001</td>
</tr>
<tr>
<td>11</td>
<td>MAY-09</td>
<td>14:17</td>
<td>G3/T</td>
<td>8087383375</td>
<td>002</td>
</tr>
<tr>
<td>12</td>
<td>MAY-09</td>
<td>14:26</td>
<td>G3/R</td>
<td>JENNIFER FAUX</td>
<td>002</td>
</tr>
<tr>
<td>13</td>
<td>MAY-09</td>
<td>14:40</td>
<td>ECM/T</td>
<td>808 329 2152</td>
<td>006</td>
</tr>
<tr>
<td>14</td>
<td>MAY-09</td>
<td>14:46</td>
<td>G3/R</td>
<td></td>
<td>001</td>
</tr>
<tr>
<td>15</td>
<td>MAY-09</td>
<td>14:48</td>
<td>EMMR/T</td>
<td>ATTY GEN LAND TRANS</td>
<td>001</td>
</tr>
<tr>
<td>16</td>
<td>MAY-09</td>
<td>14:49</td>
<td>EMMR/T</td>
<td>95448398</td>
<td>016</td>
</tr>
<tr>
<td>17</td>
<td>MAY-09</td>
<td>14:59</td>
<td>ECM/T</td>
<td>8085878608</td>
<td>002</td>
</tr>
<tr>
<td>18</td>
<td>MAY-09</td>
<td>14:59</td>
<td>EMMR/T</td>
<td>808 523 0950</td>
<td>003</td>
</tr>
<tr>
<td>19</td>
<td>MAY-09</td>
<td>15:05</td>
<td>EMMR/R</td>
<td>ATTY GEN LAND TRANS</td>
<td>002</td>
</tr>
<tr>
<td>20</td>
<td>MAY-09</td>
<td>15:17</td>
<td>EMMR/T</td>
<td>808 682 2214</td>
<td>021</td>
</tr>
<tr>
<td>21</td>
<td>MAY-09</td>
<td>15:24</td>
<td>ECM/T</td>
<td>8085341004</td>
<td>021</td>
</tr>
<tr>
<td>22</td>
<td>MAY-09</td>
<td>15:35</td>
<td>ECM/T</td>
<td>5234642</td>
<td>021</td>
</tr>
<tr>
<td>23</td>
<td>MAY-09</td>
<td>15:45</td>
<td>EMMR/T</td>
<td>ATTY GEN LAND TRANS</td>
<td>002</td>
</tr>
<tr>
<td>24</td>
<td>MAY-09</td>
<td>16:28</td>
<td>G3/T</td>
<td>8087363375</td>
<td>002</td>
</tr>
<tr>
<td>25</td>
<td>MAY-09</td>
<td>16:32</td>
<td>EMMR/T</td>
<td>808 6742534</td>
<td>021</td>
</tr>
<tr>
<td>26</td>
<td>MAY-09</td>
<td>16:42</td>
<td>EMMR/T</td>
<td>95237632</td>
<td>021</td>
</tr>
<tr>
<td>27</td>
<td>MAY-09</td>
<td>16:58</td>
<td>G3/R</td>
<td>LANNICE</td>
<td>002</td>
</tr>
<tr>
<td>28</td>
<td>MAY-09</td>
<td>17:01</td>
<td>G3/T</td>
<td>808 523 4767</td>
<td>021</td>
</tr>
<tr>
<td>29</td>
<td>MAY-09</td>
<td>17:25</td>
<td></td>
<td>95467538</td>
<td>000</td>
</tr>
<tr>
<td>30</td>
<td>MAY-09</td>
<td>19:50</td>
<td>EMMR/T</td>
<td>+1 808 531 0466</td>
<td>021</td>
</tr>
<tr>
<td>31</td>
<td>MAY-09</td>
<td>19:57</td>
<td>EMMR/T</td>
<td>+808 538 7757</td>
<td>021</td>
</tr>
<tr>
<td>32</td>
<td>MAY-09</td>
<td>20:04</td>
<td>EMMR/T</td>
<td>808 682 4915</td>
<td>021</td>
</tr>
<tr>
<td>No.</td>
<td>DATE</td>
<td>START</td>
<td>MODE</td>
<td>IDENTIFICATION</td>
<td>PAGE</td>
</tr>
<tr>
<td>-----</td>
<td>--------</td>
<td>-------</td>
<td>-------</td>
<td>----------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>01</td>
<td>MAY-09</td>
<td>14:06</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>02</td>
<td>MAY-09</td>
<td>14:14</td>
<td>EMMR/R</td>
<td>ATTY GEN LAND TRANS</td>
<td></td>
</tr>
<tr>
<td>03</td>
<td>MAY-09</td>
<td>14:17</td>
<td>G3/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>04</td>
<td>MAY-09</td>
<td>14:26</td>
<td>G3/R</td>
<td>JENNIFER FAUX</td>
<td></td>
</tr>
<tr>
<td>05</td>
<td>MAY-09</td>
<td>14:40</td>
<td>ECM/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>06</td>
<td>MAY-09</td>
<td>14:46</td>
<td>G3/R</td>
<td></td>
<td></td>
</tr>
<tr>
<td>07</td>
<td>MAY-09</td>
<td>14:48</td>
<td>EMMR/T</td>
<td>ATTY GEN LAND TRANS</td>
<td></td>
</tr>
<tr>
<td>08</td>
<td>MAY-09</td>
<td>14:49</td>
<td>EMMR/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>09</td>
<td>MAY-09</td>
<td>14:58</td>
<td>ECM/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>MAY-09</td>
<td>14:59</td>
<td>EMMR/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>MAY-09</td>
<td>15:05</td>
<td>EMMR/R</td>
<td>ATTY GEN LAND TRANS</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>MAY-09</td>
<td>15:17</td>
<td>EMMR/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>MAY-09</td>
<td>15:24</td>
<td>ECM/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>MAY-09</td>
<td>15:35</td>
<td>ECM/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>MAY-09</td>
<td>15:45</td>
<td>EMMR/T</td>
<td>ATTY GEN LAND TRANS</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>MAY-09</td>
<td>16:28</td>
<td>G3/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>MAY-09</td>
<td>16:32</td>
<td>EMMR/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>MAY-09</td>
<td>16:42</td>
<td>EMMR/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>MAY-09</td>
<td>16:58</td>
<td>G3/R</td>
<td>LANNICE</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>MAY-09</td>
<td>17:01</td>
<td>G3/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>MAY-09</td>
<td>17:25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>MAY-09</td>
<td>19:50</td>
<td>EMMR/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>MAY-09</td>
<td>19:57</td>
<td>EMMR/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>MAY-09</td>
<td>20:04</td>
<td>EMMR/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>MAY-09</td>
<td>20:19</td>
<td>EMMR/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>MAY-09</td>
<td>20:27</td>
<td>G3/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>MAY-09</td>
<td>20:42</td>
<td>EMMR/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>MAY-09</td>
<td>20:49</td>
<td>EMMR/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>MAY-09</td>
<td>21:01</td>
<td>EMMR/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>MAY-09</td>
<td>21:13</td>
<td>G3/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>MAY-09</td>
<td>21:24</td>
<td>ECM/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>MAY-09</td>
<td>21:35</td>
<td>EMMR/T</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>DATE</td>
<td>START TIME</td>
<td>MODE</td>
<td>IDENTIFICATION</td>
<td>PAGE</td>
</tr>
<tr>
<td>-----</td>
<td>----------</td>
<td>------------</td>
<td>------</td>
<td>----------------</td>
<td>------</td>
</tr>
<tr>
<td>01</td>
<td>MAY-09</td>
<td>20:42</td>
<td>EMHR/T</td>
<td>888 4744890</td>
<td>021</td>
</tr>
<tr>
<td>02</td>
<td>MAY-09</td>
<td>20:49</td>
<td>EMHR/T</td>
<td>8885234583</td>
<td>021</td>
</tr>
<tr>
<td>03</td>
<td>MAY-09</td>
<td>21:01</td>
<td>EMHR/T</td>
<td>95237832</td>
<td>021</td>
</tr>
<tr>
<td>04</td>
<td>MAY-09</td>
<td>21:13</td>
<td>G3/T</td>
<td>8885387654</td>
<td>021</td>
</tr>
<tr>
<td>05</td>
<td>MAY-09</td>
<td>21:24</td>
<td>ECM/T</td>
<td>9665473910</td>
<td>021</td>
</tr>
<tr>
<td>06</td>
<td>MAY-09</td>
<td>21:35</td>
<td>EMHR/T</td>
<td>96694288</td>
<td>021</td>
</tr>
<tr>
<td>07</td>
<td>MAY-10</td>
<td>07:37</td>
<td>EMHR/T</td>
<td>888 544 0399</td>
<td>021</td>
</tr>
<tr>
<td>08</td>
<td>MAY-10</td>
<td>07:48</td>
<td>ECM/T</td>
<td>5234642</td>
<td>021</td>
</tr>
<tr>
<td>09</td>
<td>MAY-10</td>
<td>07:59</td>
<td>ECM/T</td>
<td>888 699 0812</td>
<td>087</td>
</tr>
<tr>
<td>10</td>
<td>MAY-10</td>
<td>08:02</td>
<td>EMHR/T</td>
<td>95237832</td>
<td>085</td>
</tr>
<tr>
<td>11</td>
<td>MAY-10</td>
<td>08:07</td>
<td>EMHR/T</td>
<td>95237832</td>
<td>080</td>
</tr>
<tr>
<td>12</td>
<td>MAY-10</td>
<td>08:16</td>
<td>G3/T</td>
<td>95237832</td>
<td>080</td>
</tr>
<tr>
<td>13</td>
<td>MAY-10</td>
<td>08:17</td>
<td>G3/T</td>
<td>95237832</td>
<td>087</td>
</tr>
<tr>
<td>14</td>
<td>MAY-10</td>
<td>08:18</td>
<td>ECM/T</td>
<td>888 674 3111</td>
<td>087</td>
</tr>
<tr>
<td>15</td>
<td>MAY-10</td>
<td>08:21</td>
<td>ECM/T</td>
<td>8885870600</td>
<td>087</td>
</tr>
<tr>
<td>16</td>
<td>MAY-10</td>
<td>08:30</td>
<td>G3/T</td>
<td>8885387654</td>
<td>087</td>
</tr>
<tr>
<td>17</td>
<td>MAY-10</td>
<td>08:35</td>
<td>G3/T</td>
<td>95237832</td>
<td>080</td>
</tr>
<tr>
<td>18</td>
<td>MAY-10</td>
<td>08:35</td>
<td>G3/T</td>
<td>672 3999</td>
<td>087</td>
</tr>
<tr>
<td>19</td>
<td>MAY-10</td>
<td>08:39</td>
<td>ECM/T</td>
<td>8885473010</td>
<td>083</td>
</tr>
<tr>
<td>20</td>
<td>MAY-10</td>
<td>08:42</td>
<td>G3/R</td>
<td>FRED RAMES</td>
<td>081</td>
</tr>
<tr>
<td>21</td>
<td>MAY-10</td>
<td>08:47</td>
<td>EMHR/T</td>
<td>KALAELOA PARTNERS</td>
<td>087</td>
</tr>
<tr>
<td>22</td>
<td>MAY-10</td>
<td>08:58</td>
<td>ECM/T</td>
<td>5234642</td>
<td>087</td>
</tr>
<tr>
<td>23</td>
<td>MAY-10</td>
<td>08:54</td>
<td>G3/T</td>
<td>95237892</td>
<td>080</td>
</tr>
<tr>
<td>24</td>
<td>MAY-10</td>
<td>08:54</td>
<td>G3/T</td>
<td>95237832</td>
<td>080</td>
</tr>
<tr>
<td>25</td>
<td>MAY-10</td>
<td>09:00</td>
<td>G3/T</td>
<td>95237832</td>
<td>080</td>
</tr>
<tr>
<td>26</td>
<td>MAY-10</td>
<td>09:01</td>
<td>EMHR/T</td>
<td>96694288</td>
<td>087</td>
</tr>
<tr>
<td>27</td>
<td>MAY-10</td>
<td>09:05</td>
<td>G3/T</td>
<td>95237832</td>
<td>080</td>
</tr>
<tr>
<td>28</td>
<td>MAY-10</td>
<td>09:05</td>
<td>G3/T</td>
<td>95237832</td>
<td>080</td>
</tr>
<tr>
<td>29</td>
<td>MAY-10</td>
<td>09:11</td>
<td>EMHR/T</td>
<td>888 682 2214</td>
<td>086</td>
</tr>
<tr>
<td>30</td>
<td>MAY-10</td>
<td>09:15</td>
<td>ECM/T</td>
<td>8885341004</td>
<td>087</td>
</tr>
<tr>
<td>31</td>
<td>MAY-10</td>
<td>09:19</td>
<td>ECM/T</td>
<td>5234642</td>
<td>087</td>
</tr>
<tr>
<td>32</td>
<td>MAY-10</td>
<td>09:28</td>
<td>EMHR/T</td>
<td>888 6742534</td>
<td>087</td>
</tr>
<tr>
<td>No.</td>
<td>DATE START</td>
<td>MODE</td>
<td>IDENTIFICATION</td>
<td>PAGE</td>
<td>TIME</td>
</tr>
<tr>
<td>-----</td>
<td>------------</td>
<td>------</td>
<td>----------------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>01</td>
<td>MAY-12 11:43</td>
<td>G3/T</td>
<td>808988244444</td>
<td>001</td>
<td>00'59</td>
</tr>
<tr>
<td>02</td>
<td>MAY-12 11:46</td>
<td>G3/T</td>
<td>8108082444108</td>
<td>001</td>
<td>00'59</td>
</tr>
<tr>
<td>03</td>
<td>MAY-12 11:48</td>
<td></td>
<td>95467538</td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>04</td>
<td>MAY-12 12:33</td>
<td>G3/R</td>
<td>1</td>
<td>004</td>
<td>03'03</td>
</tr>
<tr>
<td>05</td>
<td>MAY-12 14:18</td>
<td>G3/T</td>
<td>808888244444</td>
<td>001</td>
<td>00'48</td>
</tr>
<tr>
<td>06</td>
<td>MAY-12 14:28</td>
<td>G3/T</td>
<td>80873033375</td>
<td>002</td>
<td>01'16</td>
</tr>
<tr>
<td>07</td>
<td>MAY-12 14:28</td>
<td></td>
<td>95467530</td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>08</td>
<td>MAY-12 14:52</td>
<td>G3/T</td>
<td>80873033375</td>
<td>002</td>
<td>01'16</td>
</tr>
<tr>
<td>09</td>
<td>MAY-12 14:56</td>
<td>G3/T</td>
<td>80873033375</td>
<td>002</td>
<td>01'06</td>
</tr>
<tr>
<td>10</td>
<td>MAY-12 15:03</td>
<td>G3/T</td>
<td>80873033375</td>
<td>002</td>
<td>01'24</td>
</tr>
<tr>
<td>11</td>
<td>MAY-12 15:16</td>
<td>EMHR/R</td>
<td></td>
<td>001</td>
<td>00'28</td>
</tr>
<tr>
<td>12</td>
<td>MAY-12 15:18</td>
<td></td>
<td></td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>13</td>
<td>MAY-12 15:52</td>
<td></td>
<td>95467530</td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>14</td>
<td>MAY-12 16:15</td>
<td>EMHR/R</td>
<td>DIRECTORS OFFICE</td>
<td>004</td>
<td>04'19</td>
</tr>
<tr>
<td>15</td>
<td>MAY-12 16:39</td>
<td>EMHR/R</td>
<td>8085866501</td>
<td>004</td>
<td>01'17</td>
</tr>
<tr>
<td>16</td>
<td>MAY-12 19:53</td>
<td>G3/R</td>
<td>808888244444</td>
<td>001</td>
<td>00'46</td>
</tr>
<tr>
<td>17</td>
<td>MAY-12 20:12</td>
<td>G3/R</td>
<td>FRED RAMES</td>
<td>001</td>
<td>01'06</td>
</tr>
<tr>
<td>18</td>
<td>MAY-12 23:51</td>
<td>G3/R</td>
<td>263 - 4043</td>
<td>001</td>
<td>00'57</td>
</tr>
<tr>
<td>19</td>
<td>MAY-13 00:45</td>
<td>ECM/R</td>
<td>Via Fax</td>
<td>001</td>
<td>00'59</td>
</tr>
<tr>
<td>20</td>
<td>MAY-13 00:17</td>
<td>ECM/R</td>
<td>808 885 7851</td>
<td>001</td>
<td>00'33</td>
</tr>
<tr>
<td>21</td>
<td>MAY-13 08:28</td>
<td>G3/T</td>
<td>80873033375</td>
<td>001</td>
<td>00'48</td>
</tr>
<tr>
<td>22</td>
<td>MAY-13 08:28</td>
<td>G3/T</td>
<td>80873033375</td>
<td>001</td>
<td>00'36</td>
</tr>
<tr>
<td>23</td>
<td>MAY-13 08:51</td>
<td>ECM/R</td>
<td>808 885 7851</td>
<td>001</td>
<td>00'33</td>
</tr>
<tr>
<td>24</td>
<td>MAY-13 08:55</td>
<td>G3/R</td>
<td>Office of Environment</td>
<td>002</td>
<td>01'05</td>
</tr>
<tr>
<td>25</td>
<td>MAY-13 08:57</td>
<td>G3/R</td>
<td>JENNIFER FAUX</td>
<td>001</td>
<td>00'54</td>
</tr>
<tr>
<td>26</td>
<td>MAY-13 11:09</td>
<td>EMHR/T</td>
<td>8882437152</td>
<td>005</td>
<td>01'54</td>
</tr>
<tr>
<td>27</td>
<td>MAY-13 11:35</td>
<td>G3/T</td>
<td>8085991960</td>
<td>002</td>
<td>01'25</td>
</tr>
<tr>
<td>28</td>
<td>MAY-13 11:40</td>
<td>G3/R</td>
<td>8085307819</td>
<td>001</td>
<td>00'40</td>
</tr>
<tr>
<td>29</td>
<td>MAY-13 12:54</td>
<td>G3/T</td>
<td>2</td>
<td>026</td>
<td>17'34</td>
</tr>
<tr>
<td>30</td>
<td>MAY-13 13:28</td>
<td></td>
<td>95467530</td>
<td>000</td>
<td>00'00</td>
</tr>
<tr>
<td>31</td>
<td>MAY-13 13:51</td>
<td>EMHR/T</td>
<td>GUEST ACCOUNTING</td>
<td>001</td>
<td>00'23</td>
</tr>
<tr>
<td>32</td>
<td>MAY-13 13:56</td>
<td>ECM/T</td>
<td>808 541 1216</td>
<td>027</td>
<td>13'11</td>
</tr>
</tbody>
</table>
## Activity Report

