

INFRASTRUCTURE MANAGEMENT COMMITTEE

Council of the County of Maui

MINUTES

January 23, 2012

Council Chambers, 8th floor

CONVENE: 9:05 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Elle Cochran, Chair
Councilmember Michael P. Victorino, Vice-Chair
Councilmember Robert Carroll
Councilmember Donald G. Couch, Jr.
Councilmember G. Riki Hokama

NON-VOTING MEMBERS:

Councilmember Gladys C. Baisa (in 9:08 a.m., out 9:49 a.m.)

EXCUSED: VOTING MEMBERS:

Councilmember Danny A. Mateo
Councilmember Joseph Pontanilla

STAFF:

Scott Jensen, Legislative Analyst
Yvette Bouthillier, Committee Secretary

ADMIN.:

David C. Goode, Director, Department of Public Works
Curtis T. Omuro, Mechanical Engineer IV, Development Services Administration,
Department of Public Works
Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery:

Ralph Nagamine, Land Use and Codes Administrator, Development Services
Administration (DSA), Department of Public Works

PRESS:

Akaku: Maui Community Television, Inc.

CHAIR COCHRAN: ...(*gavel*)... Aloha and good morning. Will the Infrastructure Management Committee meeting come to order? It is January 23, 2012 and the time is about 9:05 and kung hee fat choy, everybody. Thank you, Members, for being here. And before we begin, please turn off any cell phones, noise-making devices. And let me introduce the Members that are here this bright early morning. I have Bob Carroll, East Maui.

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COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR COCHRAN: Good morning. Don Couch, South Maui.

COUNCILMEMBER COUCH: Good morning, Chair.

CHAIR COCHRAN: Good morning. Riki Hokama, Lanai.

COUNCILMEMBER HOKAMA: . . .*(spoke in Chinese)*. . .

CHAIR COCHRAN: Okay. And Vice-Chair of the Committee, Mike Victorino.

VICE-CHAIR VICTORINO: Kung hee fat choy.

CHAIR COCHRAN: Kung hee fat choy. And it's interesting to note, Members, there's three dragons on this Council—myself, Mr. Victorino, and Ms. Baisa. Moving on. I . . .let me introduce Administrative officials. I have Director David Goode. And, I believe, Mr. Goode, we'll be having Ralph Nagamine here?

MR. GOODE: And Mr. Curtis Omuro.

CHAIR COCHRAN: And Mr. Curtis Omuro, Mechanical Engineer with DSA; and, of course, our Deputy Corporation Counsel Michael Hopper; Legislative Analyst, Scott Jensen; and Committee Secretary, Yvette Bouthillier. And, I believe, Ms. Bouthillier, we do not have any public testimony this morning. Okay, with that, Members, seeing no one rushing to the door or desk out front, I will close public testimony without objections.

COUNCIL MEMBERS: No objections.

CHAIR COCHRAN: Thank you, Members.

ITEM NO. 38: REPEALING CHAPTER 16.20A, MAUI COUNTY CODE (MCC), AND ESTABLISHING A NEW CHAPTER 16.20B, MCC, RELATING TO THE PLUMBING CODE (CC 12-7, CC 12-8)

CHAIR COCHRAN: And at this point, let's just get right into--we have one item on our agenda today. It relates to a proposed bill updating the Uniform Plumbing Code or "UPC". The Maui County Code currently reflects the 1991 Edition of the UPC and many changes in building practices are not reflected in this outdated version. This bill was introduced by the Director of Public Works and is based on the 2006 Edition of the UPC. The bill also includes certain recommended revisions to the 2006 Edition. The Public Works Director is here today and will, presenting a

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PowerPoint. He also has provided all Members with a 2006 Edition of the UPC for your review. And I would also like to note that this is a time sensitive matter, Members. The State of Hawaii adopted the 2006 Edition on April 16, 2010. Each County has until April 16, 2012 to adopt its own version of the UPC or the State Code will prevail. At this moment, I'll make note the Realtors Association of Maui, Inc. has transmitted testimony in support of this bill and you'll find that testimony in the binders. I also see written testimony from Hawaii Society of Professional Engineers and will accept that into the records without objection, Members.

COUNCIL MEMBERS: No objections.

CHAIR COCHRAN: Thank you. Also side note, Members, please note that the Director of Public Works transmitted a revised proposed bill, approved as to form and legality, dated January 17, 2012. It's in your binders and I just want to make sure that we're all looking at that particular revised version. And at this time, let me recess for our PowerPoint presentation, Director Goode.

MR. GOODE: Thank you. Wanted to give an overview --

CHAIR COCHRAN: Sure.

MR. GOODE: --and we'll do that.

CHAIR COCHRAN: Sure. Okay.

MR. GOODE: Thank you, Chair, and Members of the Committee. Also for the record I want to note that we received some late testimony from the AIA Maui in support. It's American Institute of Architects in support for the bill. And also from the Pipe and Mechanical Contractors Association, which is a Statewide association in support of the bill. So, the Department has been working with the private organizations that typically use this Code--our architects, our mechanical engineers, plumbers, and AC--air conditioning contractors. We even went to two local contractors here at the very beginning to get some input from them and for the reasons--some of the reasons you'll see in our PowerPoint, they're in support of the bill because ultimately it does make their life a little easier. They can be a little more--have some flexibility in what they do and they provide to their customers. I do want to acknowledge real quickly the hard work our Staff. First, Ralph Nagamine, who's the head of Development Services Administration. He sits on the Statewide--it's called the State Building Code Council which promulgated the Code that the Chair briefly mentioned. And Mr. Curtis Omuro who will, who will be giving the PowerPoint--who is our mechanical engineer for--heads up the plumbing section. Omuro has been on board since July 1, last year, 2011. He's come a long way in bringing that section. He's very, very

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knowledgeable about the Code and I really just want to thank them and their staff for their efforts to date. So with that, I think, we have to go to PowerPoint.

