

DEPARTMENT OF HEALTH

STATE OF HAWAII

DEPARTMENT OF HEALTH,
STATE OF HAWAII

Complainant,

v.

COUNTY OF MAUI,

Respondent.

Docket No. 08-SDW-EO-02

MAUNALOA-KALUAKOI PUBLIC WATER SYSTEM
KUALAPUU PUBLIC WATER SYSTEM
KIPU PUBLIC WATER SYSTEM

DEPARTMENT OF HEALTH,
STATE OF HAWAII

Complainant,

v.

COUNTY OF MAUI,

Respondent.

Docket No. 08-WW-EO-02

Kaluakoi wastewater system
Maunaloa wastewater system
Kuapaluu wastewater system

COUNTY OF MAUI'S INITIAL
WRITTEN ASSESSMENT PURSUANT TO
AMENDED ORDER DATED AUGUST 7,
2008

**COUNTY OF MAUI'S INITIAL WRITTEN ASSESSMENT
PURSUANT TO AMENDED ORDER DATED AUGUST 7, 2008**

EXHIBITS "A" - "C"

CERTIFICATE OF SERVICE

BRONSTER HOSHIBATA
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JANE E. LOVELL 7551
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Deputies Corporation Counsel
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DEPT OF HEALTH

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**COUNTY OF MAUI'S INITIAL WRITTEN ASSESSMENT
PURSUANT TO AMENDED ORDER DATED AUGUST 7, 2008**

Comes now, COUNTY OF MAUI (hereafter referred to as "County"), by and through its attorneys, BRIAN T. MOTO, Corporation Counsel, JANE E. LOVELL and EDWARD S. KUSHI, Jr., Deputies Corporation Counsel, and MARGERY S. BRONSTER, JOHN T. HOSHIBATA, and JEANNETTE H. CASTAGNETTI of BRONSTER HOSHIBATA, and pursuant to the Hearings Officer's Amended Order dated August 7, 2008, hereby submits its initial written assessment of what is necessary to provide safe drinking water and wastewater services to West Molokai in light of the threatened cessation of such services by Molokai Public Utilities, Inc., Wai`ola o Molokai, Inc., Mosco, Inc., and/or Molokai Properties, Limited, as follows:

I) AMENDED ORDER

The Amended Order entered herein by Hearings Officer Thomas P. Rack on August 7, 2008, in pertinent part, states:

For the next ninety (90) days:

1. The County of Maui, as the lead agency, and its relevant and appropriate departments and agencies, including but not limited to the Department of Water Supply, Department of Environmental Management, Civil Defense, and in conjunction with the State Civil Defense Agency, the Safe Drinking Water and Wastewater branches of the Department of Health will meet, including electronically (i.e., conference calling, video-teleconferencing, etc.) If more expedient, and assess what is necessary to provide adequate safe drinking water and wastewater services to West Molokai in light of the impending cessation of such

services by Molokai Public Utilities, Inc., Wai'ola O Molokai, Inc., Mosco, Inc., and/or Molokai Properties Limited. The County of Maui will also invite appropriate Federal agencies (i.e., FEMA, etc.) to participate in the assessment process.

Pursuant to said Amended Order, a meeting was held with all relevant County departments and agencies on Monday, August 11, 2008, at the County's Civil Defense conference room. Attached hereto as Exhibit "A" is a list of attendees present at the August 11, 2008 meeting. Further pursuant to said Amended Order, a subsequent meeting via video-teleconference was held on Tuesday, August 12, 2008, at the same location with relevant County departments and agencies, together with personnel/staff of the State Civil Defense Agency, Department of Health, and other state and federal departments/agencies on Oahu. Attached hereto as Exhibit "B" is a list of attendees present at the August 12, 2008 meeting.

II) INITIAL ASSESSMENT OF WHAT IS NECESSARY TO PROVIDE ADEQUATE SAFE DRINKING WATER

Based on discussions with the relevant County departments and agencies, as well as receiving input from state and federal agencies that attended the August 12, 2008 meeting, listed below are the County's initial assessment requirements of what will be necessary to provide adequate and safe drinking water to residents of West Molokai, in the event the current Molokai Properties Limited's wholly owned utility subsidiaries cease service:

-Three (3) water tankers, with minimum capacity of 2,500 gallons per tanker, to provide potable water to residents of West Molokai.