**Date:** MAY-13-97 14:24  
**ID:** 0005078219  
**Water Resource Mgt**

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Start</th>
<th>Mode</th>
<th>Identification</th>
<th>Page</th>
<th>Time</th>
<th>Code</th>
<th>Job No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>MAY-12</td>
<td>11:43</td>
<td>G3/T</td>
<td>8868244444</td>
<td>001</td>
<td>00:59</td>
<td>OK</td>
<td>550</td>
</tr>
<tr>
<td>02</td>
<td>MAY-12</td>
<td>11:46</td>
<td>G3/T</td>
<td>810824444108</td>
<td>001</td>
<td>00:59</td>
<td>OK</td>
<td>551</td>
</tr>
<tr>
<td>03</td>
<td>MAY-12</td>
<td>11:48</td>
<td>G3/T</td>
<td>95467530</td>
<td>000</td>
<td>00:00</td>
<td>009</td>
<td>549</td>
</tr>
<tr>
<td>04</td>
<td>MAY-12</td>
<td>12:33</td>
<td>G3/R</td>
<td>1</td>
<td>004</td>
<td>03:03</td>
<td>OK</td>
<td></td>
</tr>
<tr>
<td>05</td>
<td>MAY-12</td>
<td>14:10</td>
<td>G3/T</td>
<td>8868244444</td>
<td>001</td>
<td>00:40</td>
<td>OK</td>
<td>552</td>
</tr>
<tr>
<td>06</td>
<td>MAY-12</td>
<td>14:28</td>
<td>G3/T</td>
<td>887383375</td>
<td>002</td>
<td>01:16</td>
<td>148</td>
<td>554</td>
</tr>
<tr>
<td>07</td>
<td>MAY-12</td>
<td>14:29</td>
<td>G3/T</td>
<td>95467530</td>
<td>000</td>
<td>00:00</td>
<td>009</td>
<td>553</td>
</tr>
<tr>
<td>08</td>
<td>MAY-12</td>
<td>14:52</td>
<td>G3/T</td>
<td>887383375</td>
<td>002</td>
<td>01:16</td>
<td>148</td>
<td>555</td>
</tr>
<tr>
<td>09</td>
<td>MAY-12</td>
<td>14:56</td>
<td>G3/T</td>
<td>887383375</td>
<td>002</td>
<td>01:06</td>
<td>148</td>
<td>556</td>
</tr>
<tr>
<td>10</td>
<td>MAY-12</td>
<td>15:03</td>
<td>G3/R</td>
<td>887383375</td>
<td>002</td>
<td>01:24</td>
<td>OK</td>
<td>557</td>
</tr>
<tr>
<td>11</td>
<td>MAY-12</td>
<td>15:16</td>
<td>EMRR/R</td>
<td></td>
<td>001</td>
<td>00:20</td>
<td>OK</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>MAY-12</td>
<td>15:18</td>
<td></td>
<td></td>
<td>000</td>
<td>00:00</td>
<td>CALL</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>MAY-12</td>
<td>15:52</td>
<td></td>
<td>95467530</td>
<td>000</td>
<td>00:00</td>
<td>009</td>
<td>550</td>
</tr>
<tr>
<td>14</td>
<td>MAY-12</td>
<td>16:15</td>
<td>EMRR/R</td>
<td>DIRECTORS OFFICE</td>
<td>004</td>
<td>04:19</td>
<td>OK</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>MAY-12</td>
<td>16:39</td>
<td>EMRR/R</td>
<td>0095666581</td>
<td>004</td>
<td>01:17</td>
<td>OK</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>MAY-12</td>
<td>19:53</td>
<td>G3/R</td>
<td>8868244444</td>
<td>001</td>
<td>00:46</td>
<td>OK</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>MAY-12</td>
<td>20:12</td>
<td>G3/R</td>
<td>FRED RAMES</td>
<td>001</td>
<td>01:06</td>
<td>OK</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>MAY-12</td>
<td>23:51</td>
<td>G3/R</td>
<td>263 - 4043</td>
<td>001</td>
<td>00:57</td>
<td>OK</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>MAY-13</td>
<td>00:45</td>
<td>ECM/R</td>
<td>Via Fax</td>
<td>001</td>
<td>00:59</td>
<td>OK</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>MAY-13</td>
<td>08:17</td>
<td>ECM/R</td>
<td>988 985 7851</td>
<td>001</td>
<td>00:33</td>
<td>OK</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>MAY-13</td>
<td>08:20</td>
<td>G3/T</td>
<td>887383375</td>
<td>001</td>
<td>00:40</td>
<td>148</td>
<td>559</td>
</tr>
<tr>
<td>22</td>
<td>MAY-13</td>
<td>08:29</td>
<td>G3/T</td>
<td>887383375</td>
<td>001</td>
<td>00:38</td>
<td>OK</td>
<td>560</td>
</tr>
<tr>
<td>23</td>
<td>MAY-13</td>
<td>08:51</td>
<td>ECM/R</td>
<td>888 985 7851</td>
<td>001</td>
<td>00:33</td>
<td>OK</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>MAY-13</td>
<td>08:55</td>
<td>G3/R</td>
<td>Office of Environment</td>
<td>002</td>
<td>01:05</td>
<td>OK</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>MAY-13</td>
<td>09:57</td>
<td>G3/R</td>
<td>JENNIFER FAUX</td>
<td>001</td>
<td>08:54</td>
<td>OK</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>MAY-13</td>
<td>11:09</td>
<td>EMRR/T</td>
<td>802437152</td>
<td>005</td>
<td>01:54</td>
<td>OK</td>
<td>561</td>
</tr>
<tr>
<td>27</td>
<td>MAY-13</td>
<td>11:35</td>
<td>G3/T</td>
<td>8885991968</td>
<td>002</td>
<td>01:25</td>
<td>OK</td>
<td>562</td>
</tr>
<tr>
<td>28</td>
<td>MAY-13</td>
<td>11:40</td>
<td>G3/R</td>
<td>8885387819</td>
<td>001</td>
<td>00:48</td>
<td>OK</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>MAY-13</td>
<td>12:54</td>
<td>G3/T</td>
<td>2</td>
<td>026</td>
<td>17:34</td>
<td>OK</td>
<td>563</td>
</tr>
<tr>
<td>30</td>
<td>MAY-13</td>
<td>13:28</td>
<td></td>
<td>95467530</td>
<td>000</td>
<td>00:00</td>
<td>009</td>
<td>564</td>
</tr>
<tr>
<td>31</td>
<td>MAY-13</td>
<td>13:51</td>
<td>EMRR/T</td>
<td>GUEST ACCOUNTING</td>
<td>001</td>
<td>08:23</td>
<td>OK</td>
<td>565</td>
</tr>
<tr>
<td>32</td>
<td>MAY-13</td>
<td>13:56</td>
<td>ECM/T</td>
<td>888 541 1216</td>
<td>027</td>
<td>13:11</td>
<td>OK</td>
<td>566✓</td>
</tr>
</tbody>
</table>
Mr. Kenneth E. Sprague  
City and County of Honolulu  
Department of Wastewater Management  
650 South King Street  
Honolulu, HI 96813

Dear Mr. Sprague:

Thank you for your letter of March 10, 1997, responding to our request for comments and information needed to implement the staff’s proposed management plan for the Ewa Caprock Aquifer. We appreciate the information regarding the Department of Wastewater Management’s (DWM) projected water needs and water reclamation effort. We also have the following comments:

- We understand that you are currently limiting pumpage at Well Nos. 1902-03 & 04 to 0.5 mgd and expect to be in compliance with the 0.5 mgd allocation by October 1997. You need not accelerate the time to comply with your current allocation by using potable water for plant processes, as we agree that nonpotable water should be used for nonpotable needs, wherever possible. We wish to clarify that, to date, we have not received an application for a water use permit modification from DWM. If you still wish to increase usage of the wells by an additional 0.5 mgd, please complete and return the water use permit application form that was transmitted to you with our letter of July 30, 1996.

- We are planning to submit recommendations on Ewa Caprock actions at the next Oahu meeting of the Commission on Water Resource Management which is scheduled for May 14, 1997. As such, we are asking that you submit a water shortage plan and your response to our January 12, 1997 review comments (relating to the City’s permitted uses, the R-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water) within twenty (20) days, if at all possible, so that this information can be incorporated into the staff’s submittal.

We appreciate your continued cooperation and assistance in matters related to water resource management. If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director

LN:ss
Ms. Rae Loui  
Deputy Director  
Department of Land and Natural Resources  
Commission On Water Resource Management  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Proposed Ewa Caprock Management Plan

Thank you for your February 21, 1997 letter, providing us an opportunity to respond to the proposed Ewa Caprock Management Plan. We have currently reorganized our reuse program so that we can expeditiously meet our consent decree requirements. Because of our new organization, we may not be in a position at this time to comment fully on all issues contained in your February 21, 1997 letter. Our response follows.

Item 1 of the February 21, 1997 letter:
As of October 4, 1996, we have reduced our daily withdrawal to less than 0.5 mgd. We are supplementing our needs with potable water and have made efforts to reduce or eliminate treatment processes not considered critical at this time. In August 1996, we submitted a request for an additional 0.5 mgd, and we are also planning to take full advantage of our water reclamation capability.

Regarding our estimate of when we will be in compliance with the specified allocation, we will continue to withdrawal less than 0.5 mgd. Because the method of compliance determination incorporates a running average method, we will remain noncompliant at least until October 1997. We can accelerate the time to comply with the 0.5 mgd, 12 month running average by eliminating all well withdrawals and using potable water for our in plant processes. However, this seems contradictory to our intent of saving our valued resources. We do believe, however, that we are in compliance with our existing withdrawal permit for 500,000 gallons per day.

Item 2 of the February 21, 1997 Letter:
Because we are formulating our reuse program, we request a one month extension so that we can incorporate our reuse capabilities in our water shortage plan for WUP No. 160.

Item 3 of the February 21, 1997 letter:
As mentioned above, we are requesting a one month extension so that we can adequately respond to all comments.

Exhibit 1: Draft Ewa Caprock Management Plan, dated February 12, 1997:
Item 1 of the subject plan: Our goal is to meet our 2 mgd (R-1 quality) Consent Decree requirement by July 1, 1998 through demonstration projects. These projects consist of a combination of in-plant applications as distribution to interested parties. By June 30, 1999, we will have an additional 3 mgd of R-1 quality reclaimed water available.

March 10, 1997
Item 3 of the subject plan: We have no objections at this time to institute a chloride and flow provision for the purposes of managing the caprock water quality for individuals well.

Item 8 of the subject plan: As mentioned above, we are proposing to meet our Consent Decree requirements through demonstration projects. We suggest that expiration dates of interim permits be changed to June 30, 1999, or soon thereafter. This extension will provide us the opportunity to initiate a fee structure and to ensure we can consistently deliver R-1 quality water.

Item 10 of the subject plan: The current quarterly report sent to the Department of Health (and EPA) is required under our 309 Consent Decree. We do not believe it is necessary to forward the entire report for the Ewa Caprock Management Plan. We suggest that we submit, at the same frequency as our current Consent Decree submittals, a brief status report of our effluent reuse efforts in the Ewa area.

**Exhibits B: Chloride Sampling Protocol:**
We accept your chloride concentration sampling protocol for Ewa Caprock.

Again, thank you for the opportunity to enter our comments. We are aware that our reclamation facility will no doubt be an integral factor in managing the Ewa Caprock. We are pleased to be a part of this effort. If there are any questions, please send electronic mail (email) to Ross Tanimoto of the Division of Water Quality at mba0026@co.honolulu.hi.us or contact him at 527-6754.

Sincerely,

KENNETH E. SPRAGUE
Acting Director

cc: Department of Health, Clean Water Branch
February 21, 1997

Mr. Ken Sprague
City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

Dear Mr. Sprague:

Thank you for meeting with the Commission on Water Resource Management (Commission) staff on February 12, 1997. Again, we appreciate the group’s efforts to work towards a plan that is mutually agreeable to all users. Your work has allowed us to identify key elements for a plan that addresses users needs, while meeting the statutory objectives set forth in Chapter 174C, HRS.

As discussed at the meeting, we are planning to recommend that the Commission adopt the management approach outlined in the attached draft plan (Exhibit 1). If you find that certain aspects of the plan do not/should not apply to your current use(s) and/or proposed future use(s), you may request a variance to the proposed plan. Please provide appropriate justification and any hydrologic or other data to support your requested variance.

In order to implement the proposed management plan, the following required information and actions are needed from the Department of Wastewater Management (DWM):

1. Your response to our letter of July 30, 1996 (Exhibit 2). We understood, from your letter of July 18, 1996, that DWM was planning to apply for additional water use (Exhibit 3). From a subsequent telephone conversation with Tim Steinberger, we understood that the Wastewater Treatment Plant was going to cease recently-implemented treatment process(es) that caused water usage to double. Attached is a graph of usage at Well Nos. 1902-03 & 04 (Exhibit 4) that shows the latest 12-month moving average withdrawal is still in excess of the allocation for the wells. We reiterate the request made in our letter of June 20, 1996 (Exhibit 5) to provide an estimate for the length of time that you will need to come into compliance with the terms of your permit.
2. A water shortage plan for WUP No. 160 that outlines how water usage will be reduced in the event of a shortage. We request that you quantify the reduction in water use that may be sustained during a declared water shortage and provide a brief description of how you plan to effect such reduction. (The State Water Code requires the Commission to formulate a comprehensive area-wide water shortage plan that will be implemented during periods of water shortage. We appreciate any input you may provide towards deriving some plan for a water shortage situation that shall be adopted by the Commission.)

3. Your response to our January 12, 1997 review comments relating to the City's permitted uses, the K-1/R-2 facility upgrade, recharge trench, and commitments and plans for conversion of the City Golf Courses and treatment plant to reclaimed water (Exhibit 6).

We are planning to submit recommendations to the Commission at the March 12, 1997 meeting to adopt the Puuloa, Kapolei, and Malakole Aquifer System boundaries (Exhibit 7) and to adopt a 1,000 mg/l chloride cap for individual wells instead of a sustainable yield number. We plan to recommend that the Commission require that any new permit adhere to the attached chloride sampling protocol (Exhibit 8). Recommendations on an allocation plan will be made at a following meeting.

We ask that you submit the items and information requested above by March 10, 1997. Your comments on the proposed management plan are encouraged.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI
Deputy Director

LN:ju
Attachments
1. Reclaimed water is the only way to address the overallocation problem. In addition, reclaimed water must supply some future needs since the forecasted usage of nonpotable water by users in the Puuoa Aquifer System will be at least 10 mgd by 2001, exceeding the caprock availability. We assume that there is a commitment by the users to utilize reclaimed water to meet some of these needs. We are also assuming 2.0 mgd of R-1 will come in to supplement the caprock by July 1, 1998, and 4.0 mgd by July 1999. The situation will be reevaluated at that time.

2. Boundaries for three aquifer systems will be adopted.

3. Instead of a sustainable yield number, protection and management of caprock water quality will be by chloride standards for individual wells based on pump test or historic data.

4. Applicants for new usage can apply for well construction permits first. Based on the pump test, set the pump size and chloride cap and check reasonable-beneficial quantity. The Pump Installation and Water Use Permits can be applied for after that.

5. Agricultural permit holders will be asked to provide information on remaining agricultural acreage and to conduct a pump test according to a protocol established by the Commission.

6. Permit amounts for four years of non-use will be revoked.

7. Unused one-year interim Water Use Permits will not be renewed. Applicants can reapply when the usage is imminent.

8. Permits will be issued for remaining one-year interim Water Use Permits for a term to expire upon completion of the R-1 facility in July 1998 or soon thereafter. A condition of the permits will be that Gentry, Haseko, HPGC, and EBIWG negotiate and enter into further definite agreements regarding the purchase of reclaimed water according to the table on page 27 of the PCUG Report.

9. The Commission will formulate a water shortage plan for implementation during periods of water shortage. The plan will be prepared by aquifer system and propose restrictions on one or more classes of permits.

10. The City WWU will provide to the Commission, as a means to track the progress of the R-1 facility, the quarterly reports that are submitted to the Dept. of Health.
Mr. Felix Limtiaco
City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

Dear Mr. Limtiaco:

Water Use Permit Violation
Well Nos. 1902-03 & 04 (WUP No. 160)
Ewa Caprock Ground Water Management Area, Oahu

Thank you for your letter of July 18, 1996, informing us of your plans to submit a request for additional allocation to meet the Honouliuli Wastewater Treatment Plant’s current water demands.

We have enclosed a water use permit application form for your use. Please complete the application form and return it to our office within thirty (30) days.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI
Deputy Director

LN:ss
Enclosure
July 18, 1996

Ms. Rae M. Loui
Deputy Director
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Notice of Water Use Permit Violation
Well Nos. 1902-3 and 4 (WUP No. 160)
Ewa Caprock Ground Water Management Area

We respectfully submit the following response to your June 20, 1996 Notice of Water Use Permit Violation.

Over the past two years the Honouliuli Wastewater Treatment Plant has undergone some major expansion and process changes that have increased its demand for ground water.

The following is a summary of the major changes:

1. A polymer system that uses approximately 100,000 gallons per day was installed to help the plant meet its National Pollutant Discharge Elimination System Permit Limitations.

2. One of the treatment plant's preaeration basins was converted to an activated sludge basin requiring the use of approximately 50,000 gallons per day of water.

3. Water demands for irrigation have sharply increased due to the landscaping that was added for plant beautification of the expanded plant.
The Department of Wastewater Management is currently planning to build an effluent re-use facility that will greatly reduce the plant’s ground water usage. In the interim, we will be submitting a request to the Commission on Water Resource Management for an additional 500,000 gallons per day to meet the plant’s current water demands.

Please be assured that we are making every effort to conserve this valuable resource. Should you have any further questions, please contact Mr. Allen Perry at 681-3347, extension 106.

Sincerely,

FELIX B. LIMTIACO
Director
Mr. Felix Limtiaco  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King Street, 3rd Floor  
Honolulu, Hawaii 96813

Dear Mr. Limtiaco:

Notice of Water Use Permit Violation  
Well Nos. 1902-03 & 04 (WUP No. 160)  
Ewa Caprock Ground Water Management Area, Oahu

Reported monthly pumpage at Well Nos. 1902-03 & 04 show that the current twelve-month moving average withdrawal is in excess of the 0.5 mgd allocation that was approved by the Commission on Water Resource Management at its meeting of March 15, 1990.

Please provide an explanation for the overpumpage and an estimate for the length of time that you will need to come into compliance with the terms of the permit. We request that you submit a written response to this letter by July 15, 1996.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ss
Honouliuli WWTP Groundwater Withdrawal
Well Nos. 1902-03,04

pumpage (mgd)

monthly withdrawal  12-MAV  permitted withdrawal

0  1  2  3  4

Jan 94  Jan 95  Jan 96

date (latest data 12/96)
TO: PCUG Members
FROM: Rae M. Loui, Deputy Director
Commission on Water Resource Management
SUBJECT: Comments on the Draft Puuloa Nonpotable Water Master Plan, January 22, 1997

Based on a preliminary review of the subject report, we have the following comments:

- Pg. 2, para 3 - refers to development projects which have immediate need but no necessary water use permits. It would be helpful to list and quantify these unmet specific project water needs.

