

COUNCIL OF THE COUNTY OF MAUI
WATER RESOURCES COMMITTEE

September 4, 2009

Committee
Report No. _____

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

Chair and Members:

Your Water Resources Committee, having met on August 18, 2009, makes reference to County Communication No. 09-169, from Councilmember Michael P. Victorino, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 20.24, MAUI COUNTY CODE, AND AMENDING CHAPTER 14.08, MAUI COUNTY CODE, RELATING TO RESTRICTIONS ON USE OF POTABLE WATER FOR GOLF COURSES".

The purpose of the proposed bill is to repeal Chapter 20.24, Maui County Code (MCC), and to amend Chapter 14.08, MCC, to establish restrictions on the use of potable water for golf course irrigation and other nondomestic purposes.

Title 20, MCC, relates to environmental protection. In 1991, Chapter 20.24, MCC, was enacted to establish restrictions regulating the use of potable water to irrigate golf courses. In 2006, the Council determined that Title 14, relating to public services, was a more suitable location for regulations affecting water and wastewater use, and other public services. The proposed bill repeals Chapter 20.24 and inserts the provisions into Chapter 14.08.

By correspondence dated August 10, 2009, the Department of the Corporation Counsel transmitted a revised proposed bill. The revised proposed bill revises the definition of potable water in Section 14.08.020 to ensure that golf courses shall not irrigate or utilize water for nondomestic purposes if the water source at one time complied with the State Department of Health's standards for potable water. The revised proposed bill also revises Section 14.08.030 to clarify that no grading, grubbing, or building permit will be approved if any potable water is used for irrigation or other nondomestic purposes.

The Director of Water Supply expressed concerns that golf courses may attempt to irrigate or use water for nondomestic purposes from potable groundwater wells that have exceeded pumping capacity, rendering the source nonpotable.

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Your Committee agreed to revise the definition of potable water in Section 14.08.020 to address the Director's concern.

Your Committee voted 6-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Victorino, Vice-Chair Pontanilla, and members Baisa, Kaho'ohalahala, Medeiros, and Molina voted "aye". Committee member Mateo was excused.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revision.

Your Water Resources Committee RECOMMENDS the following:

1. That Bill No. _____ (2009), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 20.24, MAUI COUNTY CODE, AND AMENDING CHAPTER 14.08, MAUI COUNTY CODE, RELATING TO RESTRICTIONS ON USE OF POTABLE WATER FOR GOLF COURSES", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 09-169 be FILED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.



MICHAEL P. VICTORINO, Chair

ORDINANCE NO. _____

BILL NO. _____ (2009)

A BILL FOR AN ORDINANCE REPEALING CHAPTER 20.24, MAUI COUNTY CODE, AND AMENDING CHAPTER 14.08, MAUI COUNTY CODE, RELATING TO RESTRICTIONS ON USE OF POTABLE WATER FOR GOLF COURSES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Chapter 20.24, Maui County Code, is hereby repealed.

SECTION 2. Chapter 14.08, Maui County Code, is hereby amended to read as follows:

"CHAPTER 14.08

RESTRICTIONS ON USE OF POTABLE WATER FOR GOLF COURSES

[(RESERVED)]

Sections:

14.08.010 Purpose.

14.08.020 Definitions.

14.08.030 Permitting restrictions.

14.08.010 Purpose. A. The council finds that potable water must be limited to domestic use in homes and businesses. The County must be assured that an adequate supply of such water will be available for current and future needs.

B. A golf course can use as much as one million gallons of water per day for irrigation and other nondomestic uses and it is inappropriate to use potable water for such purposes. The purpose of this chapter is to prohibit the use of potable water for irrigation and other nondomestic uses at new golf courses by restricting the approval of any permit necessary for new golf course construction, if that new golf course cannot show that it will use a nonpotable source of water.

14.08.020 Definitions. For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases are defined as follows:

"New golf course" means any golf course that was not in operation prior to the effective date of the ordinance codifying this chapter, or whose development requires approval by the council of a community plan amendment and rezoning of the golf course properties.

"Nondomestic use" means water used for purposes other than drinking, bathing, heating, cooking, and sanitation.

"Potable water" means water that meets the standards established by the department of health as suitable for cooking or drinking purposes. A supply of water that at one time met the standards established by the department of health as potable water may not be used for golf course irrigation or other nondomestic uses, regardless of whether it is rendered nonpotable through such activities including, but not limited to, mixing or blending with any source of nonpotable water, storage in ponds or reservoirs, transmission through ditch systems, or exceeding the established pump capacity for a groundwater well.

"Reclaimed water" means treated wastewater that has been oxidized and disinfected and determined by the department of health to be appropriate for irrigation and nondomestic use.

14.08.030 Permitting restrictions. A. Prior to approval of any grading permit or grubbing permit pursuant to chapter 20.08 of this code, or of any building permit pursuant to chapter 16.26 of this code, for any new golf course, the permit application shall be transmitted to the director, who shall determine whether nonpotable water will be used for irrigation and other nondomestic uses.

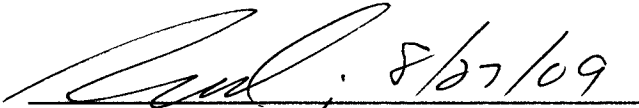
B. No grading permit, grubbing permit, or building permit shall be approved for any new golf course if any amount of potable water will be used for irrigation and other nondomestic uses.

C. This chapter shall not be construed to prevent the use of reclaimed water for irrigation and other nondomestic uses."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, bracketed material, or the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



EDWARD S. KUSHI, JR.
Deputy Corporation Counsel
County of Maui

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