-Three (3) suitable sites/locations to deposit/park water tankers for access by residents.

-Six (6) portable light fixtures to provide adequate lighting when residents access water tankers at night.

-Private security firm(s) to monitor and secure water tankers at sites/locations.

-Minimum of four (4) additional Department of Water Supply staff/personnel to transport, set-up, and maintain water levels in the tankers.

-2,500 water jugs (5 gallons per jug) for residents' use to withdraw water from the tankers.

-Early estimation/approximation of at least \$506,500.00 in unappropriated funding to cover these operations for ninety (90) days.

III) INITIAL ASSESSMENT OF WHAT IS NECESSARY TO PROVIDE ADEQUATE WASTEWATER SERVICES

Based on discussions with the relevant County departments and agencies, as well as receiving input from state and federal agencies that attended the August 12, 2008 meeting, listed below are the County's initial assessment requirements of what will be necessary to provide adequate wastewater services to residents of West Molokai, in the event the current Molokai Properties Limited's wholly owned utility subsidiaries cease service:

-Contracting with private vendors to provide portable toilets and/or trailer units for use by residents; contracts to include vendor delivery, set-up, maintenance, withdrawal/pumping of waste from toilets to vendor-owned tanker truck(s), and disposal of waste to appropriate dump sites/location.

-Identification and access to sites/locations to station portable toilets and/or trailer units.

-Eight (8) portable light fixtures to provide adequate lighting when residents use facilities at night.

-Private security firm(s) to monitor and secure facilities.

-Secure voluntary or mandated access to Molokai Properties Limited's lined sewage ponds at Kualapuu and Maunaloa to dump/deposit the waste material from the portable toilets.

-Minimum of four (4) additional Department of Environmental Management staff/personnel to monitor and coordinate portable toilet facilities operations.

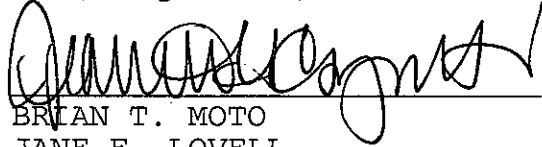
-Early estimation/approximation of at least \$1,260,000.00 in unappropriated funding to cover facilities operations for ninety (90) days.

IV) ASSESSMENT OF CONDITIONS AND RESOURCES IN WEST MOLOKAI PROVIDED BY THE OFFICE OF THE DIRECTOR OF CIVIL DEFENSE, DEPARTMENT OF DEFENSE, STATE OF HAWAII

For the Hearing Officer's information and file, attached hereto as Exhibit "C" is a copy of letter dated August 14, 2008 from Mr. Edward T. Teixeira, Vice Director of Civil Defense, to Mayor Charmaine Tavares, which correspondence includes a 4 page

list of information/data obtained by Mr. Teixeira's office regarding "Demographics and Other Pertinent Information", and "Resources and Services That May Support Contingency Planning."

DATED: Honolulu, Hawaii, August 18, 2008.



BRIAN T. MOTO
JANE E. LOVELL
EDWARD S. KUSHI, JR.
Department of the Corporation Counsel

MARGERY S. BRONSTER
JOHN T. HOSHIBATA
JEANNETTE H. CASTAGETTI
Bronster Hoshibata

Attorneys of the County of Maui

**EMERGENCY PLANNING MEETINGS
MOLOKAI RANCH WATER/WASTEWATER EVENT**

AUGUST 11, 2008

Maui Emergency Operating Center

TIME	NAME	DEPARTMENT
1300 -1500	Allen Atkinson	Department of Environmental Management
	Brian Hashiro	Department of Public Works - Highways
	Brian Moto	Department of the Corporation Counsel
	Charmaine Tavares	Mayor's Office
	Cheryl Okuma	Department of Environmental Management
	Dave Taylor	Department of Environmental Management- Wastewater Reclamation
	Edward Kushi, Jr.	Department of the Corporation Counsel
	Gen Inuma	Maui Civil Defense Agency
	Gregg Kresge	Department of Environmental Management
	Jacky Takakura	Department of Water Supply
	Jeffrey Eng	Department of Water Supply
	Jeff Murray	Department of Fire
	Mahina Martin	Mayor's Office - Public Information Officer
	Milton Arakawa	Department of Public Works
	Robert Collum	Maui Civil Defense Agency
	Robert Shimada	Department of Fire and Public Safety
	Roy Silva	Mayor's Office
	Sheri Morrison	Mayor's Office
	Stan Zitnik	Mayor's Office