- Pg. 4 - The list of PCUG members doesn't include the State, yet the signature page shows HFDC. On Table 1, only the State’s Puuloa Mauka lands are represented, what about the rest of the state’s interests in Puuloa?

- Pg. 5 - Users/potential users who are NOT part of PCUG include Ewa Villages, West Loch Golf Courses, and Campbell Estate but:

  How can PCUG commit to conversion of the City Golf Courses (1.8 mgd) by 7/99 (pg. 1) if the City golf courses aren’t part of PCUG?

  How can the plan state that Table 1 is comprehensive in terms of demand projections (pg. 3) if Campbell Estate, which owns considerable undeveloped lands, is not participating? How was the demand for Campbell lands estimated?

- Pg. 5 - What is the basis for excluding all Gentry wells & the USFWS from the commitment? What are they exempted from, the sharing in the cost of reclaimed water? We need a rational basis for the exemptions because other users may also want to be exempt. Pg. 28 states that 9 Gentry wells are excluded from the requirements of R-1 water delivery, but must comply & conform to all other requirements of the Master Plan. Then shouldn’t these users be part of PCUG?

- Pg. 7, Exhibit B (well location), & Table 2 - the FGE & BC monitor well locations are described but not shown on map (exhibit 2).

- Pg. 21 - Was the Notice to Proceed issued in 12/96?

- Pg. 21 - If the capital costs for the R-1/R-2 facility upgrade will be financed through DWM’s CIP, should this information be included as an appendix?
Memo to PCUG Members

Page 2 of 2 1997

- Pg. 19 - states small scale demonstration projects for both direct and indirect use will proceed, but the last sentence on pg. 22 states that a demonstration aquifer recharge will be "evaluated to serve as an alternative to the R-1/R-2 facility".

- Pg. 26, 3rd paragraph - A correct statement would be that "the CWRM has indicated that a commitment to reclaimed water is the only means by which the over-allocation problem may be resolved, short of ratcheting back allocations in the caprock".

- Pg. 27, 2nd table:

  Which Gentry wells will be converting to R-1 (so we can specify the duration of these interim permits to coincide with the availability of R-1 water)?

  Gentry shows a commitment to convert to 0.72 mgd by 2001, yet Table 1 shows 2001 projected need for 1.6 mgd; does this mean that the difference, 0.88 mgd (an increase of 0.278 mgd over current allocation) will be supplied from the caprock? from which wells?

  Haseko shows commitment to convert to 0.80 mgd by 2001, while Table 1 shows an ultimate demand for 2.0 mgd in the caprock, does that mean that 2.96 mgd (4.16 - 1.2) can be revoked in 2001? and 2.16 can be revoked immediately?

  For HPGC & EBIGC, is it reasonable to use this table as a schedule for caprock allocation reductions? Which EBIGC allocation to reduce?

- Pg. 28, 2nd paragraph - How will Gentry manage transfers in the future if the Homeowners Associations are not part of this plan or group? Also, are commitments permanent or temporary?

- Pg. 28, 3rd paragraph - We have concerns regarding this disclaimer, which holds the City to the financing and construction schedule.

- Pg. 28, B. - "commits" the City Golf Courses to using R-1 in 2000-2001, but pg. 5 stated that the City Golf Courses are not part of PCUG.

- Pg. 29, Table:

  There is a discrepancy in the City golf course conversion: pg. 1 states both courses will convert (1.8 mgd) by 7/99, but the table on pg. 29 shows only 1.5 mgd conversion by 7/99 (is this 1.0 for WWTP and only 0.5 for golf courses?)

  Also, the total City usage is 2.8 mgd (1.0 for WWTP & 1.8 for courses), yet there is only a commitment for 2.0 mgd.

- Pg. 29, Navy lands:

  BPNAS is still in negotiations. If they commit to 0.7 mgd R-1, then a statement to the effect that the allocation for Barbers Pt. shaft be reduced by 0.7 mgd should also amend this plan.

  Since Solenberger's lease went through, does this mean the Navy's Ag lands won't be using any reclaimed water?
Memo to PCUG Members

USFWS exemption is further clarified, i.e. no commitment to R-1 delivery, but what about cost-sharing for the recharged caprock aquifer? Also, if water needs are NOT salinity dependant can the USFWS use west Loch ocean water or modify the existing caprock source to lessen impact on brackish lens?

- Pg. 30, para 3 - What does 'all caprock users' mean for those sharing in the reclaimed water cost - non-PCUG members too? Future caprock users?

- Pg. 32 para. 5 - It should be made clear that managing at the well head (i.e. pumped water from caprock alone) is subject to any standard chloride limit and NOT some mix of caprock water and reclaimed water.

- Pg. 33 - There is still no clear resolution of the over-allocation. The plan suggests that the CWRM must continually juggle (via written agreements?) the 15 mgd permitted use with individual users actual needs. We find this proposal to be unduly burdensome. In addition, we are concerned that the current group members may change over time.

- Pg. 34 - states "all nonpotable users in the Puuloa sector" (whether they are part of PCUG or not?) shall contribute to the balance of the development cost if the total development cost of the R-1 effluent pipeline distribution system exceeds available Consent Decree funds. Are nonmembers of PCUG, the Navy (pg. 36), Gentry Homeowners, and USFS exempt from this provision also?

- Pg. 34 - Gentry plans to increase usage by 1 mgd in two years, but given their past record (actual use is only 0.3 mgd), is it possible to juggle Gentry's current allocations (0.602 mgd) to cover the next 2 years? We reiterate listing projects which do not have necessary water use permits.

- Pg. 35 - The agreements not to pump will have to specify no pumpage until re-use replaces caprock allocations.

- Pg. 36 - Didn't Solenberger's lease go through? If so, the plan needs to be amended already (proposing a 7 mgd pumping limit?).

- Pg. 37 - The allocation plan (Table 8) is only looking to ending of 1998. There is still no clear resolution of the over-allocation situation.

- Pg. 39 - Has Campbell agreed to the phasing out of it's agricultural allocation?

- Doesn't look like the 309 consent decree will be met.

- City signature - who is ultimately responsible, the mayor?

- Need to clarify Gentry's option to purchase Campbell land.
1. Sample Collection

   • Sampling Schedule

     The sampling schedule depends upon your pump capacity:

     | Pump Capacity (gpm) | Sampling Schedule   |
     |---------------------|---------------------|
     | Less than or equal to 50 | Once a month        |
     | Greater than 50     | Once a week         |

   • When to Sample

     Before taking a sample, allow a minimum length of time to elapse after turning on the pump. This minimum time can be read off the attached table for your well casing diameter and your pump capacity. If you sample 20 minutes after the minimum time, you should consistently sample 20 minutes after the minimum time each time you take samples.

   • Sample Bottle

     Use a plastic container and cap that holds a volume of about a pint. Rinse the container three times with the water to be sampled before taking the sample. Also rinse the cap with sample water.

   • Labeling

     On the sample bottle, affix a label that contains the following information:

     Well No.
     Date
     Time Sampled
     Elapsed Time after pump on
     Sampler's Name
     Water Temperature (if available)
     Pumping Rate (prior to sampling)
2. Determination of Chloride Concentration

- Private Laboratories

If the sample is sent to a private laboratory, then prepare the water sample and label the bottle in the manner described above.

Private laboratories will use methods that are more accurate than field methods described below.

- Hach Kit (Drop Count Titrator)

Be aware of the approximate chloride concentration range in your well. Use the appropriate sample bottle for titration. Be consistent with the end-point color change.

For low chloride concentrations (5-100 mg/l) each drop will equal 5 mg/l. For higher concentrations (20-400 mg/l) each drop equals 20 mg/l. Other kits for concentrations greater than 400 mg/l (500-10,000 mg/l) each drop is equal to 500 mg/l. Obviously, for water greater than 400 mg/l, a "drop-count" Hach Kit is not appropriate, and a digital titrator, described below, should be used.

- Hach Kit (Digital Titrator)

A digital titrator is the appropriate method for water with greater than 400 mg/l chloride. A digital titrator using silver nitrate is accurate to within 10 mg/l for a chloride range from 10-10,000 mg/l, and for a titrator using mercuric nitrate accuracy varies from 0.1-20 mg/l for a chloride range of 10-8,000 mg/l.

Note: Be consistent with the end-point color. Silver nitrate ages and needs to be replenished within the recommended guidelines of the Hach Company.

- Other Methods

An ion-selective probe for chloride is available, and can measure concentration from 1.8-35,500 mg/l.
3. **Reporting Results**

**How to Report**

The following information should be entered on the "Monthly Ground Water Use Report" form provided by the Commission on Water Resource Management:

1. Chloride concentration (mg/l) and temperature (°F) in the columns provided.

**Under "Notes" Section of the Monthly Water Use Report:**

2. Method used for chloride analysis: ____________

3. Total elapsed time before sampling: ____________

If there are any questions, please call the Commission on Water Resource Management staff at 587-0265 on Oahu or toll free from the neighbor islands 1-800-468-4644 ext. 70265.
### FIVE WELL VOLUMES\(^1\) PLUS 60 MINUTES
MINIMUM TIME BEFORE CHLORIDE SAMPLING

<table>
<thead>
<tr>
<th>CASING DIAMETER (in.)</th>
<th>PUMP CAPACITY (gpm)</th>
<th>MINIMUM TIME (min.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>10-20</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>110</td>
</tr>
<tr>
<td>8</td>
<td>10-20</td>
<td>190</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>125</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>85</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>&gt;250</td>
<td>75</td>
</tr>
<tr>
<td>12</td>
<td>10-20</td>
<td>360</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>210</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>68</td>
</tr>
<tr>
<td>16</td>
<td>10-20</td>
<td>560</td>
</tr>
<tr>
<td></td>
<td>20-50</td>
<td>310</td>
</tr>
<tr>
<td></td>
<td>50-100</td>
<td>160</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>110</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>70</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>65</td>
</tr>
<tr>
<td>20</td>
<td>50-100</td>
<td>220</td>
</tr>
<tr>
<td></td>
<td>100-250</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>250-500</td>
<td>95</td>
</tr>
<tr>
<td></td>
<td>500-700</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>700-1000</td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>&gt;1000</td>
<td>72</td>
</tr>
</tbody>
</table>

\(^1\) Assumes saturated well depth of 100 feet.

\(^2\) Five well volumes is a standard guideline recommended by EPA.
Mr. Felix Limtiaco  
City and County of Honolulu  
Department of Wastewater Management  
91-1501 Geiger Road  
Ewa Beach, HI 96706  

Dear Mr. Limtiaco:

Water Use Permit Violation
Well Nos. 1902-03 & 04 (WUP No. 160)
Ewa Caprock Ground Water Management Area, Oahu

Thank you for your letter of July 18, 1996, informing us of your plans to submit a request for additional allocation to meet the Hounouliuli Wastewater Treatment Plant's current water demands.

We have enclosed a water use permit application form for your use. Please complete the application form and return it to our office within thirty (30) days.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

[Signature]

RAE M. LOUI  
Deputy Director

LN:ss  
Enclosure
July 18, 1996

Ms. Rae M. Loui
Deputy Director
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Loui:

Subject: Notice of Water Use Permit Violation
Well Nos. 1902-3 and 4 (WUP No. 160)
Ewa Caprock Ground Water Management Area

We respectfully submit the following response to your June 20, 1996 Notice of Water Use Permit Violation.

Over the past two years the Honolulu Wastewater Treatment Plant has undergone some major expansion and process changes that have increased its demand for ground water.

The following is a summary of the major changes:

1. A polymer system that uses approximately 100,000 gallons per day was installed to help the plant meet its National Pollutant Discharge Elimination System Permit Limitations.

2. One of the treatment plant’s preaeration basins was converted to an activated sludge basin requiring the use of approximately 50,000 gallons per day of water.

3. Water demands for irrigation have sharply increased due to the landscaping that was added for plant beautification of the expanded plant.
The Department of Wastewater Management is currently planning to build an effluent re-use facility that will greatly reduce the plant's ground water usage. In the interim, we will be submitting a request to the Commission on Water Resource Management for an additional 500,000 gallons per day to meet the plant's current water demands.

Please be assured that we are making every effort to conserve this valuable resource. Should you have any further questions, please contact Mr. Allen Perry at 681-3347, extension 106.

Sincerely,

FELIX R. LIMTIACO
Director
Mr. Felix Limtiaco  
City and County of Honolulu  
Department of Wastewater Management  
650 S. King Street, 3rd Floor  
Honolulu, Hawaii 96813

Dear Mr. Limtiaco:

Notice of Water Use Permit Violation  
Well Nos. 1902-03 & 04 (WUP No. 160)  
Ewa Caprock Ground Water Management Area, Oahu

Reported monthly pumpage at Well Nos. 1902-03 & 04 show that the current twelve-month moving average withdrawal is in excess of the 0.5 mgd allocation that was approved by the Commission on Water Resource Management at its meeting of March 15, 1990.

Please provide an explanation for the overpumpage and an estimate for the length of time that you will need to come into compliance with the terms of the permit. We request that you submit a written response to this letter by July 15, 1996.

If you have any questions, please contact Lenore Nakama at 587-0218.

Sincerely,

RAE M. LOUI  
Deputy Director

LN:ss
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 981
HONOLULU, HAWAII 96809

FACSIMILE TRANSMITTAL PAGE

Please deliver the following pages to:

Name: NICK MUSICO, PLANT SUPERINTENDENT
Company: COUNTY OF HONOLULU, HONOLULU SEWAGE TREATMENT PLANT
From: NEAL FUJII
Date: AUG 13, 1993  Time: 10:00

Message: Here is the water use report form. We would appreciate it if you could send us any additional information on the well water such as chlorides.

Total number of pages (including Transmittal Page): 2

If you do not receive all of the pages legibly, please call back: (808) 587-0264

Sending Facsimile Number: (808) 587-0219
Receiving Facsimile Number: ( ) 641-5459

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE) WAS SENT

** COUNT **
# 2

*** SEND ***

<table>
<thead>
<tr>
<th>No</th>
<th>REMOTE STATION I.D.</th>
<th>START TIME</th>
<th>DURATION</th>
<th>#PAGES</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6815459</td>
<td>8-13-93 9:53AM</td>
<td>1'50&quot;</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

TOTAL 0:01'50"  2 XEROX TELECOPIER 7020
MONTHLY GROUND WATER USE REPORT FOR

C & C HONOLULU DWWM
650 SOUTH KING STREET
HONOLULU, HI 96813

Month of ________, 19__

Date Measurement(s) Taken

INSTRUCTIONS: Please TYPE OR PRINT CLEARLY. Complete this form to report total monthly ground water use, and, if required, other information from each of your well sources. Mail to: Commission on Water Resource Management, P.O. Box 621, Honolulu HI 96809. For assistance, please call 587-0265 (Oahu only) or 1-800-468-4644 (neighbor islands).

<table>
<thead>
<tr>
<th>State Well No.</th>
<th>Well Name</th>
<th>Quantity Pumped (gallons)</th>
<th>Method of Measurement</th>
<th>Chloride (mg/l)</th>
<th>Temp. (°F)</th>
<th>Water Level (ft. above msl)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1902-03</td>
<td>HONOLULI STP 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Other comments or additional information:

Submitted by (print) __________________________________ Title __________________________
Signature __________________________________________ Date ____________________________

When possible, please return two (2) completed copies of this form to the address above.
REGULATION BRANCH
Commission on Water Resource Management

FROM: LENDRE         DATE: 7/29/93         FILE IN: __________________________

TO:                INIT: _______
- E. SAKODA ______ K. Oshiro
- D. Higa ______ R. Hardy
- J. Zhang ______

PLEASE: ____________
- Please: Please see the attached documents. 
- Call: Call the following numbers:
  - Review & Comment: 555-555-5555
  - Take Action: 555-555-5555
  - Investigate & Report: 555-555-5555
  - Draft Reply: 555-555-5555
  - Acknowledge Receipt: 555-555-5555
  - Type Draft: 555-555-5555
  - Type Final: 555-555-5555
  - Xerox: 555-555-5555 copies

REMARKS: ____________
- PAUL ASKED ME TO RETURN A CALL TO ANDREW AMURO OF GMP 521-4: RE: STATUS OF WUPA FOR 1902-02 HONOLULU.
  - I INFORMED HIM THAT HIS WUPA WAS APPROVED ALONG W/A WELL CONSTRUCTION PERMIT.
  - HE ALSO ASKED WHETHER THE CLM HAD EVER RE-SUBMITTED THEIR PUMP INSTALL PERMIT. THERE IS NONE IN THE FILE. SHOULD WE NOTE THAT THEY SHOULD SEND I

FOR YOUR: ____________
- R. LOUI ______ S. Kokubun
- G. MATSUMOTO ______ Y. SHIROMA

C000024

Please note:
- Pump installation permit
  - OK - a pump somewhere in the database
- He also asked me to fax atta
City & County of Honolulu
Division of Wastewater Management
650 S. King Street
Honolulu, Hawaii 96813

Gentlemen:

I am pleased to inform you that the Commission on Water Resource Management approved your application for a water use permit and well construction permit for the Honolulu Wastewater Treatment Plant Caprock Well (Well No. 1902-03) at its meeting on March 15, 1990.

The permit is being prepared and will be sent to the Attorney General for review prior to being issued.

If you have any questions, please call Manabu Tagomori at 548-7533.

Very truly yours,

WILLIAM W. PATY

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE) WAS SENT

** COUNT **
# 1

SEND ***

<table>
<thead>
<tr>
<th>REMOTE STATION I.D.</th>
<th>START TIME</th>
<th>DURATION</th>
<th>#PAGES</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>808 538 3269</td>
<td>3:51PM</td>
<td>0:52'</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>0:00'52&quot;</td>
<td>1</td>
<td>XEROX TELECOPIER 7020</td>
</tr>
</tbody>
</table>

CO0023
City & County of Honolulu  
Division of Wastewater Management  
650 S. King Street  
Honolulu, Hawaii 96813

Gentlemen:

I am pleased to inform you that the Commission on Water Resource Management approved your application for a water use permit and well construction permit for the Honouliuli Wastewater Treatment Plant Caprock Well (Well No. 1902-03) at its meeting on March 15, 1990.

The permit is being prepared and will be sent to the Attorney General for review prior to being issued.

If you have any questions, please call Manabu Tagomori at 548-7533.

Very truly yours,

WILLIAM W. PATY
"...therefore, the drawdown would be several feet, at about a million gallons per day."

Unanimously approved with amendment (Cox/Nakata).

ITEM 2 CITY AND COUNTY OF HONOLULU, DIVISION OF WASTEWATER MANAGEMENT APPLICATION FOR A WATER USE PERMIT, HONOLULU WASTEWATER TREATMENT PLANT, OAHU

Mr. Sakoda amended the application to show it is also for a well construction permit.