COUNCILMEMBER HOKAMA: Chair, I just --

CHAIR COCHRAN: Yes.

COUNCILMEMBER HOKAMA: --one quick, quick question, please, for clarification so I can. . .we can appreciate the --

CHAIR COCHRAN: Sure.

COUNCILMEMBER HOKAMA: --presentation better.

CHAIR COCHRAN: Sure, Mr. Hokama.

COUNCILMEMBER HOKAMA: If this County chooses to adopt within the time frames that are proposed, Director Goode, and once it's--it gets adopted, does the County still have additional opportunities to adjust or amend or add specific things to the County to the Code once we pass--we, we do this April 12 deadline? Or, or once it's done, it's done, and there's no chance for additional revisions that the County might seem appropriate for our needs?

MR. GOODE: My understanding is since we're passing an ordinance that's really our, our changes, you know, a lot of the administrative changes, absolutely that's the County Code, we amend it at anytime.

COUNCILMEMBER HOKAMA: Okay, thank you very much, Director. Thank you, Chair.

CHAIR COCHRAN: You're welcome, Mr. Hokama. And I'd like to take note that I see my fellow dragon here, Ms. Baisa, from Upcountry attending our meeting--who by, by chance is a non-voting Member but obviously quite interested in our agenda item today. Good morning, Ms. Baisa.

COUNCILMEMBER BAISA: Good morning, Chair. I see we're both in our dragon red.

CHAIR COCHRAN: Yes, we are and our fellow other dragon, Mr. Victorino.

COUNCILMEMBER BAISA: And the other dragon too.

CHAIR COCHRAN: Thank you for joining us. And, Members, let me read IM-38 and that is Repealing Chapter 16.20A, Maui County Code, and Establishing a New Chapter 16.20B, Maui County Code, Relating to the Plumbing Code. And it is a

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bill for the ordinance repealing the chapter, and the purpose of the legislation is to update the Plumbing Code from the Uniform Plumbing Code (“UPC”), 1991 Edition, to the UPC, 2006 Edition, with certain revisions recommended by Department of Public Works. At this point, I shall recess the meeting to set up the room for the PowerPoint. We are now in recess . . .(*gavel*). . .

RECESS: 9:08 a.m.
RECONVENE: 9:10 a.m.

CHAIR COCHRAN: . . .(*gavel*). . . Infrastructure Management Committee meeting will reconvene. And I have Mr. Omura. . .Omuro to do the PowerPoint Presentation. The floor is yours, Mr. Omuro.

MR. OMURO: Thank you. Good morning, Committee Chair Cochran and fellow Council members. My name is Curtis Omuro and this morning I will be going over the 2006 Uniform Plumbing Code and our proposal to adopt it along with its amendments as a County ordinance. So as I was explaining earlier, one of the drivers for adopting the 2006 Uniform Plumbing Code is a State bill that was passed back in 2007. The State Legislature found that our Building Code requirements between each County was inconsistent. This bill would force all four counties to adopt the same Building Codes. This basically would benefit design professionals, contractors, as well as counties to be able to reference only one code Statewide. The State bill that set up the State Building Code Council also put forth a requirement that all counties need to adopt and amend the State Code within two years. If not, the State Model Code would become applicable and the interim County Code until the County adopts their own amendments. So, the current Plumbing Code is the 1991 Uniform Plumbing Code, as was explained earlier. We look to adopt the Uniform Plumbing Code 2006 Edition as required by the State with amendments. We are not planning to adopt the entire 2006 UPC as published but have made revisions to the Code because this Code is a, is a national Code and certain sections wouldn’t apply to us here on Maui. The overall impact of the new Plumbing Code is--I wouldn’t say major but will allow our County to have a more modern and up...updated Code. I’ll, I’ll go into a little bit more detail later in the presentation on some of those impacts. So, as I mentioned, our current Code is a 1991 UPC. And the last Code adoption occurred back in 1994, which also included amendments that addressed administration of permits, inspections, fees, liabilities, variances. And there are also technical changes and deletions specific to plumbing construction methods at that time. Here I show a list of other counties and, and their current Plumbing Code. You can see here Hawaii County has already adopted the 2006 Edition. Previous to their new Code adoption they were using the 1991 Edition, same as us. I’m not sure on the status of Kauai and Honolulu City and County in terms of their adoption of the 2006 Edition. So, between 1991 and 2006, chapters have been added to the Uniform Plumbing Code. Some of the new chapters that were

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added--were added in back in 1994 and 2003 Editions prior to our proposed 2006 Uniform Plumbing Code. So, the, the International Association of Plumbing and Mechanical Officials is the organization that maintains the Uniform Plumbing Code, which is also part of ANSI or American National Standards Institute organization. So, many of these changes made to the Uniform Plumbing Code are changes to be consistent with other ANSI organization codes, such as the National Fire Protection Agency. So, if you look through your Code book you'll see this NFPA next to certain Code sections so that's kind of showing that they're trying to be consistent with these other codes as well. And in addition to adopting the technical sections of this Code, our Code adoption will also include administrative changes. And most of these administrative changes were approved by Council back in 2010 when the, the Electrical Code was, was passed or was adopted. So, the overall impact to adopting the 2006 Code will be I, I believe, a benefit to contractors and, and consumers which will allow more flexibility in construction methods and also provide, I believe, safer buildings for owners and, and building occupants. These changes will also help move the County toward allowing gray water systems to be installed, which could also impact water resources in a positive way. And our administrative changes to our Code is basically bringing consistency between other permit and inspection offices within our Development Services Administration sections. And I'll be going into more detail to each of these items in the following slides. So back in 2009, the Department of Health established gray water use guidelines, which were actually based on the 2006 Uniform Plumbing Code. The Department of Health defines gray water as any residential wastewater that does not come in contact with kitchen or toilet waste. And so, the, the State DOH will actually regulate the gray water system similar to how they regulate septic systems or, or cesspools in, in non-sewered areas. This means that the County Plumbing Office would still permit and inspect gray water systems within the home and up to the connection to the, the actual gray water system. By adopting gray water into our municipal Code we will be allowing the installation of piping and fittings that allow such a system. So right now compared to our current Code we don't even allow us to put in plumbing or any type of piping within the house, within the walls that would allow such a system. All, all waste would have to go to an individual wastewater system or a sewer system. So, in the 2006 Uniform Plumbing Code and per Board of Health's guidelines, only subsurface irrigation will be allowed to be installed. DOH's position on this is mainly to minimize the potential risk of coming into contact with, with gray water. Something new that actually has been through Code additions following the 1991 Code--new piping materials have, have been added and are--now are included in the new 2006 Code. So certain new piping materials have already been approved for trial and experimental uses here in our County. And actually I'll be--you want to pass that out now--actually I'll be passing out a sample of clearly what that pipe is. A lot of people, I think, expect to see copper piping, you know, traditional plumbing in, in their households, but we've been--now this new Code will actually be allowing these new technologies and new