EXHIBIT "A"

**EMERGENCY PLANNING MEETINGS
MOLOKAI RANCH WATER/WASTEWATER EVENT**

AUGUST 12, 2008

Maui Emergency Operating Center

TIME	NAME	DEPARTMENT
1300 - 1445	Allen Atkinson	Department of Environmental Management
	Brian Hashiro	Department of Public Works
	Charles Hirata	Department of Police
	Charmaine Tavares	Mayor's Office
	Cheryl Okuma	Department of Environmental Management
	Clayton Yoshida	Department of Planning
	Dave Taylor	Department of Environmental Management- Wastewater Reclamation
	Edward Kushi, Jr.	Department of the Corporation Counsel
	Gail Raikes	American Red Cross
	Gen Iinuma	Maui Civil Defense Agency
	Gregg Kresge	Department of Environmental Management
	Jeffrey Eng	Department of Water Supply
	Jeff Murray	Department of Fire and Public Safety
	Joe Balangitao	Department of Education
	Lois Bisquera	Mayor's Office - Assistant Public Information Officer
	Lorrin Pang	State Department of Health
	Mahina Martin	Mayor's Office - Public Information Officer
	Milton Arakawa	Department of Public Works
	Robert Collum	Maui Civil Defense Agency
	Roy Silva	Mayor's Office
Sheri Morrison	Mayor's Office	
Stan Zitnik	Mayor's Office	
Zachary Helm	Department of Parks and Recreation	

EXHIBIT "B"

**State Civil Defense-Emergency Operating Center
Via Telephone Conference**

TIME	NAME	DEPARTMENT
1300 - 1445	Chelsea Phlegar	State Civil Defense
	Clement Jung	State Civil Defense
	Danny Tengan	State Civil Defense
	Dave Curtis	State Civil Defense
	Ed Texeira	State Civil Defense
	Ina Chan	State Civil Defense
	Julie Greenly	State Civil Defense
	Ray Lovell	State Civil Defense
	Shelly Ichishita	State Civil Defense
	Stuart Yamada	State Department of Health (Safe Drinking Water)
	Thomas Arizumi	State Department of Health (Environmental Management)
	Tomas See	State Department of Health (Wastewater)
	Vic Gustafson	State Civil Defense

**Phone into State Civil Defense-Emergency Operating Center
Via Telephone Conference**

TIME	NAME	DEPARTMENT
1300 - 1445	Keith Takata	Federal Environmental Protection Agency

EXHIBIT "B"

LINDA LINSLE
GOVERNOR

MAJOR GENERAL ROBERT G. Y. LEE
DIRECTOR OF CIVIL DEFENSE

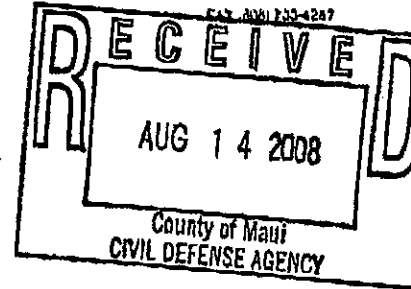
EDWARD T. TEIXEIRA
VICE DIRECTOR OF CIVIL DEFENSE



STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495



PHONE (NR) 733-4300
FAX (NR) 733-4247



August 14, 2008

Honorable Charmaine Tavares
Deputy Director of Civil Defense
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793-2135

Dear Mayor Tavares:

The purpose of this letter is to provide information to support an assessment of conditions and resources in West Molokai as prescribed by the Amended Order, Department of Health, dated August 7, 2008.

