

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
TRANSPORTATION COMMITTEE**

June 1, 2001

Committee

Report No. 01-103

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Public Works and Transportation Committee, having met on May 16, 2001, makes reference to County Communication No. 01-129, from Councilmember Bob Carroll, requesting that the matter relating to the replacement of cesspools on small house lots be referred to the appropriate committee.

At its meeting, your Committee met with the Director of Public Works and Waste Management; a Deputy Corporation Counsel; Harold Yee, Supervisor, Planning & Design Section, Environmental Management Division, State Department of Health; Dominic Marino, President, Valley Isle Pumping; and Rodney Allgood, Suck 'Em Up Pumping.

Mr. Marino testified in opposition to Bill No. 46, (2001), from your Budget and Finance Committee, relating to cesspool pumping services to be provided by the County. The purpose of the proposed bill is to amend the County cesspool pumping ordinance by continuing to allow one pump per month, rather than decreasing the number of allowable pumps to one per quarter, beginning July 1, 2001. He emphatically asserted that in anticipation of the continuance of the existing law which decreases the number of allowable pumps provided by the County, he purchased a new truck costing approximately \$160,000. He questioned how he would use the new truck should the proposed bill be enacted.

Mr. Allgood testified that he is attempting to inform people of the technology he uses to rehabilitate all cesspools. He indicated that he has not yet encountered a single cesspool that he could not repair. The technology used requires the drilling of holes in the cesspool and blasting of the soil, resulting in a porous cesspool allowing proper seepage. Mr. Allgood attested that, understandably, people do not hire private cesspool pumpers because the County is continuing to provide a cesspool pumping service at such frequent intervals.

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Councilmember Carroll provided an overview of his request to consider replacement of cesspools. He noted that some of his constituents have expressed concerns relating to regulations prohibiting the replacement of cesspools with septic tanks on house lots that do not meet the size requirements.

Based on his knowledge, Mr. Yee attested to the fact that the Department of Health (DOH) has never encountered a situation that could not be resolved, nor has the DOH ever encountered a situation where a septic tank system could not be installed. The DOH has been able to work with homeowners, on a case-by-case basis, to replace cesspools.

Mr. Yee asserted that the impetus for the DOH's involvement in cesspool-related situations is through complaints or through building permit applications. He indicated that an upgrade to an existing cesspool is requested when: (1) additional bedroom(s) are added; (2) wastewater penetrates the water table; (3) there is evidence that a cesspool is creating a nuisance; and (4) there is evidence that a cesspool has been pumped more than two times within 12 months.

Mr. Yee noted that the DOH has a very broad definition of the term "maintenance". Maintenance work may include the pumping of the cesspool, setting the cesspool deeper or wider in the ground, removing the lid to thoroughly clean the cesspool, or treating the system chemically. Technically, moving the cesspool to another location would constitute the installation of a new cesspool, which is not allowed based on regulations prohibiting the installation of a new cesspool. However, he advised your Committee that because of the lack of personnel, the DOH is unable to stringently enforce regulations.

He advised your Committee of the variance procedure established for those who are able to claim hardship. The procedure requires the issuance of public notice of the variance request, a 30-day period for comment, and the submittal of information to the DOH to prove hardship. It is also in the homeowner's best interest to obtain a technical assessment on justification for the variance.

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Mr. Yee offered to continue to work with homeowners in addressing cesspool-related problems on a case-by-case basis and to work with the County in establishing a more practical variance procedure. However, Mr. Yee requested that the County refer homeowners with cesspool-related concerns to the DOH.

The Director of Public Works and Waste Management provided statistics on the County cesspool pumping service. He indicated that of 15,000 cesspool and septic tank systems within Maui County, 373 homeowners requested cesspool pumping from the County, equivalent to 2.5 percent of the total number of systems.

From July 1, 2000 to March 30, 2001, 15 violation letters were issued to homeowners who requested pumping service more than once a month. Of the 15 violation letters, 3 were issued to homeowners on Molokai and the remaining 12 were issued to homeowners on Maui.

The Director indicated that he would seek approval from Corporation Counsel on the possibility of hiring private cesspool pumpers to provide services utilizing their new equipment.

The Director offered to include language in letters to account holders for the County's cesspool pumping program advising them of resources and options available to meet their cesspool pumping needs.

Your Committee noted that there is an apparent lack of communication as homeowners are not aware of the resources and options available to them.

Your Public Works and Transportation Committee RECOMMENDS that County Communication No. 01-129 be FILED.

Adoption of this report is respectfully requested.

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