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pipng materials. Another new thing that you will be seeing with the, with the new Code is thermal expansion tanks. A common practice for installing hot water heaters on the mainland would be to install thermal expansion tanks as part of the system. Although thermal expansion tanks have not been used in the past here on Maui, the practice of installing them will provide a better overall installation and, and reduce the effects of water hammer in piping, which is kind of like a loud knocking noise. So, you know, some plumber--plumbing contractors are already using this, this piece of equipment in their installations. Wet venting is an example of a change to our current Code that would save time and money on plumbing installations. A wet vent is basically a method of plumbing that allows a drain to also double as a vent line and reducing the amount of piping and pipe penetrations that would need to be installed. So that, that section there is actually a wet, wet vent. Storm water is an added chapter and as amended in the proposed Code would require storm water piping within the building to be inspected and tested for leaks. So, this would be interior piping and, and mainly for commercial buildings. This would address, you know, the potential hazard that leaks from roof drains and associated piping could lead to mold problems or, or rotting of building structures. Just to be clear, yeah, this Code will only address interior piping and not gutters or exterior piping. The new Firestop Protection chapter addresses the installation of drain and water supply piping penetrating through fire rated walls, floors, and ceilings. Currently, our inspectors do not check to see if proper firestop protection is installed for pipe penetrations through rated walls. Unprotected openings in fire rated walls can allow fire to spread pass the barriers or limits of fire safety plans. So, firestops are installed to preserve the integrity of a fire rated wall. So, this is one section that, I think, will improve building safety. In addition to the technical changes, we are amending the Code to add administrative changes that would bring our Plumbing Code to mirror our electrical administrative requirements, which were passed by the Council back in 2010. So, one of those changes address--addresses plumbing permitting for County projects. We are not requiring other County departments to pull plumbing permits. County departments still have the option to pull a permit and for our Department to inspect plumbing work. So, an exemption will still require a written request from the Director of the Department requesting that exemption. One of the administrative changes that will hopefully reduce paperwork is the increase in the time before permits expire. Currently, permits expire after 180 days. This means that when projects are put on hold, permits have to be extended every 180 days or else they will expire. This has been a problem recently with the current economic climate. Projects that are put--been put on hold and request for permit extensions had to be submitted every 180 days for projects suspended. So, over a two or three year period this would mean, you know, four to six extension letters would have to be processed, and this only added administrative costs and, and time for us to process those extensions. And again, to be consistent with our Electrical Code we are increasing our fee for plumbing work that is performed without a proper permit. Our current fee is \$200 and we propose to increase it to

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500. As I mentioned earlier, these administrative changes all reflect the same changes that were approved by our Council back in 2010 when our Electrical Code was adopted. So, thank you. This ends my presentation. Thank you. I will turn the meeting back to Chair Cochran. Thank you.

CHAIR COCHRAN: Thank you, Mr. Omuro. And, Members, this meeting will recess to set the room back up for questions and answers. We are now in recess. . . .(gavel). . .

RECESS: 9:22 a.m.
RECONVENE: 9:24 a.m.

CHAIR COCHRAN: . . .(gavel). . . Aloha, welcome back to Infrastructure Management Committee meeting. And thank you, Mr. Omuro, for the presentation. And at this point, I'd like to call on Director Goode to elaborate more on the revised proposed bill at this point, so we can get clarity on that and then we can move on to questions and answers.

MR. GOODE: Okay, thank you, Chair. There's a transmittal dated January 17, 2012 and that's the most recent version that we'd like to work off of this morning. And the changes from the previous transmittal back in December were two primary changes. One was to deal with the effective date of the bill. I think the previous version had a 90-days--it would take effect 90 days or thereafter. And Corp. Counsel can elaborate but basically that didn't seem to be consistent with what the State Code was saying, hey you gotta get it done by a certain date. And also our past practice has been, you know, if you submitted for a permit before the effective date, you're under the old Code unless you want to go with the new Code. So for consistency sake and kind of traditional grandfathering, we changed that effective date to be more along those lines. And then Corp. Counsel also added some verbiage related to liabilities to try to minimize liabilities the County may have in issuing permits. Other than that, Chair, we are dealing with the 2006 Building Code. This is the Code that Mr. Omuro is referring to. It's adopted nationally. We have adopted the sections that, that makes sense for us, deleted sections that don't make sense, and made the administrative changes that were mentioned to have some consistency with the Electrical Code, and gives us the authority to issue permits, conduct inspections, do final inspections, to create violations for work that's done without a permit, et cetera. Other than that, there's one item, I think, that is worth mentioning. It's kind of a small item but, I think, it will be important to a lot of folks out there--is currently if you replacing a fixture and a fixture could be a faucet, a toilet, I believe, those kind of things, you, you actually need a permit under the old Code. Under this new Code, that would be exempt work so you wouldn't actually have to get a permit to replace the fixture. If you're moving a fixture from one location to another and you gotta re-pipe or break into the walls or something and start touching the piping, you need a

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permit. But that type of activity which we feel is done commonly as now would be permitted outright. So, with that we will be happy to take any questions the Members have or --

CHAIR COCHRAN: Thank you, Director.