Mr. Cox asked if the standard conditions for a well drilling permit shouldn't be added if the Commission is approving a drilling permit. Mr. Sakoda replied that he had forgotten to add the well construction permit into the application. Therefore, he planned to put in the details of the well construction on the permit itself. He added that the water use permit is the more important permit because this project is in the water management area.

Mr. Cox voiced his concern that if Oahu Sugar's efforts are not successful in putting enough recharge for the aquifer, he felt this well should be the first to be cutback because the amount is close to the sustainable yield.

Chairperson Paty asked what the timeframe was for the Oahu Sugar lands to be taken out of production. Mr. Sakoda replied that the proposed schedule for the basal aquifer is for five years, but that the specifics are not that clear. He added that Condition 1 was specifically put into the permit to let the user know of the concern of the water in that area.

Mr. Tagomori added that there is a program underway dealing with the Honouliuli Sewage Treatment plant to recycle the effluent. A feasibility study has been completed by the joint effort of Campbell Estate, the City, the UH Water Resource Research Center, and the Department of Health. The study shows that the advanced primary treated sewage can be used to recharge the aquifer. The planning and design phase of the project will be initiated later in the year. The other project that will be recharging the caprock is the damming of Westloch.

Dr. Lewin added that in terms of using the advanced primary for recharge, there may be some objections from EPA, therefore research will be very important.

Dr. Lewin asked who was using the caprock water at the present time. Mr. Tagomori replied that Oahu Sugar was the primary user and Mr. Sakoda added that all the golf course projects in the area would also be using the caprock water.

Unanimously approved with amendment (Lewin/Cox).

ITEM 3 FINANCE REALTY APPLICATION FOR A WATER USE PERMIT, MAKAKILO GOLF COURSE WELL, MAKAKILO, OAHU

In discussions with staff, the Board of Water Supply asked that a correction be made that the chloride content of the water be 200 ppm or less, instead of 160 ppm.

In answer to Mr Cox's question on who owns the well makai of the proposed well, Mr. Sakoda said it is an old Oahu Sugar well that is no longer being used.
March 15, 1990

Chairperson and Members
Commission on Water Resource Management
State of Hawaii
Honolulu, Hawaii

Gentlemen:

City & County of Honolulu
Division of Wastewater Management
Application for a Water Use Permit
Honouliuli Wastewater Treatment Plant, Oahu

Applicant:
City & County of Honolulu
Division of Wastewater Management
650 S. King Street
Honolulu, Hawaii 96813

Landowner:
Same

Action Requested: Approval of a water use permit to use 0.5 million gallons per day (mgd) from Honouliuli Wastewater Treatment Plant Caprock Well (Well No. 1902-03) for in-plant process water for the Honouliuli WWTP.

Source of Water Supply: Caprock aquifer, Pearl Harbor Water Management Area.

Project Location: The Honouliuli WWTP is located at East Hanson Road and Geiger Road, adjacent to Barbers Point NAS, Honouliuli, Ewa, Oahu.

Proposed Water Use: In-plant process water for the WWTP.

Water Availability and Impact on Surrounding Wells: The well is located in the Honouliuli-Puuloa Sector of the Caprock Aquifer. Sustainable yield under current conditions is about 10 to 15 mgd. Caprock water use in the area, mainly from Oahu Sugar Company sources, is about 14 mgd. In the future, as fields are removed from sugar cane cultivation, the sustainable yield is expected to be less than 10 mgd. The continued use of water from the Caprock Aquifer in the future will depend upon the ability of the water users to find a source of recharge to the aquifer such as treated sewage effluent. Without such a supplemental source of recharge, the caprock resource will eventually become too saline to be used.

Public Notice: In accordance with DLNR Administrative Rules, a public notice was published in the Star Bulletin on January 31 and February 7, 1990. In addition, copies of the public notice were sent to the Mayor’s office, the Department of Health, the Honolulu BWS, Oahu Sugar Company, and to The Estate of James Campbell. Written objections to the proposed permit were to be submitted to the Commission by February 22, 1990. The Board of Water Supply recommended approval of the permit. Oahu Sugar Company did not have any specific objection to the permit but expressed concern regarding the administration of the aquifer and the importance of increasing recharge to the aquifer to maintain its present quality. No other comments or objections have been filed.
Chairperson and Members  
Commission on Water Resource Management  
March 15, 1990

RECOMMENDATION:

That the Commission approve the issuance of a water use permit to the applicant to use 0.5 mgd of brackish caprock water for in-plant process use from Well No. 1902-03, subject to the following conditions:

General Conditions

(1) The water use authorized by the permit must be for the reasonable-beneficial use described in the permit.
(2) The use must not interfere with any existing legal use of water.
(3) Modification of any permit condition must be approved by the Commission.
(4) The applicant must comply with all other applicable laws, rules, and ordinances.

Additional Conditions

(1) The permit shall be subject to the Chairperson's approval of a water use plan recommending possible measures to prevent or minimize saltwater contamination of the Caprock Aquifer and establish courses of action to prevent the aquifer from becoming too saline to use. The applicant must comply with the approved plan.
(2) An approved flowmeter must be installed to measure withdrawals and a record of the withdrawals must be kept and reported.
(3) The development of the ground water source shall be completed within 24 months from the date of permit issuance.

Respectfully submitted,

MANABU TAGOMORI  
Deputy Director

APPROVAL FOR SUBMITTAL:

WILLIAM W. PATTY, Chairperson
HONOLULU WWTP CAPROCK WELL
(Well No. 1902-03)
Mr. William W. Paty, Chairperson
Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Paty:

Subject: Your Letter Dated February 7, 1990 on Public Notice of Applications for Water Use Permits in the Pearl Harbor Water Management Area for the Honouliuli Wastewater Treatment Plant and for Finance Realty

Thank you for the opportunity to comment on these applications for water use permits.

We recommend approval of the permit for the caprock well to be used for plant use at the Honouliuli Wastewater Treatment Plant. Use of the caprock water in the plant will conserve potable water for other uses.

We recommend the application by Finance Realty to develop a caprock well for golf course irrigation mauka of the H-1 freeway be approved on the condition that the water will be used on the golf course only if the chloride is 160 ppm or less. Although we encourage use of caprock water for irrigation, the area of intended application would permit infiltration of the lower quality caprock water into the Waianae aquifer which supplies potable water to the Navy and the Board of Water Supply. This is simply a case where the use of brackish caprock water for irrigation should only be allowed if it does not harm the quality of Pure Water... man's greatest need – use it wisely
March 7, 1990

City and County of Honolulu
Division of Wastewater Management
650 South King Street
Honolulu, Hawaii 96813

Gentlemen:

Application for a Water Use Permit
Honolulu Wastewater Treatment Plant, Oahu

The Commission on Water Resource Management will be acting on your permit application for the Honolulu Wastewater Treatment Plant Caprock Well (Well No. 1902-03) at its meeting on Thursday, March 15, 1990, 2:00 p.m., at the Kona Surf Hotel, Mauna Kea Room, 78-128 Ehukai Road, Kailua-Kona, Hawaii.

Your application will be included on the agenda as Item 2 (enclosed).

You or your representative are invited to attend the meeting.

Sincerely,

MANABU TAGOMORI
Deputy Director

ES:ko
Encl.
Mr. William W. Paty  
Page 2  
February 20, 1990

the water in the aquifer beneath the area being irrigated. Otherwise, the developer should be required to desalinate the water so the chloride does not exceed 160 ppm.

If you have any questions, please contact Chester Lao at 527-5276.

Very truly yours,

FOR KAZU HAYASHIDA  
Manager and Chief Engineer
Mr. Manabu Tagomori  
Deputy Director  
Commission on Water Resource Management  
Division of Land and Natural Resources  
P. O. Box 373  
Honolulu, Hawaii  96806  

Dear Manabu:

Subject: Comments on Water Use Permit Applications by City and County of Honolulu, Division of Wastewater Management and Finance Realty for Ewa Caprock Aquifer Water

Thank you for giving us the opportunity to comment/object to the subject water use permit applications.

Oahu Sugar Company, Limited (OSCo) does not have specific objections to the granting of water use permits for the subject projects. We do have general concerns that use of caprock water by non-traditional users will have an adverse impact on OSCo's operations and profitability. We would like to take this opportunity to comment on the general status of the Ewa caprock aquifer, which in turn we hope will have an effect on your consideration of the subject water use permit applications.

Our first concern is in regards to the administration of the aquifer. The administration of the caprock aquifer by the commission has not been clearly defined or consistent. Strictly speaking, OSCo does not have any permits to use any water from the aquifer, yet it pumps water from the aquifer with the full knowledge and understanding of the commission and its staff. In years past, the rationale has been, "because the hydrology of the caprock sub-area has not been clearly established, hence the sustainable yield and hence the allowable pumpages cannot be established--existing uses would be allowed to continue without regulation until these limits have been established." Yet the Board of Land and Natural Resources and the Commission have issued permits to new users in the aquifer. Our concern is these new permits could be used to establish a higher, more vested right to use caprock water by the newcomers than the rights ascribed to OSCo under previous understandings. It should be pointed out that the caprock aquifer resource was created by OSCo and its predecessor, Ewa Plantation Company, and its continuance is solely dependent on
Ewa Plantation Company, and its continuance is solely dependent on OSCo (by its continued irrigation recharge). It would be grossly unfair that use of a resource created and maintained by sugar, should be usurped by non-sugar users. OSCo desires to be kept abreast of your plans and intentions for administration of the caprock aquifer, so that we can plan for a continued source of irrigation water.

Our other comment is in regard to the continuance of the caprock aquifer as a viable source of water, especially for non-potable municipal use. As you know, due to changes in land use, irrigation methods and related policies, the amount of recharge to the aquifer has decreased and the net draft from the aquifer has probably increased. In order to maintain the present quality of water, the present withdrawals and the further proposed withdrawals, recharge to the aquifer will have to be increased, immediately. The water commission must assign priority to increasing recharge to this aquifer, if as the commission desires, the aquifer is to become a major source of non-potable municipal water. We cannot overemphasize the urgency of this matter.

We urge the commission and staff in considering these water use permit applications to keep our comments in mind. You must carefully weigh the impacts of granting these permits on the existing users and on the overall hydrology of the caprock aquifer. Thank you for the opportunity to present our comments regarding the Ewa caprock aquifer. Please feel free to call me to discuss these concerns in further depth.

Very truly yours,

W. D. Balfour, Jr.
Vice President and Manager

WDB/HM:yk
xc: Mr. Bill Paty
February 14, 1990

Mr. William W. Paty, Chairperson
Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Paty,

Subject: Your Letter Dated February 7, 1990 on Public Notice of Applications for Water Use Permits in the Pearl Harbor Water Management Area

Thank you for the opportunity to comment on the City's Division of Wastewater Management and Finance Realty's applications for water use permits.

I have asked the Board of Water Supply to respond directly to your Commission on the permit applications.

Warm personal regards.

Sincerely,

FFF:do
Honorable Frank F. Fasi  
Mayor, City and County of Honolulu  
City Hall  
Honolulu, Hawaii 96813

Dear Mayor Fasi:

Public Notice for Water Use Permit Applications  
Pearl Harbor Water Management Area, Oahu

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-171-17(a), we are sending you a public notice which was published in the Star Bulletin.

If you have any comments, please submit them to us by February 22, 1990.

Very truly yours,

WILLIAM W. PATY

Enc.
PUBLIC NOTICE FOR WATER USE PERMIT APPLICATIONS
PEARL HARBOR WATER MANAGEMENT AREA, OAHU

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-171-17(a), we are sending you a public notice which was published in the Star Bulletin.

If you have any comments, please submit them to us by February 22, 1990.

Very truly yours,

WILLIAM W. PATY

Enc.
**Publication of Legal Notice**

Notice of Applications for Water Use permits "Pearl Harbor Water Management Area, Oahu"

Honolulu Star-Bulletin issues of January 31 and February 7, 1990

If you have any questions, contact Faith at 548-7619

Refer to Price List No. PL89-48

<table>
<thead>
<tr>
<th>QUAN.</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>OBJECT</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Publication of Legal Notice</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Notice of Applications for Water Use permits &quot;Pearl Harbor Water Management Area, Oahu&quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Honolulu Star-Bulletin issues of January 31 and February 7, 1990</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>If you have any questions, contact Faith at 548-7619</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Refer to Price List No. PL89-48</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**GOODS/SERVICES RECEIVED IN GOOD ORDER AND CONDITION**

**AUTHORIZED SIGNATURE**

**REQUISITION NO.**

00087244

**FOR DEPARTMENT USE ONLY**

**REQUISITIONER**

548-7619

**TELEPHONE**

**VOUCHER NUMBER**

AUTHENTICATED BY:

A. FUKUCHI

**VENDOR NUMBER**

117494

**OBJEKT DATA**

<table>
<thead>
<tr>
<th>SFX</th>
<th>TC</th>
<th>F</th>
<th>YR</th>
<th>APP</th>
<th>D</th>
<th>OBJECT</th>
<th>CC</th>
<th>PROJ NO</th>
<th>PH</th>
<th>ACT</th>
<th>ESTIMATED COST</th>
<th>ACTUAL COST</th>
<th>M</th>
<th>R</th>
<th>OPT DEPT DATA</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>621</td>
<td>G</td>
<td>90</td>
<td>043</td>
<td>C</td>
<td>4000</td>
<td>0741</td>
<td>0000000</td>
<td>00</td>
<td>076</td>
<td>250 00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**COPY #7 - DEPARTMENT**

STATE ACCOUNTING FORM C-03
JULY 1, 1983 (REVISED)
PUBLIC NOTICE

Applications for Water Use Permits
Pearl Harbor Water Management Area, Oahu

Two applications for water use permits have been received and is hereby made public in accordance with Administrative Rules 13-171, "Designation and Regulation of Water Management Areas".

1. **Applicant:** City and County of Honolulu
   Division of Wastewater Management
   650 South King Street
   Honolulu, Hawaii 96813

   **Date Application Received:** November 17, 1989

   **Source of Water Supply:** Caprock aquifer, Pearl Harbor WMA

   **Location of Well:** Honouliuli Wastewater Treatment Plant (WWTP) at Tax Map Key: 9-1-13:7

   **Quantity Requested:** 0.5 million gallons per day

   **Proposed Water Use:** In-plant process water for the WWTP

   **Place of Water Use:** WWTP, located at East Hanson Road and Geiger Road, adjacent to Barbers Point NAS, Honouliuli, Ewa, Oahu

2. **Applicant:** Finance Realty
   P.O. Box 3979
   Honolulu, Hawaii 96812

   **Date Application Received:** January 12, 1990

   **Source of Water Supply:** Caprock aquifer, Pearl Harbor WMA

   **Location of Well:** Along access road to Barbers Point NAS at Tax Map Key: 9-1-16:1

   **Quantity Requested:** 1.15 million gallons per day

   **Proposed Water Use:** Golf course irrigation

   **Place of Water Use:** Makakilo Golf Course, located above H-1 Freeway east of Makakilo, Oahu

Written objections or other comments on the applications for water use may be filed by any person who has a property interest in any land within the hydrologic unit of the source of water supply or who will be directly and immediately affected by the proposed water use. Written objections shall: (1) state property or other interest in the matter; (2) set forth questions of
APPLICATIONS FOR WATER USE PERMITS
Pearl Harbor Water Management Area, Oahu

procedure, fact, law, or policy to which objections are taken; and (3) state all
grounds for objections to the proposed permits. Send written objections by
February 22, 1990, to the Division of Water and Land Development, P.O. Box
373, Honolulu, Hawaii 96809.

State of Hawaii
Commission on Water Resource Management

WILLIAM W. PATY, Chairperson

Dated: JAN 25 1990

Publish in the Honolulu Star Bulletin
issues of January 31 and February 7, 1990
PUBLIC NOTICE
Application for Water Use Permits
Pearl Harbor Water Management Area, Oahu

Two applications for water use permits have been received and is hereby made public in accordance with Administrative Rules 13-171, "Designation and Regulation of Water Management Areas".

1. Applicant: City and County of Honolulu
   Division of Wastewater Management
   650 South King Street
   Honolulu, Hawaii 96813

   Date Application Received: November 17, 1989
   Source of Water Supply: Caprock aquifer, Pearl Harbor WMA
   Location of Well: Honouliuli Wastewater Treatment Plant (WWTP) at Tax Map Key: 9-1-13:7
   Quantity Requested: 0.5 million gallons per day
   Proposed Water Use: In-plant process water for the WWTP
   Place of Water Use: WWTP, located at East Hanson Road and Geiger Road, adjacent to Barbers Point NAS, Ewa, Oahu

2. Applicant: Finance Realty
   P.O. Box 3979
   Honolulu, Hawaii 96812

   Date Application Received: January 12, 1990
   Source of Water Supply: Caprock aquifer, Pearl Harbor WMA
   Location of Well: Along access road to Barbers Point NAS at Tax Map Key: 9-1-16:1
   Quantity Requested: 1.15 million gallons per day
   Proposed Water Use: Golf course irrigation
   Place of Water Use: Makakilo Golf Course, located above H-1 Freeway east of Makakilo, Oahu

Written objections or other comments on the applications for water use may be filed by any person who has a property interest in any land within the hydrologic unit of the source of water supply or who will be directly and immediately affected by the proposed water use. Written objections shall: (1) state property or other interest in the matter; (2) set forth questions of procedure, fact, law, or policy to which objections are taken; and (3) state all grounds for objections to the proposed permits. Send written objections by February 22, 1990, to the Division of Water and Land Development, P.O. Box 373, Honolulu, Hawaii 96809.

State of Hawaii
Commission of Water Resource Management

WILLIAM W. PATY, Chairperson

Dated: January 25, 1990
(Hon. S.-B.: Jan. 31; Feb. 7, 1990) (SB-0657)
APPLICATION FOR WATER USE PERMIT

GROUNDWATER or SURFACE WATER

INSTRUCTIONS: Please print or type and send completed application with attachments to the Division of Water and Land Development, P.O. Box 373, Honolulu, Hawaii 96806. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Department of Land and Natural Resources. If necessary, phone 548-7242, Hydrology-Geology Section for assistance.

1. WATER MANAGEMENT AREA
   Pearl Harbor

2. (a) WELL/DIVERSION OWNER:
   Firm Name City & County of Honolulu
   Contact Person Mr. George Uyema
   Address 650 S. King Street
   Honolulu, 96813
   Phone 527-5037

3. SOURCE TYPE:
   ☐ Spring ☐ Dike-confined ☐ Stream ☐ Perched ☐ Caprock

4. SOURCE NAME AND NUMBER
   New Well
   (well or stream diversion name/number)

5. SOURCE LOCATION:
   Island Oahu
   Tax Map Key 9-1-13-7
   Address 91-1501 Geiger Rd., Ewa Beach, HI 96706 (Honouliuli WWTP)
   (Attach a USGS map (scale 1"=2000") and property tax map showing source location referenced to established property boundaries.)

6. LOCATION OF PROPOSED WATER USE (if different from #5)
   (Indicate location of water use on same map showing source location.)