The information provided at the enclosure includes the identification of resources, public and private, that may be used in developing an emergency plan for alternative drinking water and wastewater services. Where applicable, the information also includes a limited profile of the population in West Molokai that could be affected by the cessation of drinking water and wastewater services.

If you have any questions or need additional information, please have your staff contact me directly at (808) 733-4300, ext. 501.

Sincerely,


EDWARD T. TEIXEIRA
Vice Director of Civil Defense

Etc.

c: Gen Iinuma, Administrator, Maui Civil Defense Agency
Chiyome Fukino, M.D., Director, Department of Health
Laurence Lau, Deputy Director, Environmental Health Administration, Department of Health

EXHIBIT C

Demographics and Other Pertinent Information

A. Communities most likely affected:

1. Maunaloa – Estimated 300 residents (includes 138 residents renting 57 public housing units)
2. Kaluakoi – Estimated 400-450 condominiums (transient)
3. Kualapu'u – Estimated 900 residents

B. Schools:

1. DOE Schools – POC Gary Yasui, (808) 586-3457
 - a. Maunaloa: Maunaloa Elementary
 - 1) Utilizes Molokai Ranch water/wastewater system
 - 2) 60 students, 17 staff members
 - 3) Contingency Plan – Bus students to Kaunakakai and Kualapu'u Schools
 - b. Molokai High School – Ho'olohua
 - 1) Utilizes Department of Hawaiian Homelands (DHHL) water/wastewater system
 - 2) 360 students, 70 staff members
 - 3) Contingency Plan – N/A
 - c. Kaunakakai Elementary School
 - 1) Utilizes county water/wastewater system
 - 2) 237 students, 49 staff members
 - 3) Contingency Plan – N/A
 - d. Kilohana Elementary School
 - 1) Utilizes county water/wastewater system
 - 2) 111 students, 24 staff members
 - 3) Contingency Plan – N/A
2. Charter Schools – POC Lydia Trinidad (808) 567-6900
 - a. Kualapu'u Elementary
 - 1) Utilizes DHHL water/wastewater system – Ranch water feeds only into the fire hydrant
 - 2) 380 students, 63 staff members
 - 3) Contingency Plan – N/A
3. Private Schools – POC Hawaii Association of Independent Schools (808) 973-1540
 - a. 3 private schools in the Kaunakakai area
 - 1) Molokai Mission School – 12 students, 1 staff
 - 2) Aka'ula School – 63 students, 5 staff
 - 3) Ho'omana Hou School – 19 students, 2 staff
 - 4) Utilizes county water/waste water system
 - 5) Contingency Plan – N/A

- C. Care homes/Special Needs Population:
1. No known care home facilities in affected areas
 2. 3 care homes in Kaunakakai
 3. Special needs populations
 - a. Maunaloa ~ 50 special needs – mostly frail and elderly
 - b. Kaluakoi – Unknown
 - c. Kualapu'u – 15-20
 - d. General – There are 3 visually impaired residents being serviced in West Molokai

D. Livestock and pets in West Molokai:

1. 500-1000 head of cattle
2. Estimated 75 horses
3. Pets:

Area	Dogs	Cats	Birds
Maunaloa	50	75	25
Kaluakoi	25	25	10
Ho'olehua	100	100	40
Kualapu'u	50	50	25
Totals	225	250	100
Total Pets	575		

Resources and Services That May Support Contingency Planning

A. State

1. Department of Defense (DOD) – National Guard
 - a. 400 Gallon Water Trailers
 - 1) Air National Guard
 - a) 2 – Oahu, 2 – Maui, 2 – Big Island
 - 2) Army National Guard
 - a) 1 – Oahu, 1 – Maui, 1 – Big Island
 - b. Reverse Osmosis Water Purification Unit (ROWPU)
 - 1) Army National Guard
 - a) 2 – Oahu
 - c. Shower Trailer
 - 1) Army National Guard
 - a) 1 – Oahu (10 shower stalls and about 4 or 5 sinks, it requires power and needs to be hooked up to a water source)
2. Department of Transportation (DOT)
 - a. 2,000 gallon water tanker on Molokai
3. Department of Agriculture (DOA)
 - a. Kualapu'u Reservoir – for agricultural use only
4. DHHL – POC George Maioho (808) 560-6104
 - a. There are 2 deep wells in Kalae which pump water into a 100,000 gallon storage tank. The water is then distributed into two 3.5 M gallon holding

tanks (Ho'olehua). The water is then distributed into a 200,000 gallon holding tank west of Kaunakakai in Kalamaula properties. Water from this system can be accessed via hydrants.