MR. GOODE: --from the Chair.

CHAIR COCHRAN: One second, Mr. Hokama. Mr. Hopper, did you have anything you wanted to fill in?

MR. HOPPER: Madam Chair, I believe, Mr. or Director Goode did summarize the changes that, that were made in the version that we approved versus the, the non-approved versions. So I, I don't have anything to add at this time.

CHAIR COCHRAN: Thank you, Mr. Hopper. Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. Director Goode, quickly and just on your last comment regarding fixtures, that is for also the commercial like hotel resorts when they're going to change 200 rooms worth of sink fixtures, shower heads, toilets, that also would be exempted besides residential homeowner kind of things?

MR. GOODE: That's correct.

COUNCILMEMBER HOKAMA: Okay, okay, that's good. Was there a benefit of this County keeping for 20 years the '90-'91 Code? 'Cause I noticed the other counties kind of moved up but, you know, it's interesting we, we decided to keep it for so long. So, I'm just wondering is it, is it because we had those unique adjustments made for this County that it was still pertinent for 20 years?

MR. GOODE: I, I can't think of any, other than it's an Administrative effort to plow through the new Code, which is actually another benefit of the State Building Code Council for us is that we've got a Statewide body looking at the entire Code and pulling out amendments that maybe don't make sense to the entire State. So, I, I can't think of any reason why we kept it that long.

COUNCILMEMBER HOKAMA: And Mr. Couch, you know, gave me a good thought, so this has nothing to do with transmission and distribution water lines, right? This is just what we consider plumbing in the layman's term, like we said, those sink faucets, shower heads, toilet fixtures as...would washing machine connections and all that be considered plumbing?

MR. GOODE: Correct, correct.

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COUNCILMEMBER HOKAMA: Okay. So, the Fire Department wouldn't have any issues with what we're trying to do today, right?

MR. GOODE: I believe not. No.

COUNCILMEMBER HOKAMA: Okay. If we adopt this and I'm glad you mentioned some grandfathering, Director, do we--are we aware of any potential costs impacts to the County or to the resident or the business just by adopting this new Code regarding new standards and possibly adjusted procedures?

MR. GOODE: Well on the administrative side, other than if you're working without a permit, that minimum fee would go up --

COUNCILMEMBER HOKAMA: Right, right.

MR. GOODE: --to be consistent with electrical but also consistent with our Building Code. But as far as the actual field work, you know, it's difficult to say on a case-by-case basis, but, I think, in theory if there's, contractors have more options to them, one contractor might look at a job a little differently than another contractor, just from a technical standpoint may be able to deliver an equivalent product for less price. But it's, it's difficult to say what will actually happen in the field.

COUNCILMEMBER HOKAMA: Okay. And just so the Committee's clear, this is only regarding the piping that is within walls and subsurface, nothing on the surface or outside of a structure. That would be correct?

MR. OMURO: No, actually when you talk about gas piping, you know, you have gas tanks outside of the building and vent piping can actually be run outside of the building, but they still have to be penetrating vent through the roof, whatnot. So, it's not just piping within walls. It'll also be, you know, addressing piping that can be routed, you know, on the exterior.

COUNCILMEMBER HOKAMA: Thanks for bringing that up, Mister. So, besides water if you have a gas water heater with a gas tank outside of your building, that piping that goes into the house is part of what is considered plumbing?

MR. OMURO: Correct, yeah, it's part of this Plumbing Code--fuel piping. And, and that's, like I mentioned in the presentation, that's actually that fuel piping section, a lot of it is trying to be consistent with the National Fire Protection Agency Code. So, that's why you'll see that NFPA written along that chapter of the Code. So, it's just trying to get a lot, a lot more consistency --

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COUNCILMEMBER HOKAMA: Right, right.

MR. OMURO: --with both Codes.

COUNCILMEMBER HOKAMA: Okay, thank you. Chairman, I have a few more but --

CHAIR COCHRAN: Okay.

COUNCILMEMBER HOKAMA: --thank you for my--this, this time--my opportunity at this time.

CHAIR COCHRAN: Yeah. We'll get more go-arounds, Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR COCHRAN: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Madam Chair. Mr. Goode, on one of the things, it says that basically the provisions of this Code shall not apply to property within the County that is designated as Hawaiian Home Lands. So, we're saying that the Plumbing Code doesn't--in, in all the Hawaiian Home Lands areas it doesn't apply?

MR. GOODE: Essentially that's correct although that's what, I think, really to state what State law says that, you know, DHHL doesn't necessarily have to. However, DHHL often wants to comply with, with the Plumbing Code. The same thing kind of works for our, our own departments. There is a slide in the presentation saying we don't have to get a permit, but very often we will want to get the permit so we have additional eyes, you know, on, on the deal. The same with DHHL.

COUNCILMEMBER COUCH: Okay. And, you know, I noticed in there that you replaced the authority having jurisdiction with the word "Director" and then you define Director further on as the Director or an authorized representative. My concern is there are some places in here where only you as the Director should make a decision, and if it says Director or authorized representative then it means that a Plumbing Inspector that you've offered, is one of your authorized representatives could make a decision that only you should make. Is there, is there--is that--can that be interpreted that way? I guess that would be Corp. Counsel. For instance, there's one in here that says the Director may in writing suspend or revoke a permit issued under this Code or the Director may extend the deadline only once so that's usually something that you, you or someone in your position should make and not somebody--an inspector, is that right?

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MR. GOODE: Well what happens in the field is that 99.9 percent of all these decisions do not pass the Director's desk.

COUNCILMEMBER COUCH: Right.