7. QUANTITY OF WATER REQUESTED 50,000 gallons per day

8. QUALITY OF WATER REQUESTED
   ☐ Fresh ☐ Brackish ☐ Salt ☐ Potable ☐ Non-Potable

9. PROPOSED USE
   ☐ Municipal (including hotels, stores, etc) ☐ Military
   ☐ Domestic (individual, noncommercial water sys.) ☐ Industrial
   ☐ Irrigation (specify) ☐ Other (specify) In-plant process water for the Honouliuli WWTP.

10. DESCRIBE ANY POTENTIAL RESTRICTIONS ON USE (i.e., instream standards, seasonal variations)

11. PROPOSED TIME OF WATER WITHDRAWAL OR DIVERSION 24 hours/day
    (Indicate hours of operation)

12. PROPOSED METHOD OF TAKING THE WATER
    ☐ Artesian Flow ☐ Diverted Flow ☐ Centrifugal Pump
    ☐ Submersible Pump ☐ Vertical Turbine Pump

13. NO. OF RESIDENTIAL OR COMMERCIAL UNITS TO BE SERVED (specify) 0

14. TOTAL ACRES PROPOSED FOR IRRIGATION N/A Type of Crop N/A

15. REMARKS, EXPLANATIONS
    (See reverse side)
    (If more space is needed, continue on back side)

City & County of Honolulu
Owner (print) Div. of Wastewater Management
Landowner (print) Div. of Wastewater Management

For Official Use Only:
Hydrologic Unit
Diversion Works No.
State Well No. 1902-03

(11/17/05)
15. REMARKS, EXPLANATIONS  The City & County of Honolulu would like to reduce potable water use at the Honouliuli WWTP. The use of brackish caprock water for wash down and processing can reduce potable water use by 60 to 80%. This amounts to a present savings of 300,000 gallons per day of potable water.
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII

In the Matter of the
Applications for Water Use
Permits, Applications for Well
Construction/Pump Installation
Permits, Requests for New and
Continued nonpotable Urban Uses
Allocation Plan for Water Use
Permits, Ewa Caprock Ground
Water Management Area, Oahu.

Excerpted portion of hearing held on May 14, 1997
at 1:15 p.m. at the DLNR Board Room, 1151 Punchbowl Street,
Kalanimoku Building, Honolulu, Hawaii 96813.

McManus Court Reporters
1-808-538-0096
APPEARANCES:

CHAIRPERSON: MICHAEL D. WILSON

COMMISSIONERS: RICHARD H. COX

DAVID A. NOBRIGA

ROBERT G. GIRAULD

HERBERT RICHARDS, JR.

LAWRENCE H. MIKE

STAFF: RAE LOUI, Deputy Director

ROY HARDY, Civil Engineer

LENORE NAKAMA, Hydrologist

DAVID HIGA, Planner

CHARLEY ICE, Planner

DEAN NAKANO, Hydrologist

EDWIN T. SAKODA, Hydrologic Program Manager

GLENN BAUER, Geologist

JANIS UWAIN, Secretary

COUNSEL: WILLIAM TAM, ESQ.

MS. CHERYL CONNET

MARK MORITA, Deputy Corporation Counsel

DOUGLAS ING, ESQ.

JEFF DINSMORE

Department of the Navy:

Division of Wastewater Management City and County of Honolulu:

Hawaii Prince Golf Course:

Gentry Homes and Pu'uloa User's Group:

McManus Court Reporters
1-808-538-0096
(Reporter's Note: Rae Loui's presentation of staff submittal was not available for transcription due to technical difficulties of COWRM's recording equipment. There were no intervening speakers after the presentation.)

-- o00o --

MS. LOUI: The rest of the recommendation stands as it is written. That concludes our presentation.

CHAIRPERSON WILSON: All right. Questions, Commissioners? Rae, can you clarify what your position is with respect to recommendation No. 4.

MS. LOUI: Ewa Beach?

CHAIRPERSON WILSON: As was discussed by Mrs. Connet, the Department of the Navy.

MS. LOUI: Yes. As I understand it instead of requiring the Navy to propose a pump test and to have that approved by the Commission staff she wanted wording such that the Navy would coordinate a pump test with the Commission staff. Again we would like the authority to approve a pump test because we need to ensure that there's consistency across the board as far as how the test is proposed. So we need the authority to approve a pump test.

And I think she had a recommendation about changing the wording in the rest of that sentence. But, you know, our intent was that in a pump test you would test different levels of pumpage. So it's not just whether or not the source could
sustain the permitted amount but you would step down and try different levels of pumpage. So I don't think that's necessary either.

CHAIRPERSON WILSON: You don't think --

MS. LOUI: The wording change was necessary.

CHAIRPERSON WILSON: -- the wording on the thing was necessary. Any other questions?

COMMISSIONER COX: I'd like to just follow up on that. Basically what you have in No. 4 along here is what we've required of other permittees, is it not?

MS. LOUI: Right.

COMMISSIONER COX: That's my recollection that we basically ask that and that they provide, they make a suggestion and it has to be approved by the staff.

MS. LOUI: Right. If you look at the one right above Campbell it's exactly the same.

COMMISSIONER COX: That's what I thought. And we've done this in other --

MS. LOUI: Right. These two are different from Haseko's because Haseko has proposed a pump, a protocol already.

COMMISSIONER COX: Yes.

CHAIRPERSON WILSON: Okay. Other questions, Commissioners? If not, thanks, Rae. Is there anybody else who would like to testify on agenda items 4 or 5 that hasn't had a
chance to do so yet? Yes, Ms. Goth.

MS. GOTH: My name's Donna Goth. I'm with Campbell Estate. I really don't want to testify but I need to get clarification on agenda item 4 recommendation No. 3. It's my understanding based on the discussion so far that this particular recommendation is specific to the Pu'uloa aquifer. I just wanted to make sure if that's correct or not.

CHAIRPERSON WILSON: That's correct.

MS. GOTH: Because it wasn't mentioned.

COMMISSIONER COX: That's just for the Ewa caprock.

MS. GOTH: For the entire Ewa caprock?

MS. LOUI: Yes.

COMMISSIONER COX: Look at No. 2.

MS. GOTH: I guess, then, I'd have a question as to why it would be, there would be a recommendation to do that given there has been, to my knowledge, no studies nor problems identified to date in the Kapolei and Hanakole aquifers.

CHAIRPERSON WILSON: Okay.

MS. GOTH: I thought we were only addressing the Pu'uloa. But then as I read No. 3 and it didn't specify it that's why I needed the clarification.

CHAIRPERSON WILSON: Okay. Rae, do you want to speak to why we are including other portions of the aquifer?

MS. LOUI: The intent is because the entire caprock aquifer is similar, available lands. So we'd like to manage
the entire area using the same criterion. It would be difficult to manage it using different well caps.

CHAIRPERSON WILSON: What is your concern? The weekly chloride report?

MS. GOTH: Um, I guess I'm not sure that I am concerned. I just -- it's not something that we have looked at this terms of those two aquifers. We had focused on the Pu'uloa aquifer because we are aware of the problems that have occurred in terms of the chloride levels. Have not really focused on the other two. I don't know if it matters one way or the other. I just wanted a clarification because we hadn't focused on it or thought about it in terms of the other aquifers nor have there been any other discussions.

CHAIRPERSON WILSON: I'm glad you pointed it out to clarify.

MS. GOTH: Thank you.

CHAIRPERSON WILSON: Additional testimony? Yes, Jeff.

MR. DINSMORE: My name is Jeff Dinsmore. Again I'm with Gentry Homes, a member of the Pu'uloa Caprock Users Group. With respect to agenda item no No. 5 we're generally in support of the staff's recommendation and appreciate all their hard work. I think they did take most of our best ideas out of our plan at least we came up with the right answer.

CHAIRPERSON WILSON: I'll remember you. Doug Ing
was talking about using this different management technique.

MR. DINSMORE: One concern we have is the weekly reporting. I understand the need for additional information but for some of the smaller wells in our project we're talking about taking out 20,000 gallons a day not 2 million gallons a day. I don't believe how much compact, how much change there is on a weekly basis. It costs us $20 every time we run a test plus somebody to go out there and get the water.

So if there's some way we -- I don't know if we could have a, you know, level below at which the weekly test doesn't apply, maybe that could be considered.

In addition the interim water use permits as I understand it are being extended until October 1998. Is there some magic date to October 1998?

CHAIRPERSON WILSON: Rae?

MS. LOUI: That's the revocation date.

CHAIRPERSON WILSON: Four years.

MS. LOUI: Well, actually all three well.

CHAIRPERSON WILSON: Four year period.

MR. DINSMORE: Thank you.

COMMISSIONER COX: One question. If you'd like to review this weekly thing would you have a suggestion on the size? Obviously the more important ones it's very important to get more information. Do you have any kind of feeling on that?

MR. DINSMORE: I'd defer to somebody who knows more

McManus Court Reporters
1-808-538-0096
about it than I do but...

COMMISSIONER COX: If we were going to make an
adjustment on it.

CHAIRPERSON WILSON: Perhaps we could leave that to
the discretion of the staff to discuss with Mr. Nance. The
staff could see whether the smaller wells require weekly
reporting or not.

MS. LOUI: Okay.

CHAIRPERSON WILSON: Okay. Additional testimony?

Doug.

MR. ING: Sorry, Mr. Chairman, I wanted to comment
separately.

CHAIRPERSON WILSON: Didn't you want to take credit
for ideas? (Laughter)

MR. ING: No. As far as we were concerned they're
all the staff's ideas. (Laughter) We did have some separate
comments with respect to agenda item No. 5. I think first of
all we'd again like to thank staff and the Commission for the
efforts put in to resolve some rather long-standing regulation
issues in the Ewa caprock. It has been a monumental effort.
We do have comments on four areas. Two of them, two of the
comments will be very brief and the other two somewhat
substantial.

The four areas of concern are, first of all, Hawaii
Prince did request an additional 150,000 gallons per day for
evaporative losses from the irrigation lakes. The second area concerns the requirement that certain users execute a contract with Wastewater Management within 12 months. In Hawaii Prince’s case to purchase 4 MGD of reclaimed water by July 1999.

The third one has to do with the duration of the permit. And the fourth, the weekly sampling requirement.

First of all with respect to the variance from the domestic consumption guideline, we did in fact request a variance. I think the staff did recommend that the 4,000-gallon per day per acre requirement be amended for Hawaii Prince which we were very pleased, of course.

But we are concerned that we're not given consideration for the evaporative losses from the lakes. As the submittal indicates Hawaii Prince Golf Course does have 32 acres of open lake surfaces as well as in combination would serve as a reservoir.

We are asking that the Commission amend the staff's submittal Exhibit 5 to increase the interim water use permit amount from 0.151 MGD to 0.301 MGD for the following reasons. First of all we believe the golf course lakes are a reasonable and beneficial use of the water. Golf courses are a commercial enterprise. Most championship courses do contain water features which play an important role in the operation of the course. The lakes are integral to the layout and the
playability of the course.

At Hawaii Prince the lakes are also an integral part of the drainage scheme. These lakes are sized in part to accept and receive storm water runoff from an adjacent 270 acres of land as well as to receive runoff from its own lands.

In addition, these lakes serve as reservoirs storing water for the golf course. The state in its own design of irrigation systems also uses large reservoirs for the storage of water. For example, in the Molokai irrigation system has as an integral component the Kualapu'u Reservoir which is about 100 acres in size. It does experience similar evaporative losses amounting to approximately .5 MGD we believe.

We don't believe the Commission has in the past held that such evaporative losses are non-beneficial or that these reservoirs are not a reasonable use of water or land.

We think this is particularly true since the evaporative loss for lake surfaces is less than if the 32 acres were in turf glass or other landscaping. Indeed if they were landscaped they would have to be irrigated and the water use would be greater. At the time the Prince Golf Course was built in 1992 there was no indication from the Commission the location of irrigation water for courses would not include acreage for open lake surfaces.

We are requesting that the Commission take a broader
perspective on this issue and again ask that the interim use request be increased to accommodate this.

The second point we wanted to make has to do with the mandatory purchase of reclaimed water. And we are objecting to this for a number of reasons. First of all it would be extremely difficult for the Prince or any other party we believe to execute such a contract within 12 months. There are legal issues yet to be resolved as to whether or not the city could enter into such a contract without complying with the procurement code HRS Chapter 103D.

We already had some preliminary discussions on that issue with the city. In order to reach agreement with Wastewater Management on such a contract we would need to reach agreement with several other parties and users in the Pu'uloa area. Included in the issues are the cost for the distribution system, who bears that cost and how that system would be financed.

In addition this condition is imposed only upon certain users. I think -- well, there are three of us today and the Ewa is not being considered today, but we're the only ones that have, that bears that requirement and others do not. We think that that may be discriminatory.

Finally, we think that there's no essential nexus between the condition imposed and legitimate state interest in the issuance of the interim permit. The requirement imposed is
also disproportionate to the impact of the additional withdrawal being allowed. For those reasons we request that that particular condition be deleted or modified.

We are also concerned about the shortness of time -- and this is the third point -- of the interim permits. The October '98 time frame is only a year and-a-half or less. And we think it should be longer. And perhaps there's a way of extending that time frame without going through a full Commission meeting.

Finally, the fourth point, the weekly chloride sampling is an economic burden and we did ask that Tom Nance prepare some graphs showing the differences, if any, between the weekly results and the monthly results. And Hawaii Prince has been taking weekly samples for about a year now for several reasons. We do have the results. Tom has plotted these and I'll ask that he explain these charts.

MR. NANCE: I just plotted two of the six Hawaii Prince wells. Well No. 1 which has the lowest chlorides and well No. 2 which has the highest. Starting in April last year we started sampling on a weekly basis. We were also monitoring pumpage on a weekly basis to get a handle to prioritize pumping so that the lowest chloride wells came on first and the worst came on last.

What I plotted here on the base underneath is the results of the weekly data. And then overlaid on the top is if
I had only been sampling them only a monthly basis.

The well No. 1, this large spike happened with the November rains where we had all the saltwater flush down and the well is in the process of recovering. It's now just under a thousand milligrams per liter but it had about 350 milligram per liter jump in a short period of time.

As you can see in both plots the monthly data and the weekly data basically tell you the same thing. The monthly data tracks very well with the weekly data. It's not a heck of a lot more information in the weekly than you otherwise get in the monthly.

MR. ING: So I guess from the Hawaii's Prince's perspective we are hoping to come off the weekly requirement. We were doing it voluntarily but we needed to get a handle on the chlorides and the usage. I did hear Rae refer to a year's period of time. But I would note for the Commission that that time frame is not included in the recommendation. That may be a way to resolve it.

One final point, the request for the variance as contained in the No. 5, the staff recommendation is substantially different from the one that we proposed in the testimony with respect to agenda item No. 4.

The variance is described by the staff in its submittal beginning at Page 4, actually on the bottom of Page 4 it would not work for Hawaii Prince for a number of reasons.
So we request instead of the variance proposed here that the Commission take action on the variance that we had proposed in the written testimony submitted in connection with item 4.

Thank you.

CHAIRPERSON WILSON: Questions? Questions, Commissioners? Okay. If there are no questions --

COMMISSIONER COX: I have a question going back to the chloride and the weekly or the monthly. Has our staff, Rae, looked at the information, for instance, that we were shown up here, the difference between the weekly and the monthly?

MS. LOUI: I think Mike solution earlier about delegating the staff the authority to amend it on a case-by-case basis, 'cause if something like this could be shown for every well we would be open to that.

COMMISSIONER COX: Yeah. We certainly don't want to make something that's very difficult either for them or for us.

MS. LOUI: We don't want to either.

CHAIRPERSON WILSON: All right. If there are no further questions then do we have additional testimony?

Mr. Morita.

MR. MORITA: Thank you. I'm Mark Morita representing the city. And what I'd like to focus on if I could is on Page 14, paragraph 6 and 7 of the staff
recommendation. What I'd like to offer is basically just a rewording of the paragraphs with the intention of saying that what we'd like to emphasize in those two paragraphs is that the Division of Wastewater Management of the city is or welcomes the participation of the Commission in developing and implementing our, or your input as we develop and implement our reuse plans.

What we have -- there may be just a slight wording problem in that it, if we were to just work with the Commission staff with the wastewater staff to develop milestones, as you know the Wastewater Management is being watched by or working in coordination with the Department of Health and several other agencies in order to get, to get our B plane water program together and in compliance with everyone else's needs. So.

The danger in this is that we establish milestones, separate milestones with different agencies instead of having one uniform set of milestones. What we'd like to do is invite the Commission through language I've given to staff to work with us and with the other agencies in developing some of these milestones that we can all abide by.

And to give you some indication of where we are at with this we have, our secondary plant has just been constructed in December. We are still awaiting construction of our filtration plant and our UV disinfection equipment to bring this water up to R1 quality. On top of that we've got to
construct our infrastructure to deliver this water to the various users.

It's all, the infrastructure we've got to identify our easements on pipe corridors, and obtain easements. And a lot of that has to be worked out with the Department of Health as far as use regulations on applications to the land and several questions about the reservoirs and storage capacities to meet their requirements.

And so if we were able to change the wording of this paragraph or couple of paragraphs in order to emphasize that we at the Division of Wastewater Management now recognize that we have this water supplier responsibility and that we are seeking active participation of the Commission in order to help us meet our milestones, I would, I think that the wording would be much for beneficial for both parties.

CHAIRPERSON WILSON: Any questions, Commissioners?

COMMISSIONER MIKIE: Yeah.

CHAIRPERSON WILSON: Commissioner Cox --

Commissioner Mike.

COMMISSIONER MIKIE: Do we look alike? (Laughter)

Mr. Morita, this an alternative to getting fined $174,000.

So...

MR. MORITA: What I'd like to suggest is that the fine or the action on the violation be deferred pending our active participation with your staff in order to come up with
these milestones.

COMMISSIONER MIKE: I think the staff will be cognizant of the other obligations that you have. So I don't think they would be imposing a time line that would put you in conflict with our department or the EPA. So I guess it's the same with the Navy. It's, to me it's a matter of semantics. But the objective is still the same.

MR. MORITA: Yes. So all I'm asking is just a word spin.

COMMISSIONER MIKE: What for? (Laughter)

MR. MORITA: Well, that brings up what it does is it avoids having on the record some, or -- I think it side steps an issue I think with the Wastewater Management who may feel that they, they would want to instead of concentrating on the cooperative nature of this pattern, intent of this pattern they would want to concentrate on seeing whether the violation actually the fines are actually justified. That's why.

COMMISSIONER MIKE: They've been overusing by 100 percent.

MR. MORITA: I understand. I understand that. And what I would -- and I'm not saying that, I don't want to -- I understand what you're saying and I understand what the staff is doing in order to avoid these fines. But what I would like to ask for your cooperation is that we can instead have language which would defer action on it, still hold it in
abeyance but seek a compliance with this reuse plan.

CHAIRPERSON WILSON: Okay, thanks. Other questions, Commissioners?