- b. DHHL reports that the above system utilizes 10-12 year old pumps and is considered a frail system

B. Federal

- 1. Joint Task Force Homeland Defense (JTF-HD)
 - a. Defense Support to Civil Authorities (DSCA) - Upon determination of the needs required, the State can request support through DSCA protocols for appropriate missions (i.e., water distribution, wastewater)
- 2. Environmental Protection Agency (EPA)
 - a. Currently providing assistance as requested by DOH

C. Private

- 1. Water Distribution
 - a. Menohine Water - POC Pat Kawano (808) 553-5487
 - 1) Bottled drinking water (5 gallons)
 - 2) \$8 per 5 gallon bottle
 - 3) Delivered twice a month (15 bottles average delivery)
 - b. General Store at Maunaloa - Reportedly closing
 - 1) Sells bottled drinking water
- 2. Wastewater Management
 - a. Molokai Portable Toilets - POC Curtis (808) 336-0840
 - 1) Portable toilets
 - a) Individual units
 - i. 30+ available
 - ii. \$250/month per unit
 - iii. Serviced twice a week
 - iv. Includes a washbasin
 - b) Handicap Units
 - i. 30+ available
 - ii. \$1000/month per unit
 - iii. Serviced twice a week
 - iv. Includes a washbasin
 - c) Trailer units - 1,000 gallon capacity
 - i. 4 available
 - ii. \$6000/month per unit
 - iii. Serviced daily
 - b. Molokai Porta-Potties - POC Brent Davis (808) 553-9819
 - 1) Portable toilets
 - a) Individual units
 - i. 78 available
 - ii. \$150/month per unit if serviced once a week
 - iii. \$225/month per unit if serviced twice a week
 - iv. Includes a washbasin

- b) Handicap Units
 - i. 3 available
 - ii. \$200/month per unit
 - iii. Serviced once a week
 - iv. No washbasin
- c. Pacific Portables (Maui) – POC (808) 878-1665
 - 1) Portable toilets
 - a) Trailer units – 1,000 gallon capacity
 - i. Number available unknown
 - ii. \$4000/day per unit
 - iii. Must be manned by Pacific Trailer Staff

D. Faith-based Organizations

- 1. Southern Baptist – POC Chris Woodall (808) 356-8341
 - a. Portable solar purification units
 - 1) 3 small units – 1 Maui, 1 Oahu, and 1 Big Island
 - 2) Capacity – Converts any water to drinking water at 1 gallon per minute

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2008

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing document was served upon the following parties at their last known addresses, in the manner specified:

Laurence K. Lau
Deputy Director for
Environmental Health
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Honolulu, HI 96801
Facsimile: (808) 586-4444

HAND DELIVERY

Mr. Stuart Yamada, P.E., Chief
Safe Drinking Water Branch
Hawaii Department of Health
919 Ala Moana Blvd., #308
Honolulu, HI 96814
Facsimile: (808) 586-4351

U.S. MAIL

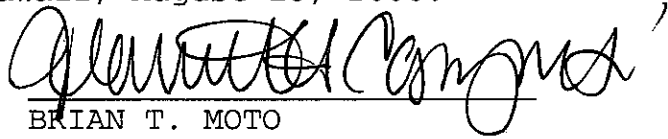
Mr. Tomas S. See, Chief
Wastewater Branch
Hawaii Department of Health
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Facsimile: (808) 586-4300

U.S. MAIL

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William Cooper, Esq.
Deputies Attorney General
Health & Human Services Division
465 South King Street, Room 200
Honolulu, HI 96813
Facsimile: 808-587-3077

HAND DELIVERY

DATED: Honolulu, Hawaii, August 18, 2008.



BRIAN T. MOTO
JANE E. LOVELL
EDWARD S. KUSHI, JR.
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Attorneys for the County of Maui