MR. GOODE: So, there's a lot of work in the field and obviously the inspector is saying hey, this isn't done right, you know, I'm gonna not pass this inspection. You gotta correct A, B, and C, and then go back. So, if there's a stop work I would imagine Mr. Omuro might get involved to make sure that, that's a correct interpretation. If there's violations in the field, it's often done, you know, without me getting involved. It might rise to Mr. Nagamine to write some letters. All that said, there is a chain of command. And so, if something does come across the Director's desk then, you know, it's worked its way through the Codes. If they're not happy with my decision or our office's decision, Rowena Dagdag-Andaya, our Deputy Director, makes the decision. And then there's an appeal mechanism in the Code to go to the Board of Variance and Appeals.

COUNCILMEMBER COUCH: So, you're comfortable with the fact that somebody might be able to, I mean, not that we have anybody that would do something like that, but sometimes you get employees say hey, I can do this and so I'm going to and.

MR. GOODE: Well that's, that's our job to --

COUNCILMEMBER COUCH: Okay.

MR. GOODE: --manage that process. But certainly, I don't know--how many permits did we issue last year, 1,500? That's a lot of inspections for me, so.

COUNCILMEMBER COUCH: Yeah. It's not so much the inspection side, that's--that is defined in there. It's just some, some decisions that you, you as the head of the Department have to make the final decision, I guess --

MR. GOODE: Right.

COUNCILMEMBER COUCH: --that has been now possibly delegated maybe not under your leadership, but somebody else may not be strong enough to say oh, wait, wait, I'm supposed to make that decision, you can't make that decision, especially if something's gone out in writing already without going through your desk.

MR. GOODE: Yeah, we've got a pretty well oiled process for that.

COUNCILMEMBER COUCH: Thank you.

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CHAIR COCHRAN: Thank you, Mr. Couch. Members? Ms. Baisa or Mr. Carroll and then Ms. Baisa.

COUNCILMEMBER CARROLL: Thank you, Chair. I had the opportunity to talk to several different plumbing contractors and other people and when this originally came up. And everybody was very happy that we're addressing this and nobody I talked to had any problems with this Code, this Code, this--what we have before us today. I am not a plumber but the people that I had talked to, I know, they really know what they're doing and they're the ones literally what you might call in the trenches and they support it. So, I do too. Thank you.

CHAIR COCHRAN: Thank you, Mr. Carroll. Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. As a non-voting Member of the Committee, I wanted to be here today, because for quite a while now since I . . . before I came to the Council and ever since I've been here, I've been very concerned about the issue of using gray water. And I also had tried to work at the State Legislature to have something happen. And I'm excited that finally there is something that is going into the Plumbing Code. But I am disappointed at the very, very limited use that is going to be allowed in the amount of work that's going to be required in order to use any of it. You know, I think, that the idea that many of us would like to see is the old situation where you took your wash water and you had a coiled hose and you ran into your bananas and your ti leaves. But this is not anything like that and, I think, that the public needs to understand that although we are making some accommodations, that it is going to require a lot more than, you know, the hose. It's going to require a very sophisticated system of plumbing and something similar to a septic tank in order to use this water 'cause it all has to be subsurface. And so while it is progress, we're a long way from being able to make a big dent in conservation, which is part of the reason why I wanted to see this happen. You know, we have that horrible problem of not having water, and if we could use some of our gray water for irrigation particularly it would really help, you know, for stuff like bananas and ti leaves that have been done historically as long as I can remember and also for lawns, you know, wherever you could use this, this water which is essentially just wash water. But it's better than nothing and the rest of the Code looks really good. So, I'm going to support it, but I am concerned, like I said disappointed. I wish we could have done a little bit more. Thank you.

CHAIR COCHRAN: Thank you, Ms. Baisa. Members, further discussion? Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you. And I, I thank my colleague from Upcountry for bringing up the subject that I was kind of interested also since as I understand the legislation is only for non-sewered areas. So, we talking about a

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very small limited area in the County. And you would think Lanai would be a benefit of gray water but we're a sewer community. So, I guess, that would put us in an area of it wouldn't be allowed per se. But one of the things that interested me with that was that it says that the State Department of Health will, will review and approve the gray water disposal systems. The County would not participate in that at all--it would be strictly a Health Department review and approval process?

MR. GOODE: Yeah, that, that's, that's correct. I think as mentioned in the PowerPoint, it's kind of like septic systems. So, currently we would permit the plumbing. It comes inside the house, goes outside about five feet, and that's the demarcation. After that it's, it's the State's approval process. The pipes continuous but that, that mark is okay, we're going to permit it up to here and then DOH permits it after there--after the five foot mark. So, in the case of septic--that line continues on to a holding tank and then out to a leach field. Same with the gray water, it would have a holding tank perhaps. The holding tank could be inside evidently and then out to a leach field.

COUNCILMEMBER HOKAMA: And we both know how fast Department of Health works. So, you know, it's, it's one of my concerns there for those that might want to use this option. A couple of questions, Director, please. So are you planning to do some type of rules or, or standards whereby for the, in turn of the departments that come before you to asking for these exemptions? And I bring it up because was interesting enough in past Administrations when some departments did their improvements, to my disappointment, they chose not to go the permitted route, and then when Council did improvements here, we were then told to take care of the backflow preventer, we were told to take care of this and this and some other things. And I'm going why did the Council in our project to Council Services went through all the hoops, we paid all the fees, and then the departments tend to get exempted out and not put those requirements. So, I bring it up because, for me, consistency and fairness even on the internal reviews must be the litmus test. And so, I just bring that up that I--it is my desire and I hope you, our Director, set up standards, whereby the exemption when granted by you or your designated person, will at least have some sense of applying it across the board that whether it's a Council project, it's--whether it's a Parks Department's project that has water requirements, whether it's the Water Department project internally for their own office a requirement, we're all treated the same way. Because it disappoints me when even internally we don't do it consistently on a, on the same manner. So, I share that. Under administrative changes, this five years maximum life for a, regarding the permit, can you give us some understanding why five years regarding the inspection and the five year maximum active life?