COMMISSIONER COX: I guess I have one in here, I believe --

CHAIRPERSON WILSON: Commissioner Miike? (Laughter)

COMMISSIONER COX: Thank you.

COMMISSIONER MIIKE: Dr. Miike. (Laughter).

COMMISSIONER COX: We're twins. I think Doug Ing spoke for the Hawaii Prince Golf Course and he talked about certain legal problems along here on this. Would you like to comment on those?

MR. MORITA: Yeah. He spoke about whether or not the procurement code of the state and the county would allow -- I guess he inferred may not allow the county to enter into agreements for the sale of this water to golf courses.

I have heard that there were those concerns but I've not seen a legal basis to prevent the city from entering into these type of contracts. If Mr. Ing has those and if he could share those concerns with me and the statutes which would prohibit us then I would appreciate that.

CHAIRPERSON WILSON: Any questions for Mr. Morita?

Thank you for your testimony. Is there any other testimony on this agenda item?

MS. CONNET: Good afternoon again, Chair Wilson,
Commissioners. Based on Rae Loui's understanding of the language in item No. 4 regarding the amount that the source can sustain, I have no objections to leaving that language in. And as far as to be approved by the Commission staff we really don't have any objection to that. We've been willing to coordinate with the staff for quite some time. My only request is that the word "require" be changed to "coordinate with" the Department of the Navy only that if, as written this amounts to a substantive amendment of our existing water use permit.

And I didn't even read this until I came into the office this morning because there was nothing in here that would give me notice that my permit or the Navy's permit was about to be amended.

Now look at the agenda item, and I would think that putting a new requirement on our water use permit is a substantive amendment of our water use permit.

CHAIRPERSON WILSON: Which requirement?

MS. CONNET: The requirement that the Navy propose a pump test. There's nothing in our water permit that we currently hold, water permit No. 089 that requires us to do that. We're more than happy to coordinate with the staff to come up with a pump test that's acceptable to the staff. That's not an issue.

CHAIRPERSON WILSON: Okay. Questions?
Commissioners?

COMMISSIONER MIIKE: Can we ask Bill Tam for comment?

MR. TAM: Under the language of the (inaudible) I can't imagine the Commission doesn't have the power to ask the permittee to examine the water quality. It is probably (inaudible)

MS. CONNET: The permit does require us to install a flow meter and make regular reports to the Commission. But what the pump test that's being proposed is an additional cost of something in the neighborhood of $10,000. I don't think that is what is proposed, is what is in the water use permit.

MR. TAM: I haven't had (inaudible). I don't think it's outside the Commission's jurisdiction to determine what is a safe yield is pumped from that well is pumped. Because the situation has changed with regard to the amount of water available to be pumped. I think the staff probably would be able to work out some way to do that.

CHAIRPERSON WILSON: All right. Other questions?

COMMISSIONER RICHARDS: Yes. I'm not an attorney and I don't understand, but in your water use permit the 4 year item, it is actually part of it, you agree?

MS. CONNET: Yes, that's correct.

COMMISSIONER RICHARDS: So at the end of 4 years if you, which is in September of this year, if you haven't fired
the sucker up it's all over just. So we understand.

MS. CONNET: Yes. There are provisions in the water use, in the Water Code which would permit in a hearing for us to present testimony that the non-use was not our fault and beyond our control as mitigating factor against permanent revocation of the permit.

CHAIRPERSON WILSON: Just the concept that suggests that a water user that receives a permit ought to attempt to use the resource essentially. So with respect to managing the resource for us particularly since we're in a management area where there are competing interests or competing users for the same resource would seem as though it's difficult for us to manage unless we can ask the users to sort of test the resource once in a while.

MS. CONNET: And we'd be happy to do that.

CHAIRPERSON WILSON: That's the basis of that.

MS. CONNET: And to follow up on Commissioner Richards, we really hope to have that thing fired up well before September.

CHAIRPERSON WILSON: Other questions, Commissioners? Thank you for your testimony. Is there any other testimony on this agenda item 5? If there's no further testimony then why don't we go back to item No. 4, Commissioners. Is there any discussion with respect to agenda item No. 4 regarding staff's recommendation? I think Commissioner Richards recommended the
amendment and a waiver included that could be applied for by
the users.

COMMISSIONER RICHARDS: Yes. I move staff
recommendations with a waiver included.

COMMISSIONER MIIKE: Second.

CHAIRPERSON WILSON: Motion's been made and
seconded. There's no further discussion. All those in favor?

(AYE)

CHAIRPERSON WILSON: All those opposed? Staff's
recommendations accepted as amended. Let's move on to item 5,
Commissioners. Discussion? Or motion with respect to staff's
recommendations?

MS. LOUI: I have a couple suggestions on Page 13
No. 5a. In response to the idea that the term is too short and
it could change so that it should be perhaps longer. And also
in response to the questions raised about changes in chloride
levels, therefore, it should be re-examined earlier, I'd like to
amend 5a to say that: The duration of the interim permits
shall be to October 1998 or until such time that significant
change in permitted, actual or projected use of water supply or
water quality occurs.

And b at the end of b I'd like to add a phrase:
Require adherence to the chloride sampling protocol shown in
Exhibit 8 and the submittal of weekly chloride data as may be
amended by the Commission staff.
CHAIRPERSON WILSON: We're deleting 5-, d4?
MS. LOUI: 5 -- d4, sorry.
CHAIRPERSON WILSON: All right. We have those suggested amendments. Any further discussion, Commissioners or suggested amendments to staff's recommendations? All right. If there are no further suggestions or changes, is there a motion?
COMMISSIONER NOBRIGA: Vote for staff recommendation and amendments.
COMMISSIONER GIRALD: Second.
CHAIRPERSON WILSON: Motion's been made and seconded. No further discussion. All those in favor?
(AYE)
All those opposed? Staff's recommendation is accepted as amended. The Pu'uloa Caprock Users Group really helped us a lot on this. And thank you very much for taking the time to work with our staff on it. It looks like kind of an innovative approach with a new management concept other than just sustainable yield. So mahalo to all those of you who helped. We do want to do everything we can with the city to try to make sure that DLNR water gets made available as soon as possible. Thanks. Let's take a recess for about 10 minutes.
(RECESS.)
MR. ING: Mr. Chairman, before we go on could (inaudible) with respect to item 5?
CHAIRPERSON WILSON: Well, I think we've decided item 5 and pretty much moved along. Did you want to reopen something, Doug?

MR. ING: Yes, I do.

CHAIRPERSON WILSON: I think the best thing would be if you want to discuss that with the staff, if it has to do with reserving the 150,000 gallons a day I think that's the type of thing you want to talk to the staff about.

MR. ING: It does in fact.

CHAIRPERSON WILSON: All right. Let's move on to agenda item 6.
CERTIFICATE

STATE OF HAWAII  
) SS.  
)  
CITY AND COUNTY OF HONOLULU  

I, HOLLY HACKETT, RPR, CSR #130, Notary Public, State of Hawaii, do hereby certify;

That the testimony contained herein was transcribed from a tape recording; that the foregoing represents, to the best of my ability, a true and correct copy of the proceedings had in the foregoing matter.

I further certify that I am not counsel for any of the parties hereto, nor in any way interested in the outcome of the cause named in the caption.

DATED: Honolulu, Hawaii, this 5th day of August, 1997.

HOLLY M. HACKETT, RPR, CSR #130
Notary Public, State of Hawaii
My Commission expires: 12/18/00

McManus Court Reporters
1-808-538-0096
Pursuant to Rule 14 of the Rules Governing Court Reporting in Hawaii, I hereby make the following disclosure:

**ORAL DEPOSITIONS**

<table>
<thead>
<tr>
<th>Appearance fees (per half day)</th>
<th>Standard</th>
<th>Night/Saturday</th>
<th>Sunday/Holiday</th>
<th>Reporter’s fee (cancelled)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$40.00</td>
<td>60.00</td>
<td>85.00</td>
<td>75.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Transcripts (per page)</th>
<th>Orig. + one</th>
<th>Copy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Oral Deposition</td>
<td>$3.20</td>
<td>$2.20</td>
</tr>
<tr>
<td>If only Orig + 1 ordered</td>
<td>4.50</td>
<td></td>
</tr>
<tr>
<td>Copies of exhibits</td>
<td>.40</td>
<td>.35</td>
</tr>
<tr>
<td>Medical/technical charge:</td>
<td>+25%</td>
<td></td>
</tr>
<tr>
<td>Expedited:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7-day +25%; 5-day +50%; 3-day +75%; 1-day +100%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**WRITTEN INTERROGATORY DEPOSITIONS**

<table>
<thead>
<tr>
<th>Appearance fee:</th>
<th>$40.00</th>
<th>Orig. + one</th>
<th>Copy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transcript</td>
<td>$2.70</td>
<td>$2.00</td>
<td></td>
</tr>
<tr>
<td>Copies of records</td>
<td>.40</td>
<td>.35</td>
<td></td>
</tr>
</tbody>
</table>

**5% Discount for invoices paid within 30 days**

**HEARINGS** (per page) [($150.00 min.)]

- Technical charge: +25% on technical portions only.

**ARBITRATION HEARING** (Orig. + two split) $5.80/page

**MISCELLANEOUS**

| Notice/subpoena preparation with depo | No charge |
| Notice/subpoena preparation - no depo | $20.00/instrument |
| Storage of original transcripts       | $10.00/transcript |
| Reporting fee/depo (no transcript)   | $75.00/hour - 2 hr min. |
| Reporting fee/hearing (no transcript)| $150.00/hour - 2 hr min. |
| Late copy surcharge (written & oral)  | $ .20/page |
| Standby fee                           | $50.00/hour |
| Signature fee                         | $15.00/transcript |
| ASCII Diskette (no chg to Noticing atty) | $10.00 each |
| Condensed transcript (no chg to Noticing atty) | $15.00 each |
| Disk conversion (Discover ZX, Catlinks) | $40.00 each |
| Records pick-up fee                   | $20.00 & up |
| Original records handling charge      | $5.00 & up per file |

The fees and charges specified above are the usual and customary charges made by me or my agency for like services to any person or organization. No financial or services discount for this or any future deposition will be given to any person or organization after this deposition is completed.

I CERTIFY that the foregoing is a complete, true and correct disclosure to the best of my knowledge and information.

Jean Marie McManus, Owner

CSR 156

[Rev. 6/1/97]
(Addendum to minutes for May 14, 1997: Rae Loui's presentation of staff submittal is not available for transcription due to technical difficulties of COWRM's recording equipment. There were no intervening speakers after the presentation.)
AFFIDAVIT OF JANIS UWAINÉ

I, JANIS UWAINÉ, being first duly sworn on oath, deposes and says that:

1. I am a citizen of the State of Hawaii and reside in Pearl City, Oahu.

2. I am currently a secretary to Ms. Rae Loui, Deputy Director of the State Commission on Water Resource Management (Commission).

3. I attended the Commission's May 14, 1997 meeting and set up a Lanier Tape Recorder to record the meeting.

4. On or about July 23, 1997, I was informed that court reporters wished to come to the Commission office to make a duplicate tape and then a transcript of the Commission's May 14, 1997 meeting (Agenda Item 5).

5. On July 23, 1997, I listened to the tape to locate the specific agenda item. The tape recording was clear and intact.

6. On July 24, 1997, I accompanied Ms. Holly Hackett of McManus Court Reporters and her husband to our conference room for the purposes of copying the tape of the May 14, 1997 meeting.

7. I helped to set up our Lanier Recorder and inserted the original tape.
8. I showed them how to use the Lanier Recorder and we did a test run to make sure it was working. Ms. Hackett and her husband began recording. I left the room. Later, Ms. Hackett and her husband left the room.

9. About 10 minutes after leaving the room, I returned to the room to make sure the recorder was operating properly.

10. At that time, Ms. Hackett and her husband also came back into the room. At that point, we stopped the tape to check to see that it was recording.

11. We discovered that the portion of the tape being duplicated (approximately 10 minutes of Ms. Rae Loui's presentation) had been erased.

Further affiant saith naught.

DATED: Honolulu, Hawaii, August 29, 1997

Janis Uwaine
Janis Uwaine, Secretary
Commission on Water Resource Management

Subscribed and sworn to before me on this 29th day of August, 1997

Notary Public, State of Hawaii
My commission expires: February 4, 1999
# DEPARTMENT OF WASTEWATER MANAGEMENT

**ISSUANCE OF WATER USE PERMIT (WUP NO. 160)**

**CCH-OA97-1**

**FOLDER #1: WELL CONSTRUCTION/PUMP INSTALLATION PERMIT**

## INDEX

(As of December 10, 1997)

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description of Document</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11-17-89 Application for Well Construction Permit</td>
<td>1-5</td>
</tr>
<tr>
<td>2</td>
<td>11-27-89 Letter from Manabu Tagomori to Division of Wastewater Management, Department of Public Works, City and County of Honolulu</td>
<td>6</td>
</tr>
<tr>
<td>3</td>
<td>11-27-89 Letter from Manabu Tagomori to Kazu Hayashida</td>
<td>7</td>
</tr>
<tr>
<td>4</td>
<td>12-6-89 Letter from William W. Paty to Honorable John C. Lewin</td>
<td>8</td>
</tr>
<tr>
<td>5</td>
<td>12-15-89 Letter from Kazu Hayashida to Manabu Tagomori</td>
<td>9</td>
</tr>
<tr>
<td>6</td>
<td>12-22-89 Letter from John C. Lewin to William W. Paty</td>
<td>10</td>
</tr>
<tr>
<td>7</td>
<td>Well Completion Reports</td>
<td>11-14</td>
</tr>
<tr>
<td>8</td>
<td>11-89 Staff Memorandum from Manabu Tagomori to Ed Sakoda</td>
<td>15</td>
</tr>
<tr>
<td>9</td>
<td>7-6-93 Staff Memorandum from Ed Sakoda to Roy Hardy</td>
<td>16</td>
</tr>
<tr>
<td>10</td>
<td>9-16-93 Application for Well Construction/Pump Installation Permit</td>
<td>17-18</td>
</tr>
<tr>
<td>11</td>
<td>9-16-93 Letter Kenneth M. Rappolt to CWRM</td>
<td>19</td>
</tr>
<tr>
<td>12</td>
<td>12-29-93 Pump Installation Permit</td>
<td>20-21</td>
</tr>
<tr>
<td>13</td>
<td>12-29-93 After-The-Fact Well Construction Permit</td>
<td>22-23</td>
</tr>
<tr>
<td>14</td>
<td>12-29-93 Pump Installation Permit</td>
<td>24-25</td>
</tr>
<tr>
<td>15</td>
<td>3-18-94 Check Deposit</td>
<td>26</td>
</tr>
<tr>
<td>16</td>
<td>12-8-93 Staff Submittal</td>
<td>27-29</td>
</tr>
<tr>
<td>17</td>
<td>12-8-93 Minutes for December 8, 1993 CWRM Meeting</td>
<td>30-32</td>
</tr>
<tr>
<td>18</td>
<td>12-29-93 After-the-Fact Well Construction Permit</td>
<td>33-34</td>
</tr>
</tbody>
</table>
AFTER-THE-FACT WELL CONSTRUCTION PERMIT

for

Honouliuli Wastewater Treatment Plant Well 2
Well No. 1902-04
Honouliuli, Oahu

TO: City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", your after-the-fact application to construct and test Honouliuli Wastewater Treatment Plant Well 2 (Well No. 1902-04), is approved subject to the following conditions:

1. The City and County of Honolulu, Department of Wastewater Management is fined $100.00 for violation of Section 13-168-12, for the drilling of Well 2 without a permit. Please submit a check, payable to the Department of Land and Natural Resources. The Department of Wastewater Management is hereby advised that this violation is a first violation, and that subsequent violations are likely to be assessed larger fines.

2. The applicant shall comply with all applicable laws, rules, and ordinances.

3. The permit application and staff submittal approved by the Commission at its meeting on December 8, 1993 shall be incorporated herein by reference.

4. The water use permit for the Honouliuli Wastewater Treatment Plant shall be administratively amended to add Well 2 as a backup well.

APPROVED FOR PAYMENT:

KENNETH M. RAPPOLT, Director

KEITH W. AHUE, Chairperson
Commission on Water Resource Management
DEC 29 1993
Date of Issuance 000034
I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: [Signature] Date: 1/24/64

Printed Name: KENNETH M. RAPPOLT, DIRECTOR
Firm or Title: DEPARTMENT OF WASTEWATER MANAGEMENT

CITY AND COUNTY OF HONOLULU

Please sign and return one copy of this permit to the Commission and retain a copy for your record.

cc: USGS
Department of Health
Safe Drinking Water Branch
Wastewater Branch
Ground Water Protection Program
Honolulu Board of Water Supply
ROLL CALL: Chairperson Ahue called the meeting of the Commission on Water Resource Management to order at 10:14 a.m.

The following were in attendance:

MEMBERS:
Mr. Keith Ahue
Mr. Richard Cox
Mr. J. Douglas Ing
Mr. Robert Nakata

STAFF:
Ms. Rae Loui
Mr. George Matsumoto
Mr. Edwin Sakoda
Mr. Yoshi Shiroma
Mr. Roy Hardy
Mr. David Higa
Ms. Lenore Nakama
Ms. Sallie Edmunds
Ms. Sharon Kokubun

OTHERS:
Barry Ching
Sherrie Samuels
Alwyn Morisako
Barry Usagawa
David Martin
Robert Ishida
Creighton Mattoon
Winnie Miller
Lawana Mendes
Charley Reppun
V. Kaio
Eric Nishimoto
Sterling Chow
Lloyd Lee
Chester Lao
Tom Bissen
Tep Kalambahiti
Jim Anthony
Dawn Wasson
Guy Nakamoto
Joyceline Lee
Paul Reppun
Bert Kuoka
Bob Oser

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

AGENDA 1

ITEM 1 RESOLUTION

The Commission unanimously approved the resolution expressing their appreciation and gratitude to George S. Matsumoto who will be retiring on December 30, 1993 after serving thirty-seven years with the Territory and the State of Hawaii. (Cox/Nakata).

Dr. Jim Anthony of the Hawaii-Laiekwai Association stated that he has always found Mr. Matsumoto to be congenial and patient, even when tested.
He has always been fair and a good public servant. Dr. Anthony said citizens have the right to complain about public servants who don't do the jobs but felt that Mr. Matsumoto has always done his job, done it well, and has done it in good grace. Dr. Anthony added his best wishes and congratulations to that of the Commission's.

**ITEM 2**

**MINUTES OF THE NOVEMBER 17, 1993 MEETING**

Unanimously approved (Cox/Nakata).

**ITEM 3**

**MAUI DEPARTMENT OF PUBLIC WORKS, STREAM CHANNEL ALTERATION PERMIT, KALEPA GULCH, WAIVER, MAUI**

Mr. Cox asked how the traffic would be handled while the project is ongoing. Mr. Lloyd Lee of the Maui County Public Works Department stated that a detour road and culvert would be constructed makai of the construction. Mr. Cox suggested that the detour culvert should also be approved and included in the recommendations.

Mr. Dave Martin of the Native Hawaiian Advisory Committee (NHAC) submitted testimony (see Commission file) recommending that the SCAP be deferred until archaeological survey reports and mitigation plans are submitted to the Commission. Chairperson Ahue stated that should there be any archaeological sites uncovered, the Historic Preservation Division would halt all work on the project. This is a standard condition used by the Commission as well as the Land Board.

Unanimously approved with the addition of the detour culvert (Cox/Ing).

**ITEM 4**

**MAUI DEPARTMENT OF PUBLIC WORKS, AFTER-THE-FACT STREAM CHANNEL ALTERATION PERMIT, MANAWAINUI BRIDGE REPLACEMENT, KAHIKINULI, MAUI**

Unanimously approved (Ing/Cox).

**AGENDA 2**

**ITEM 1**

**KAUAI DEPARTMENT OF WATER, APPLICATION FOR A PUMP INSTALLATION PERMIT, PUHI WELL 3 (WELL NO. 5824-05) PUHI, KAUAI**

Unanimously approved (Ing/Cox).

**ITEM 2**

**CITY AND COUNTY OF HONOLULU, DEPARTMENT OF WASTEWATER MANAGEMENT, APPLICATION FOR AN AFTER-THE-FACT WELL CONSTRUCTION PERMIT, HONOLULU WASTEWATER TREATMENT PLANT 2 (WELL NO. 1902-04) HONOLULU, OAHU**

Unanimously approved (Cox/Nakata).

**ITEM 3**

**CITY AND COUNTY OF HONOLULU, DEPARTMENT OF WASTEWATER MANAGEMENT, APPLICATION FOR PUMP INSTALLATION PERMITS, HONOLULU WASTEWATER TREATMENT PLANT WELLS 1 & 2 (WELL, NOS. 1902-03 & 04), HONOLULU, OAHU**

Mr. Cox asked if the County was also looking at what can be done to protect the aquifer. Mr. Robert Ishida of the C&C Wastewater Management
Department stated they are considering the use of effluent to replenish the aquifer. Ms. Loui understood that the City is about to award the bid for the construction of the secondary treatment plant. Discussion followed on the use of secondary effluent in the cleanup process of the plant. Mr. Ing felt that at some point in the future the use of secondary effluent should be substituted for the brackish water. The consultant for the applicant explained that at this time the plant only has a primary treatment system and the DOH has a pending regulation that does not allow the use of primary treatment to be used as a nonpotable source. Secondary-treated water may be used at a later date.

Mr. Ing added a condition that upon completion of the next increment at Honouliuli the County investigate the use of plant effluent for purposes of water use being made of these particular wells and substitute effluent water if allowed by regulation.

Unanimously approved as recommended (Cox/Ing).

ITEM 4
HONOLULU BOARD OF WATER SUPPLY, APPLICATION FOR WELL MODIFICATION PERMITS, HONOLULU BOARD OF WATER SUPPLY WILDER WELLS (WELL NOS. 1849-14 & 15), HONOLULU, OAHU

Unanimously approved (Nakata/Cox).

ITEM 5
PACIFIC LAUNDRY CO., LTD., HEARING FOR REVOCATION OF A WATER USE PERMIT, PACIFIC LAUNDRY WELL (WELL NO. 1851-58), NUUANU GROUND WATER MANAGEMENT AREA, OAHU

Unanimously approved (Ing/Cox).

ITEM 6
HONOLULU BOARD OF WATER SUPPLY, DEFERRAL OF WATER USE PERMIT APPLICATIONS, WAIMANALO GROUND WATER MANAGEMENT AREA, OAHU

WAIMANALO WELL II (WELL NO. 1942-01), WAIMANALO WELL I (WELL NO. 2043-02), WAIMANALO TUNNEL I (WELL NO. 2044-03), WAIMANALO TUNNEL II (WELL NO. 2044-04), WAIMANALO TUNNEL III (WELL NO. 2045-03), WAIMANALO TUNNEL IV (WELL NO. 2045-05)

Unanimously approved (Cox/Nakata).

OTHER BUSINESS

In regards to the Pearl Harbor Aquifer recharge, Mr. Cox asked if this is being reviewed since Oahu Sugar is being phased out. There could be some critical water issues in regards to the Waiahole Tunnel recharging the aquifer.

Chairperson Ahue stated discussions are ongoing between all affected state agencies and the private sector which would be affected. There are almost daily developments because of the activities related to the downturn in sugar. Chairperson Ahue added the DLNR will be submitting legislation for consideration in creating an authority to deal with the whole transformation issue of major agriculture to housing, small agricultural lots, etc.

ADJOURNMENT The meeting was adjourned at 11:25 a.m.
Chairperson and Members
Commission on Water Resource Management
State of Hawaii
Honolulu, Hawaii

Gentlemen:

City and County of Honolulu
Department of Wastewater Management
Application for an After-the-Fact Well Construction Permit
Honouliuli Wastewater Treatment Plant 2 (Well No. 1902-04)
Honouliuli, Oahu

Applicant: City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

Landowner: Same

Action Requested: After-the-fact permission to construct Honouliuli Wastewater Treatment Plant 2 (Well No. 1902-04) for in-plant process water. The Commission approved a water use permit to the City and County of Honolulu on March 15, 1990, for 0.5 mgd from the Honouliuli WWTP 1 (Well No. 1902-03). The permit to drill Well 1 was also approved at that time. Wells 1 and 2 were completed by December 1991. Well 2 was drilled as a backup source for Well 1. Well 2 was drilled without a permit.

Well Location: The well is located at the Honouliuli Wastewater Treatment Plant at East Hanson Road and Geiger Road, adjacent to Barbers Point NAS, Honouliuli, Ewa, Oahu (see attached map).

Well Description:
- Ground elevation: 36 ft.
- Casing diameter: 12 inches
- Solid casing depth: 31 ft.
- Screen casing depth: 51 ft.
- Open hole: none
- Total depth: 51 ft.
- Grouted annulus: 0 to 28 ft.
- Proposed pump capacity: 350 gpm

Analysis: Well 2 is to be used as a backup well and will be part of the same system as Well 1. No change to the water use permit is necessary except to administratively add Well 2 as a backup source. Since the well is a backup well, only a minimum fine will be recommended.

RECOMMENDATION:
That the Commission on Water Resource Management:

1. Fine the City and County of Honolulu, Department of Wastewater Management $100.00 for violation of Section 13-168-12 for the drilling of Well 2 without a permit. The Department of Wastewater will be advised that this violation is a first violation, and that subsequent violations are likely to be assessed larger fines.
2. Approve the issuance of an after-the-fact well construction permit for Honouliuli Wastewater Treatment Plant 2 (Well No. 1902-04), subject to the following conditions:

a. The applicant shall comply with all applicable laws, rules, and ordinances.

b. The permit application and staff submittal approved by the Commission at its meeting on December 8, 1993 shall be incorporated by reference in the permit.

c. The water use permit for the Honouliuli Wastewater Treatment Plant shall be administratively amended to add Well 2 as a backup well.

Respectfully submitted,

RAE M. LOUI
Deputy Director

APPROVED FOR SUBMITTAL:

KEITH W. AHUE, Chairperson
Payable through First Hawaiian Bank, Honolulu, Hawaii

Date: 02/02/94

$100.00

Pay to the order of State of Hawaii - Department of Land & Natural Resources

Series P.O. Box 621
Honolulu, HI

Invoicing

<table>
<thead>
<tr>
<th>INVOICE DATE</th>
<th>INVOICE NUMBER</th>
<th>REMITTANCE DATA</th>
<th>FUND/ORG.</th>
<th>VOUCHER NO.</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/02/94</td>
<td>FINE</td>
<td>170000/2161</td>
<td>17761001</td>
<td></td>
<td>10000</td>
</tr>
</tbody>
</table>

If there are any questions on this remittance, please call Accounting Division, 523-4916

Warrant number: 010583573

City and County of Honolulu, Department of Finance

Remittance Advice

February 18, 1994 Check Reprinted
<table>
<thead>
<tr>
<th>SRC/ OBJ CTR</th>
<th>PROJECT</th>
<th>PH ACT</th>
<th>AMOUNT</th>
<th>NAME/DESCRIPTION (WANG INPUT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1564 0752</td>
<td></td>
<td></td>
<td>(1) 100.00</td>
<td>City &amp; County Wastewater Mgt. Branch</td>
</tr>
<tr>
<td>1026 0752</td>
<td></td>
<td></td>
<td>(2) 25.00</td>
<td>Gentry Development Co.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(3)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(4)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL $125.00</td>
</tr>
</tbody>
</table>

EMARKS:  
LINE (1) Well No. 1902-04  Fine for violation of Section 13-168-12  
LINE (2) Well Constr. Appl. Fee  
LINE (3)  
LINE (4)  
03/21/94 *00008# CHECK 125.00
PUMP INSTALLATION PERMIT

for

Honouliuli Wastewater Treatment Plant Well 2
Well No. 1902-04
Honouliuli, Oahu

TO: City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", your application to install a pump in Honouliuli Wastewater Treatment Plant Well 2 (Well No. 1902-04), is approved subject to the following conditions:

1. The Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, before any work covered by this permit commences.

2. The permit shall be for installation of a 350 gpm capacity pump in the well. Means to accurately measure water levels, acceptable to the Commission, shall be provided.

3. The proposed use shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to pump water from the well shall not constitute a determination of correlative water rights. The permittee is notified and by this provision understands that the quantity of water taken from the well could be reduced by the Commission in the future. This permit is not a commitment that the pump capacity permitted here or even some lesser amount is guaranteed in the future.

4. The applicant shall comply with all applicable laws, rules, and ordinances.

5. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage on a monthly basis.

6. The permit may be revoked if work is not started within six months of the date of issuance or if work is suspended or abandoned for six months. The work proposed in the permit application shall be completed within two years from the date of permit approval.
7. The following shall be submitted to the Commission within thirty (30) days after completion of the work:
   a. Well Completion Report.
   b. As-built sectional drawing of the pump installation.

8. The water use permit application and staff submittal approved by the Commission at its March 15, 1993 meeting are incorporated herein by reference.

   The pump installation permit application and staff submittal approved by the Commission at its December 8, 1993 meeting are incorporated herein by reference.

9. Upon completion of the secondary treatment plant at Honouliuli, the Department of Wastewater Management shall explore the possibility of substituting secondary treated effluent for brackish water, if allowed by applicable regulations.

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: ___________________________ Date: __________

Printed Name: ________________________________________________

Firm or Title: _________________________________________________

Please sign and return one copy of this permit to the Commission and retain a copy for your record.

cc: USGS
    Department of Health
    Safe Drinking Water Branch
    Wastewater Branch
    Ground Water Protection Program
    Honolulu Board of Water Supply
AFTER-THE-FACT WELL CONSTRUCTION PERMIT

for

Honouliuli Wastewater Treatment Plant Well 2
Well No. 1902-04
Honouliuli, Oahu

TO: City and County of Honolulu
   Department of Wastewater Management
   91-1501 Geiger Road
   Ewa Beach, HI 96706

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", your after-the-fact application to construct and test Honouliuli Wastewater Treatment Plant Well 2 (Well No. 1902-04), is approved subject to the following conditions:

1. The City and County of Honolulu, Department of Wastewater Management is fined $100.00 for violation of Section 13-168-12, for the drilling of Well 2 without a permit. Please submit a check, payable to the Department of Land and Natural Resources. The Department of Wastewater Management is hereby advised that this violation is a first violation, and that subsequent violations are likely to be assessed larger fines.

2. The applicant shall comply with all applicable laws, rules, and ordinances.

3. The permit application and staff submittal approved by the Commission at its meeting on December 8, 1993 shall be incorporated herein by reference.

4. The water use permit for the Honouliuli Wastewater Treatment Plant shall be administratively amended to add Well 2 as a backup well.

 KEITH W. AHUE, Chairperson
Commission on Water Resource Management
DEC 29 1993
Date of Issuance

006623
AFTER-THE-FACT WELL CONSTRUCTION PERMIT
Well No. 1902-04

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: __________________ Date: __________
Printed Name: ________________________________
Firm or Title: ________________________________

Please sign and return one copy of this permit to the Commission and retain a copy for your record.

cc: USGS
   Department of Health
       Safe Drinking Water Branch
       Wastewater Branch
       Ground Water Protection Program
       Honolulu Board of Water Supply
PUMP INSTALLATION PERMIT

for

Honouliuli Wastewater Treatment Plant Well 1
Well No. 1902-03
Honouliuli, Oahu

TO: City and County of Honolulu
Department of Wastewater Management
91-1501 Geiger Road
Ewa Beach, HI 96706

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", your application to install a pump in Honouliuli Wastewater Treatment Plant Well 1 (Well No. 1902-03), is approved subject to the following conditions:

1. The Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96809, shall be notified, in writing, before any work covered by this permit commences.

2. The permit shall be for installation of a 350 gpm capacity pump in the well. Means to accurately measure water levels, acceptable to the Commission, shall be provided.

3. The proposed use shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to pump water from the well shall not constitute a determination of correlative water rights. The permittee is notified and by this provision understands that the quantity of water taken from the well could be reduced by the Commission in the future. This permit is not a commitment that the pump capacity permitted here or even some lesser amount is guaranteed in the future.

4. The applicant shall comply with all applicable laws, rules, and ordinances.

5. The applicant shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage on a monthly basis.

6. The permit may be revoked if work is not started within six months of the date of issuance or if work is suspended or abandoned for six months. The work proposed in the permit application shall be completed within two years from the date of permit approval.
7. The following shall be submitted to the Commission within thirty (30) days after completion of the work:
   a. Well Completion Report.
   b. As-built sectional drawing of the pump installation.

8. The water use permit application and staff submittal approved by the Commission at its March 15, 1993 meeting are incorporated herein by reference.

The pump installation permit application and staff submittal approved by the Commission at its December 8, 1993 meeting are incorporated herein by reference.

9. Upon completion of the secondary treatment plant at Honouliuli, the Department of Wastewater Management shall explore the possibility of substituting secondary treated effluent for brackish water, if allowed by applicable regulations.

KEITH W. AHUE, Chairperson
Commission on Water Resource Management
DEC 29 1993
Date of Issuance

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed.

Applicant's Signature: __________________________ Date: __________

Printed Name: ___________________________________________________________________________

Firm or Title: ____________________________________________________________________________

Please sign and return one copy of this permit to the Commission and retain a copy for your record.

cc: USGS
   Department of Health
       Safe Drinking Water Branch
       Wastewater Branch
       Ground Water Protection Program
   Honolulu Board of Water Supply
September 1, 1993

Commission on Water Resource Management
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Attention: Mr. Roy Hardy

Gentlemen:

Subject: Brackish Water System
Honouliuli Wastewater Treatment Plant
91-1501 Geiger Road
Ewa Beach, Hawaii 96706

Enclosed is an application for well construction and pump installation permits. Please note that the application is for the following:

1. Well construction permit application for Well No. 1902-04.
(Per Roy Hardy and Nick Musico's telephone discussion on August 27, 1993, to designate second well as No. 1902-04.)

2. Pump installation permit application for Well Nos. 1902-03 and 1902-04.

Also, please amend the Honouliuli WWTP's water use permit approved by the Commission on March 15, 1990, to include Well No. 1902-04. The subject two wells will actually make up a system where one well is a primary and the second well a backup. There is no change in water use and in pumping rate design from approved water use permit.

If you have any questions, please call Mr. Nic Musico of the Treatment and Disposal Division at 681-3347 or Mr. Robert Ishida of the Engineering and Construction Division at 527-5847.

Very truly yours,

KENNETH M. RAPPOLT
Director

Encl.
APPLICATION FOR PERMIT

1. APPLICANT: (may be a, b, or c, but all must be filled in)
   (a) WELL OWNER  City and County of Honolulu
   Firm/Name:  Dept. of Wastewater Management
   Contact Person:  Nic Musico
   Address:  91-1501 Geiger Road
   City:  Ewa Beach
   State:  Hawaii
   Zip:  96706
   (b) LANDOWNER  City and County of Honolulu
   Firm/Name:  Dept. of Wastewater Management
   Contact Person:  Nic Musico
   Address:  91-1501 Geiger Road
   City:  Ewa Beach
   State:  Hawaii
   Zip:  96706
   (c) CONTRACTOR  Civil-Mech. Contractor
   Firm/Name:  ___
   Address:  99-1233 Halawa Valley Street, Unit B
   City:  Aiea
   State:  Hawaii
   Zip:  96701
   Contractor's C-57 License No. ABC-12357

2. WELL LOCATION/NAME:  Honolulu Wastewater Treatment Plant
   Island:  Oahu
   Address:  91-1501 Geiger Road
   City:  Ewa Beach
   State:  Hawaii
   Zip:  96706
   Tax Map Key:  9-1-13-07
   (Attach a USGS map, scale 1"=2000', and a property tax map showing well location referenced to established property boundary.)

3. (a) PROPOSED WORK:  
   - Drill New Well
   - Modify Existing Well
   - Redrill
   - Install New Pump
   - Replace Pump
   - Modify Pump
   - Be sure to complete and submit well abandonment report upon completion of work.

   (b) WELL TYPE:  
   - Dug
   - Bored
   - Driven
   - Drilled
   - Radial
   - Is this well a part of a battery of wells?  Yes  
   - No
   (Briefly describe and fill in the diagram on the back of this form.)

4. PROPOSED PUMP INFORMATION:  
   Rated Pump Capacity:  350 @ 85-psig  gallons per minute
   Motor:  Diesel
   Water Flow:  350 @ 85-psig
   RPM:  350 @ 85-psig
   Efficiency:  350 @ 85-psig
   Efficiency:  350 @ 85-psig
   Efficiency:  350 @ 85-psig

5. PROPOSED USE:  
   - Municipal (including hotels, stores, etc.)
   - Domestic (individual, noncommercial water use)
   - Industrial
   - Other (explain)
   State Land Use District:  Urban
   County Zoning (describe):  

6. (a) PROPOSED AMOUNT OF WITHDRAWAL:  
   (b) METHOD OF FLOW MEASUREMENT:  
   - Flow-meter
   - Open-pipe
   - Critical Plate
   - Weir

7. PENDING ACTIONS:  
   - CDUA
   - SMA
   - Eis
   - EA
   - NONE
   - Other (explain)

8. REMARKS, EXPLANATIONS:  
   (If more space is needed, continue below remarks, explanations.)

NOTE: Signing below indicates that the applicant understands that, if the permit requested is granted by the Commission on Water Resource Management, the proposed work is to be completed within two (2) years of the approval date. In addition, the contractor shall submit to the Commission a well completion report, well abandonment report, or both, within 30 days of the permitted work. The applicant also understands that monthly water use data shall be submitted to the Commission. The applicant further understands that all the proposed permit shall not constitute a determination of cumulative water rights and shall not guarantee the pump capacity or future use up to the permitted pump capacity.