MR. OMURO: Well that extension was because of the processing of, you know, every 180 days --

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COUNCILMEMBER HOKAMA: Yeah, yeah. Every six months, right?

MR. OMURO: --Plumbing, you know, we have to--they have to submit us a letter, and then we have to approve that extension. And so, like I said, this, this past kind of couple years, past three years have been, you know, we'll get a letter, and I'll have a bunch of letters to go over that, that basically says okay, you are extended, you are extended, and you know, they have to do that kind of, you know, six months goes by, goes by fairly quickly so --

COUNCILMEMBER HOKAMA: Right.

MR. OMURO: --you're doing this for a lot of different projects and so just that administrative times. And I'm not sure exactly why they chose five years but, you know, I guess, we're assuming a five-year time would be kind of when hopefully you would, you know, at least see another economic swing where people can start getting their projects together and, and maybe complete them. So, I'm not sure exactly where that five years came--came about.

COUNCILMEMBER HOKAMA: So, we're all clear, this is regarding a permit to do plumbing work, correct?

MR. OMURO: Correct.

COUNCILMEMBER HOKAMA: And then the County has one year to inspect the work once it's done or --

MR. OMURO: Yes.

COUNCILMEMBER HOKAMA: --the applicant has one year to complete the work for an inspection by the County?

MR. OMURO: So, they have to initiate that first inspection within that first year. So, when they pull a--when we issue a permit, they have to actually have, yeah, I would say, a rough in permit, you know, to at least have our inspectors inspect it, pass, and, and then sort of that time allows them--you know, a lot of things that--well the problems that we see is these people, they pull a plumbing permit and then they complete their whole project, and they didn't even think that they needed to do a, you know, an initial inspection. If they had done their initial inspections, the, the process for them to actually get a completed permit is much simpler than if they never got any inspections anyway. So, you know, that's kind of what we're seeing a lot. But, yeah, that first inspection is required and then that's when that sort of time starts for that five-year period.

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COUNCILMEMBER HOKAMA: And, and again, I am happy we got, you know, the AIA--we have Engineering. Has the Contractor's Association provide you folks any comment whether this is a reasonable length of time? You know, 'cause once, you know, some of them might get very--well they want to finish so they start closing trenches. They start closing walls and then they haven't done that inspection, so, you know, is there any comments we may need to be aware of from the contractors' point of view, Director or Mr. Omuro?

MR. GOODE: I, I did send the, the bill out to Maui Contractors Association. And I had an e-mail saying they're in general support and a letter is to follow. So, I assume that letter might be coming in even today. There was a letter of support from the Piping and Mechanical Contractors Association. I believe that's their name--it's a Statewide organization and they were in support of the bill.

COUNCILMEMBER HOKAMA: Okay and then one, one last one, Chairman, please.

CHAIR COCHRAN: Yes, go ahead.

COUNCILMEMBER HOKAMA: These proposed increases in the minimum fees, if we pass this ordinance, does it automatically adjust the fee schedule or do we need to go back to Mr. Pontanilla's Committee and then do a budget amendment regarding the fees that are being proposed through this legislation?

MR. GOODE: My Counsel is saying yes, it would probably have to be adjusted.

MR. HOPPER: I mean all fees have to be set forth in the County budget.

COUNCILMEMBER HOKAMA: Correct.

MR. HOPPER: So that's, that's, I mean, that's a requirement that we'd have to, to deal with. But this would be legislation establishing what that fee would be. I think, to be, in charging it though, I think, that is something that needs to be reflected in the budget before they're collected.

COUNCILMEMBER HOKAMA: Okay. And this fee is part of the Statewide Council's recommendation? Or this is your Department's recommendation to the Committee at this time?

MR. GOODE: Yeah, this is, this is ours. And again, to be consistent not only with the Electrical but Building. And so, you know, all the work, you know, starting without a permit has its initial fee and, and it's, and it's--it would be \$500 or double what the fee would have been, whichever is greater.

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COUNCILMEMBER HOKAMA: Okay. Is there a need to also look at the penalties for any other component of this proposal?

MR. GOODE: No, I think, our administrative fines, which we do have as, as rules would take over so that's where the daily fines would start to kick in, et cetera. This just deals with the initial fine --

COUNCILMEMBER HOKAMA: Right.

MR. GOODE: --as it relates to the actual value of the permit.

COUNCILMEMBER HOKAMA: Okay. And this is regardless of scope of work...and whether it's, you know, a \$1,000 job or a \$10,000 job, the fee doesn't change?

MR. GOODE: Yeah, the initial fee's the same.

COUNCILMEMBER HOKAMA: The same? Okay, thank you, Director. Thank you, Chair.

CHAIR COCHRAN: Okay, thank you, Mr. Hokama. Mr. Victorino.

VICE-CHAIR VICTORINO: Thank you, Chair. And, and most of the questions that we discussed or being brought up today we discussed in meetings with you, Mr. Goode. So, thank you for at least giving us the opportunity to understand these changes. And, I think, that's something important. What I was curious is more along the lines of some of these--the wet venting and the thermal expansion tanks for which we have not, you know, Maui has not been really endeavoring in. These will be cost saving and as well as probably planning, streamlining issues that would help people do a lot more with a lot less. In other words, you don't have to break your, your walls, you know, you don't have to put a lot of these separate piping for incoming pipe and for drains, right? This is what this does basically?

MR. OMURO: Yeah, correct. I guess with wet venting, you know, you're basically minimizing the amount of penetrations and, and which is labor costs and material costs. For the thermal expansion tank, that tank costs maybe about \$50.

VICE-CHAIR VICTORINO: Right.

MR. OMURO: And so really that, that cost is fairly insignificant over, you know, if some contractor is doing a big plumbing job. The cost to put that fitting is very, very minimal. But, I think, the, the benefits of having something like that is, I think, is very good to have. So, it's almost like just trying to get more updated Code, you know, some of the common practice you see on the mainland --

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VICE-CHAIR VICTORINO: Right.

MR. OMURO: --you know, I think, I think, it benefits the overall installation of your system. So, it makes it a little bit more robust. So, those are the kinds of things cost wise as Director Goode said, you know, we, we, we--it's hard to say, you know, some of those savings may be passed on to the end customer 'cause it's, it's how each contractor will price the job. So, you know, I can't say that it will save significant amount of money, but within the project themselves, you know, some of these methods will, we will have some cost savings, some time savings.

VICE-CHAIR VICTORINO: Yeah and well again and, Madam Chair, if I may, you know, again, if you talking major projects, you know, 500, 700 homes, or something of that nature, this would definitely be a big cost savings in a, in both time, labor, and material.

MR. OMURO: Correct.

VICE-CHAIR VICTORINO: So, I, I expect to see that happening overall for our citizenry. The thing I wanted to make clear is that all of these rules that you're bringing forward would not apply--they're not retro. They're new rules and anyone building something new, expanding, changing, moving, like you said earlier, would be affected by these rules, but anything that is done for your personal or just rehabilitation of a sink, a tub, toilet, nothing's necessary--not necessary to get a permit. That's what you were saying?

MR. OMURO: Right, yes, yes.

VICE-CHAIR VICTORINO: So any rehabilitation, remodeling, you need a permit but if it's repair, you don't need a permit?

MR. OMURO: Yes, you know, for leaks--leaking faucets or, you know, and you're repairing that, you know, no permit is required for, for those cases.

VICE-CHAIR VICTORINO: I was curious I did not see in here and, and, I know, we talked about it, but I didn't see anything specific about one of the big water users in our homes, which is our toilet tanks. I know that, that comes under water --

MR. OMURO: Correct.

VICE-CHAIR VICTORINO: --but nothing was addressed in this area.

MR. OMURO: Yeah, it's in--it's actually--is in the 2006 Code. They, they talk about water conservation --

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VICE-CHAIR VICTORINO: Yeah.

MR. OMURO: --and, and, I think, as we discussed, you know, some of these things that are, are sort of industry driven already, so the stuff that you can actually buy, you know, are, you know, meets the 1.6 gallons per flush and, and those kinds of things. So, you know, unless you go there, go antique shopping or something, maybe you could find that three gallon flush there, you know. But, so, you know, a lot of times, you know, these people that may be doing home improvements projects, you know, what's available is pretty much what would meet the Uniform Plumbing Code.

VICE-CHAIR VICTORINO: Yeah. And so just so the people--the public who is listening to this would understand, you know, that this also really fits into what we're talking about, about conservation, green--using better green methods in our livelihoods and, and even with the gray water, which Ms. Baisa brought up. I mean, wherever and whenever we can use it, I think, it would be very, very appropriate. I just think that DOH has been really slow about moving on it, but it is what it is. At least now we've got it here and we can deal with it. You know, hopefully in the future it will expand and be able to do much more for the community. So, thank you. And I'm ready for your recommendation, Madam Chair, whenever you are. This, this is good, I mean, long overdue. Thank you.

CHAIR COCHRAN: Thank you, Mr. Victorino. And Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Madam Chair. And, yes, this is long overdue and we're ready to go, but I--couple more questions. You know, you mentioned if you put out--put it out there for 30 days and nobody comes back with response then the permit is deemed approved. Is that correct?

MR. GOODE: Yeah, the Plumbing Code is now handled 100 percent within the building. . .Plumbing Code section. So, when we receive a plumbing permit, we don't send it out to other agencies for comment.

COUNCILMEMBER COUCH: Well you're talking about DOH, right? You're waiting for DOH for gray water?

MR. GOODE: Well I'm not sure if we would actually wait for DOH or we'd leave it to the applicant to go get that since it's separate --

COUNCILMEMBER COUCH: Oh, okay.

MR. GOODE: --permit from them, you know. . .from us, I meant.

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COUNCILMEMBER COUCH: All right, good, 'cause like both of our Members over here said waiting for DOH is like waiting for Godot. You said rough, rough in, if somebody does a rough in they have pretty much five years to finish that rough in, is that what you're saying?

MR. GOODE: Well it's something like if they get their first inspection which is usually the rough in --

COUNCILMEMBER COUCH: Right.

MR. GOODE: --then they have five years to get final, to complete the job.

COUNCILMEMBER COUCH: Isn't rough in when the frame is up and they've got pukas in the, the studs, and the pipes are all there that, that's what rough in is?

MR. GOODE: That's rough in, as far as I know.

COUNCILMEMBER COUCH: Yeah, okay.

MR. GOODE: Before the drywall goes on or any insulation.

COUNCILMEMBER COUCH: So.

MR. GOODE: I mean you have to walk in the building and see the pipes.

COUNCILMEMBER COUCH: So, we're okay with a structure being just framed and sitting there for five years? Is that...that's kind of...

MR. GOODE: That's a potential, I guess. I have to think about how it relates and how the Building Code would work into that. I think, think the main thrust here is it's an outside time.

COUNCILMEMBER COUCH: Okay.

MR. GOODE: And, and again, given the economic considerations of the situation that we're in, it gives people some flexibility rather than write--they have to write letters every six months. We have to respond.

COUNCILMEMBER COUCH: Right.

MR. GOODE: If they fail or if they forget then we're in a position we gotta cancel everything and it's just--creates a lot of humbug for folks.

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COUNCILMEMBER COUCH: Okay 'cause that just imagining something sitting there in the frame state for five years is, is probably not going to be fairly safe if all the exposed to all the elements.

MR. GOODE: Yeah.