State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources

Well Owner  [Signature]
Date  8/27/93

Landowner  [Signature]
Date  8/27/93

Contractor  [Signature]
Date  10/21/93

For Official Use Only:
Date Received  
Date Accepted  
Field Checked By  
Date  
Longitude  
Latitude  
Aquifer System Name  
State Well No.  
6/24/93 V
9. PROPOSED WELL SECTION

Elevation at top of casing: 38 ft., msl.

Cement Grout: 28 ft.

Rock Packing: 23 ft.

Hole Diameter: 18 in.

Total Depth: 51 ft.

Ground Elevation: 36 ft., msl*

Solid Casing:
- Material: PVC
- Length: 31 ft. to ground
- Diameter: 12 in.
- Wall thickness: 0.406 in.

Casing:
- Perforated: Yes
- Screen: No
- Material: PVC
- Length: 20 ft.
- Diameter: 12 in.
- Wall thickness: 0.406 in.
- Openings: 82.3 sq. in./L.F.

Open Hole:
- Length: None
- Diameter: None

*Approximate elevation at time of filing application. Ground elevation above mean sea level (msl) by a surveyor licensed by the State must be submitted at start of construction. Final elevations of well components shall be submitted in the well completion/well abandonment reports.
REGULATION BRANCH
Commission on Water Resource Management

FROM: Ed
DATE: 7/6/93
FILE IN:

TO: INIT: PLEASE: REMARKS:
___ E. SAKODA
___ K. Oshiro
___ D. Higa
___ R. Hardy
___ J. Zhang
___ R. LOUI
___ S. Kokubun
___ G. MATSUMOTO
___ Y. SHIROMA

___ See Me
___ Call
___ Review & Comment
___ Take Action
___ Investigate & Report
___ Draft Reply
___ Acknowledge Receipt
___ Type Draft
___ Type Final
___ Xerox ___ copies

WUP - AG Review (needs to be issued)

WCP - doesn't look like it was issued - no record. Maybe I forgot?? Approved by CURRM on 3/15/90.

Also looks like they drilled a second - well w/o permit. Well Comp. Needs for both wells.

7/15 asked for pump information from Nick Musco, for well 1902-03. 7/19 notified Nick of after the fact. We permit is also needed. He said 1902-03 back-up! Will send in PI 3 in after the fact.
PLEASE:

_ [ ] See Me
_ [ ] Take Action By
_ [ ] Route to Your Branch
_ [ ] Review & Comment
_ [ ] Draft Reply
_ [ ] Acknowledge Receipt
_ [ ] Xerox ___ copies
_ [ ] File
_ [ ] Mail
_ [ ] For Information

REMARKS:

Need to publish.

D. Lum
G. Matsumoto
G. Akita
L. Chang
Y. Shiroma
E. Sakoda
D. Nakano
W. Rozeboom
P. Haraguchi
S. Samuels
R. Chung
T. Kam
A. Monden
H. Young
R. Suzuki
N. Kaneshiro
T. Nakama
S. Kokubun
D. Hamada
L. Nanbu
F. Ching

Process WUP & WCP concurrently.

Need actual use for PHWMA caprock source.

(OSCo. date) 1989
**WELL COMPLETION REPORT**

**A. STATE WELL NO.** 1902-03  **WELL NAME** Honouliuli Braiking #1  **ISLAND** Oahu

**B. LOCATION** Honouliuli Wastewater treatment plant  **TAX MAP KEY**

**C. WELL OWNER** City & County of Honolulu

**D. DRILLING OR PUMP INSTALLATION CONTRACTOR** Roscoe Moss Hawaii, Inc.

**E. TYPE OF RIG** Cable tool  **DRILLER** Hal Fenton

**F. DATE OF WELL COMPLETION** 12/11/91  **DATE OF PUMP INSTALLATION**

**G. GROUND ELEVATION** (sea) 36 ft.

Top of Drilling Platform (sea) 36 ft.

Height of drilling platform above ground surface 0 ft.

Bench mark and method used to determine ground elevation plans ft.

**H. TOTAL DEPTH OF WELL BELOW GROUND** 51 ft.

**I. HOLE SIZE** 18 inch dia. from 0 ft. to 51 ft. below ground

**J. CASING INSTALLED**

- 12 in. I.D. x 406 in. well solid section to 31 ft. below ground
- 12 in. I.D. x 406 in. well perforated section to 51 ft. below ground

**K. ANNULUS**

Grouted from 0 ft. to 28 ft. below ground

Gravel packed from 28 ft. to 51 ft. below ground

**L. PERMANENT PUMP INSTALLATION**

**M. PROPOSED USE** Washing Facility

**N. INITIAL WATER LEVEL** 34.5 ft. below ground.  **Date and time of measurement** 7:30 am / 11/16/91

**O. INITIAL CHLORIDE** 300 ppm.  **Date and time of sampling** 7:30 am / 11/16/91

**P. PUMPING TESTS** Reference point (R.P.) used: ground which elevation is 36 ft.

<table>
<thead>
<tr>
<th>Start water level</th>
<th>ft. below R.P.</th>
<th>End water level</th>
<th>ft. below R.P.</th>
<th>Depth of well</th>
<th>ft. below R.P.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td></td>
<td>Date</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/16/91</td>
<td></td>
<td>12/3/92</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Driller's Log**

<table>
<thead>
<tr>
<th>Depth (ft.)</th>
<th>Rock Description &amp; Remarks</th>
<th>Water Level (ft.)</th>
<th>Depth (ft.)</th>
<th>Rock Description &amp; Remarks</th>
<th>Water Level (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 to 1</td>
<td>Top soil</td>
<td></td>
<td>12 to 1</td>
<td>Top soil</td>
<td></td>
</tr>
<tr>
<td>1 to 3</td>
<td>Firm white coral</td>
<td>300</td>
<td>5 to 10</td>
<td>White Coral</td>
<td>300</td>
</tr>
<tr>
<td>10 to 1</td>
<td></td>
<td></td>
<td>10 to 10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 to 1</td>
<td></td>
<td></td>
<td>10 to 12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 to 2</td>
<td></td>
<td></td>
<td>10 to 14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 to 3</td>
<td></td>
<td></td>
<td>10 to 14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 to 4</td>
<td></td>
<td></td>
<td>10 to 15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 to 5</td>
<td></td>
<td></td>
<td>10 to 15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 to 6</td>
<td></td>
<td></td>
<td>10 to 15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 to 7</td>
<td></td>
<td></td>
<td>10 to 15</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**REMARKS:** 36' depth on cuttings wash away

**Title**

**Date**

[Signature]

[Date]
Briefly describe the proposed work:

Drilled hole, test pump prior to casing & after completed. Chlorinated and capped both ends.

Elevation at top of casing 38 ft., msl.

Cement Grout 28 ft.

Hole Dia. 18 in.

Total Depth 51 ft.

Rock Packing 23 ft.

capped

capped

Ground Elev. 36 ft., msl*

Solid Casing:

Material PVC

Length 31' to ground ft.

Diameter 12" in.

Wall thickness .406 in.

Casing: / /Perforated / /Screen

Material PVC

Length 20 ft.

Diameter 12" in.

Wall thickness .406 in.

Openings 82.3 sq. in./L.F.

Open Hole:

Length none

Diameter in.
**WELL COMPLETION REPORT**

**INSTRUCTIONS:** Please print or type and submit completed report within 30 days of well completion to the Division of Water & Land Development, P.O. Box 373, Honolulu, HI 96803. An as-built drawing of the well and chemical analysis, if available, should also be submitted. If necessary, phone 548-7543, Hydrology, Geology Section for assistance.

**A. STATE WELL NO.** 1902-04  
**WELL NAME:** Honolulu Brackish #2  
**ISLAND:** Oahu

**B. LOCATION:** Honolulu Wastewater Treatment Plant  
**TAX MAP KEY:**

**C. WELL OWNER:** City & County of Honolulu

**D. DRILLING OR PUMP INSTALLATION CONTRACTOR:** Roscoe Moss Hawaii, Inc.

**E. TYPE OF RIG:** Cable tool  
**DRILLER:** Hal Panton

**F. DATE OF WELL COMPLETION:** 12/11/91  
**DATE OF PUMP INSTALLATION:**

**G. GROUND ELEVATION (mai):** 36 ft.  
Top of Drilling Platform (mai) 36 ft.

**H. TOTAL DEPTH OF WELL BELOW GROUND:** 51 ft.

**I. HOLE SIZE:** 18 inch dia. from 0 ft. to 51 ft. below ground

**J. CASING INSTALLED:**  
- 12 in. I.D. x .406 in. wall solid section to 31 ft. below ground  
- 12 in. I.D. x .406 in. wall perforated section to 51 ft. below ground

**K. ANNULS:**  
- Grouted from 0 ft. to 28 ft. below ground
- Gravel packed from 28 ft. to 51 ft. below ground

**L. PERMANENT PUMP INSTALLATION:**  
- Capacity: 3600 gpm
- Pump type, make, serial No.:  
  - Motor type, H.P., voltage, r.p.m.:  
  - Depth of pump intake setting: 36 ft. below ground  
  - Depth of bottom of airlift: 36 ft. below ground

**M. PROPOSED USE:** Washing Facilities

**N. INITIAL WATER LEVEL:** 34.8 ft. below ground.  
**INITIAL CHLORIDE:**

**O. DATE AND TIME OF MEASUREMENT:** 7:00 am / 12/3/91

**P. PUMPING TESTS:** Reference point (R.P.) used: ground which elevation is 36 ft.

<table>
<thead>
<tr>
<th>Date</th>
<th>Start water level</th>
<th>Elapsed Time (hours)</th>
<th>Rate (ppm)</th>
<th>Drawdown (ft)</th>
<th>Temp.</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/3/91</td>
<td>34.8 ft. below R.P.</td>
<td>0 to 10</td>
<td>500</td>
<td>69</td>
<td>300</td>
</tr>
<tr>
<td>12/3/91</td>
<td>34.8 ft. below R.P.</td>
<td>10 to 24</td>
<td>500</td>
<td>69</td>
<td>300</td>
</tr>
</tbody>
</table>

**Q. DRILLER'S LOG:**

<table>
<thead>
<tr>
<th>Depth (ft)</th>
<th>Rock Description &amp; Remarks</th>
<th>Water Level (ft)</th>
<th>Depth (ft)</th>
<th>Rock Description &amp; Remarks</th>
<th>Water Level</th>
<th>Depth (ft)</th>
<th>Rock Description &amp; Remarks</th>
<th>Water Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 3</td>
<td>Top Soil</td>
<td></td>
<td>0 to 3</td>
<td>Top Soil</td>
<td></td>
<td>0 to 3</td>
<td>Top Soil</td>
<td></td>
</tr>
<tr>
<td>3 to 15</td>
<td>Fill White Coral</td>
<td></td>
<td>15 to 41</td>
<td>White Coral</td>
<td></td>
<td>15 to 41</td>
<td>White Coral</td>
<td></td>
</tr>
<tr>
<td>41 to 91</td>
<td></td>
<td></td>
<td>91 to 94</td>
<td></td>
<td>91 to 94</td>
<td>91 to 94</td>
<td></td>
<td>91 to 94</td>
</tr>
</tbody>
</table>

**REMARKS:**

Submitted by (print)  
Tracy Lawless

Signature:  
Tracy Lawless

Title  

Date  

00012
Briefly describe the proposed work:

Drilled hole one pump test when completed chlorinated and capped both ends.

---

As Built

**PROPOSED SECTION OF WELL**

- **Elevation at top of casing**: 38 ft., msl.
- **Ground Elev.**: 36 ft., msl
- **Cement Grout**: 28 ft.
- **Hole Dia.**: 18 in.
- **Total Depth**: 51 ft.
- **Rock Packing**: 23 ft.

**Solid Casing**
- **Material**: PVC
- **Length**: 31' to ground ft.
- **Diameter**: 12" in.
- **Wall thickness**: .406 in.

**Casing**: /x/Perforated / /Screen
- **Material**: PVC
- **Length**: 20' ft.
- **Diameter**: 12 in.
- **Wall thickness**: .406 in.
- **Openings**: 82.3 sq. in./L.F.

**Open Hole**
- **Length**: none
- **Diameter**: ________________ in.
December 22, 1989

The Honorable William W. Paty, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Paty:

SUBJECT: WELL CONSTRUCTION PERMIT APPLICATION
HONOULUWI WWTP CAPROCK WELL
STATE WELL NO. 1902-03
EWA, OAHU

Thank you for the opportunity to comment on the well drilling permit for the proposed well. We offer the following comments:

1. The permit application indicates that the well will be for industrial use (to supply brackish caprock water for in-plant process use at the wastewater treatment plant).

2. Because the proposed well will not be supplying potable water, it will not be subject to the Department's Administrative Rules, Title 11, Chapter 20, "Potable Water Systems".

Should you have any questions, please contact the Safe Drinking Water Branch at 543-8258.

Very truly yours,

JOHN C. LEWIN, M.D.
Director of Health

cc: George Uyema
City and County of Honolulu
Division of Wastewater Management
650 S. King Street
Honolulu, Hawaii 96813
Mr. Manabu Tagomori  
Deputy Director  
Commission on Water  
Resource Management  
Department of Land and  
Natural Resources  
State of Hawaii  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Tagomori:

Subject: Comments Regarding Well Construction Permit Application for Honouliuli WWTP Caprock Well No. 1902-03

We do not have any comments or objections to the proposed well.

Very truly yours,

FOR KAZU HAYASHIDA  
Manager and Chief Engineer
REF: EL-KC

Honorable John C. Lewin, M.D.
Director of Health
Department of Health
State of Hawaii
1250 Punchbowl Street
Honolulu, Hawaii 96813

Attn: Mr. Thomas Arizumi, Drinking Water Branch

Dear Dr. Lewin:

Well Construction and Pump Installation Permit Applications

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-166-12(c), we are sending you a copy of the following permit applications:

Hakaha Well VI (Well No. 2911-04)
Kawainae Well 2 (Well No. 6048-01)
Cull Wells C&D (Well Nos. 6048-04, 05)
Clima-HASEKO Well (Well No. 4588-01)
Kohala-Pilani Irr. Well (Well No. 4577-08)
Honolulu WETP Caprock Well (Well No. 1902-03)

Please submit your comments to us, orally or in writing, within three weeks from the date of this letter.

If you have any questions, please contact Nanabu Tagomori at 548-7533.

Very truly yours,

WILLIAM W. PATY

Enc.
November 27, 1989

Mr. Kazu Hayashida
Manager and Chief Engineer
Board of Water Supply
City and County of Honolulu
630 South Beretania Street
Honolulu, Hawaii 96843

Dear Mr. Hayashida:

Well Construction Permit Application

We are sending you a copy of the following permit application for your review and comments:

Honouliuli WWTP Caprock Well (Well No. 1902-03)

Please submit your comments to us, orally or in writing, within three weeks from the date of this letter.

If you have any questions, please contact Ed Sakoda at 548-7543.

Sincerely,

MANABU TAGOMORI
Deputy Director

ES:ko
Enc.
November 27, 1999

Division of Wastewater Management
Department of Public Works
City and County of Honolulu
650 S. King Street
Honolulu, Hawaii 96813

Gentlemen:

We acknowledge receipt of your applications for a water use permit, well construction permit, and pump installation permit for a well (Well No. 1902-03) at the Honolulu Wastewater Treatment Plant.

My staff will be processing the water use permit and well construction permits concurrently. We are returning the pump installation permit to you for resubmittal upon successful completion and testing of the well.

My staff will contact your staff should we have further questions.

Sincerely,

[Signature]

MANABU TAGOMORI
Deputy Director

ES:ko
Encl. G
cc: BMP Associates (Lee A. Mansfield)
C&C Dept. of Public Works (Cyril Hamada)
APPLICATION FOR

PUMP INSTALLATION PERMIT

INSTRUCTIONS: Please print or type and send completed application with attachments to the Division of Water and Land Development, P.O. Box 373, Honolulu, Hawaii 96806. Application must be accompanied by a non-refundable filing fee of $25.00 payable to the Department of Land and Natural Resources. (Filing fee waived for government agencies.) If necessary, phone 548-7765, Hydrology/Geology Section for assistance.

1. WELL LOCATION

Island: Oahu

Tax Map Key: 9-1-13-7

Address: 91-1501 Geiger Road, Ewa Beach, Hawaii 96706 (Honouliuli WWTP)

(Attach a USGS map (scale 1"=2000') and property tax map showing well location referenced to established property boundaries.)

2. WELL OWNER

City & County of Honolulu

Firm Name: Div. of Wastewater Management

Contact Person: Mr. George Uyema

Address: 650 S. King Street

Honolulu, Hawaii 96813

Phone: 527-5037

3. PROPOSED CONTRACTOR FOR:

□ Well Drilling □ Pump Installation

Name: ________________________________

Address: ________________________________

Contractor’s License No.: ________________________________

4. PROPOSED WORK

□ Drill New Well □ Deepen □ Alter □ Install New Pump □ Seal □ Replace Pump □ Redrill □ Abandon □ Modify Pump

(Briefly describe the proposed work and fill in the diagram on the back of this form.)

5. PROPOSED USE

□ Municipal (including hotels, stores, etc.) □ Military

□ Domestic (individual, noncommercial water systems) □ Industrial

□ Irrigation (specify) □ Other (specify) In-plant process water for the Honouliuli WWTP

6. PROPOSED AMOUNT OF WITHDRAWAL

500,000 gallons per day

7. PROPOSED PUMP INFORMATION

Pump Type: □ Vertical Turbine □ Submersible □ Centrifugal

Motor: □ Diesel □ Gas □ Electric: 40 Rated Horsepower

Rated Pump Capacity: 500 gallons per minute (gpm)

City & County of Honolulu

Well Owner: ________________________________

Signature: ________________________________ Date: ________________________________

City & County of Honolulu

Well Owner (print): ________________________________

Signature: ________________________________ Date: ________________________________

For Official Use Only:

Field Checked By: ________________________________ Latitude: ________________________________

Date: ________________________________ Longitude: ________________________________

Hydrologic Unit: ________________________________ State Well No.: 1902-03

C00005
Briefly describe the proposed work:

Well drilling for brackish caprock water and installation of casings.

PROPOSED SECTION OF WELL

Elevation at top of casing

39 ft., msl.

Cement
Grout 15 ft.

Hole
Dia. 16 in.

Total
Depth 58 ft.

Rock
Packing 43 ft.

Ground Elev. 38 ft., msl*

Solid Casing:
Material PVC Sch. 40
Length 39 ft.
Diameter 12 in.
Wall thickness 0.5 in.

Casing: /X/Perforated / /Screen
Material PVC Sch. 40
Length 20 ft.
Diameter 12 in.
Wall thickness 0.5 in.
Openings 90 sq. in./L.F.

Open Hole:
Length Not Required
Diameter ____________ in.

*Approximate elevation at time of filing application. Final elevation (msl) by a surveyor licensed by the State must be submitted at start of construction.