COUNCILMEMBER COUCH: The last thing is I just wanted to ask you again to clarify because you said the State said if we don't have it done by April 2012 then their version applies, okay. We're making some changes to their version so those will apply, and I, I can assume since we made it via ordinance, we can make changes to that. Can we make changes to stuff that we haven't changed now, according to the State? Or, or does the State's stick until we, until we accept the, the next version?

MR. HOPPER: Madam Chair, the --

CHAIR COCHRAN: Yes.

MR. HOPPER: --the State basically says the, the, the Code will take effect as an interim Code if the County does nothing. So, if the County adopts amendments then, you know, the first thing the County does is adopt the 2006 Code and then it adds the amendments. And so, you'd have the 2006 Code with these amendments. If the County Council, as an ordinance, wanted to make further amendments, it certainly could. The version that would apply would be what the County Council adopted here, which would be 2006 plus these amendments. I think the State version is to, is to kind of force the counties if they adopt nothing, no amendments within that time, to have an interim code until such time as the County Council acts. So, I, I think, what you'd be getting is the 2006 Code with the amendments, and if the County Council wanted to make further amendments as with any other ordinance, it could that.

COUNCILMEMBER COUCH: Okay, thank you. I just wanted to clarify that because there--I know we can change stuff we've already changed but.

MR. HOPPER: I think because it says it's an interim code, it's not meant to be a permanent code taking effect, that they do see that as something that the County. . .for example, if, if the County Council acted, you know, several months later, something like that, it wouldn't have been a permanent code. It would have been an interim code that applied during those months where no action was taken.

COUNCILMEMBER COUCH: Okay, thank you, Madam Chair.

CHAIR COCHRAN: You're welcome, Mr. Couch. Members, any further discussion or questions for Department? Mr. Omuro, you mentioned a little bit of show and tell

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with some pipes or materials or something you had to show us or have for us or? I was just curious the new piping materials that are added into this and that's for cost benefit wise or just life span of the, the new existing materials?

MR. OMURO: Yes, Madam Chair, the, the new pipe materials--a lot of them actually have been used in the industry for quite some time. So, you know, a lot of these materials actually have been used pretty widely in the, in the industry. It's just that, you know, the '91 Code was so dated that, you know, none of these materials even were, were, you know, being used at that time. Actually this type of piping was actually used on a kind of a trial basis back in early 2000's, so there's some, I think, Maui Lani is one of the developments that do have some of these piping materials installed in them. So, it does save a lot of costs talking to some of the contractors. You know, using this type of materials you can almost run it like electrical wire. And so, insulation and labor is really a lot faster. The fittings and all that, you know, time to install these are a lot quicker, you know, versus soldering and, and, you know, doing all the copper pipe fittings and all that. So, really this is a new material that gives people--people options. It's not that, you know, everyone is going to be using that but it just gives, like Director Goode said, some flexibility in their construction methods.

CHAIR COCHRAN: Okay, great, so here's the hot and cold.

MR. OMURO: Correct, yes.

CHAIR COCHRAN: Okay, got it. If it was purple, reclaimed. Alrighty, I guess, we pretty much covered everything. And again, Mr. Omuro, I want to thank you for curing my insomnia with this Plumbing Code here that's very riveting, exciting reading and looking forward to more with the Building Code coming up. But with that, I'd like to make a recommendation.

VICE-CHAIR VICTORINO: Recommendation, Chair.

CHAIR COCHRAN: Thank you, Members. The Chair will entertain a motion to recommend passage of the revised proposed bill on first reading and filing of the County Communication.

VICE-CHAIR VICTORINO: So move, Madam Chair.

COUNCILMEMBER COUCH: Seconded.

CHAIR COCHRAN: Thank you. And with that, Members, all those in favor, say aye.

COUNCIL MEMBERS: Aye.

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CHAIR COCHRAN: Any opposed? Seeing no opposition, the motion carries with five ayes, and at this point without further discussion. . .sorry, Mr. Victorino.

VICE-CHAIR VICTORINO: Five ayes and.

CHAIR COCHRAN: Wait one, two. . .oh, and zero noes.

VICE-CHAIR VICTORINO: And two excused.

CHAIR COCHRAN: And two excused.

VICE-CHAIR VICTORINO: Yeah.

CHAIR COCHRAN: Sorry.

VICE-CHAIR VICTORINO: Sorry, Madam Chair.

CHAIR COCHRAN: Oh, I did. I forgot to mention the two Members that are excused.

VOTE: AYES: Chair Cochran, Vice-Chair Victorino, and Councilmembers Carroll, Couch, and Hokama.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Mateo and Pontanilla.

MOTION CARRIED.

ACTION: FIRST READING of revised bill and FILING of communications.

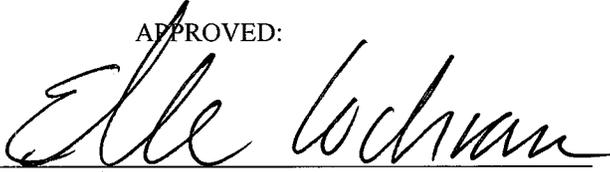
CHAIR COCHRAN: And with that we shall adjourn this meeting . . .*(gavel)* . . .

ADJOURN: 9:59 a.m.

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APPROVED:

A handwritten signature in black ink, appearing to read "Elle Cochran". The signature is written in a cursive, flowing style. It is positioned above a horizontal line.

ELLE COCHRAN, Chair
Infrastructure Management Committee

im:min:120123:daf

Transcribed by: Delfey Fernandez

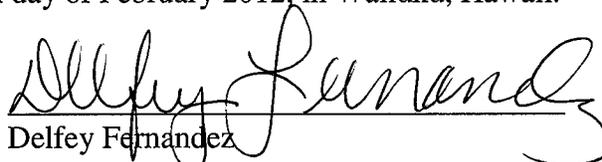
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CERTIFICATE

I, Delfey Fernandez, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 13th day of February 2012, in Wailuku, Hawaii.


Delfey Fernandez