

# **WATER AND INFRASTRUCTURE COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**July 22, 2019**

**Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 1:32 p.m.

**PRESENT:** Councilmember Alice L. Lee, Chair  
Councilmember Tamara Paltin, Vice-Chair  
Councilmember Tasha Kama  
Councilmember Michael J. Molina  
Councilmember Shane M. Sinenci

**NON-VOTING MEMBERS:**

Councilmember Kelly T. King (out 2:46 p.m.)

**EXCUSED:** Councilmember Riki Hokama  
Councilmember Keani N.W. Rawlins-Fernandez

**STAFF:** Christy Chung, Legislative Analyst  
Rayna Yap, Committee Secretary  
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)  
Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)  
Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)  
*(Seated in the Gallery):*  
Dianne Shimizu, Executive Assistant to Councilmember Alice L. Lee  
Gina Flammer, Executive Assistant to Councilmember Shane M. Sinenci  
Don Atay, Executive Assistant to Councilmember Shane M. Sinenci  
Sarah Pajimola, Executive Assistant to Councilmember Keani Rawlins-Fernandez

**ADMIN.:** Shayne Agawa, Deputy Director, Department of Environmental Management  
Albert Hahn, Recycled Water Coordinator, Department of Environmental Management  
Sage Kiyonaga, Project Engineer, Department of Environmental Management  
Rowena Dagdag-Andaya, Director, Department of Public Works  
Helene Kau, Deputy Director, Department of Water Supply  
Wendy Taomoto, Engineering Program Manager, Department of Water Supply

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Derek Takahashi, Engineering Division, Department of Water  
Supply  
Richelle Thomson, Deputy Corporation Counsel, Department of  
the Corporation Counsel  
Jennifer Oana, Deputy Corporation Counsel, Department of the  
Corporation Counsel

**OTHERS:** Jason Economou, REALTORS® Association of Maui  
Anthony Riecke-Gonzales, Riecke Sunnland Kono Architects, Ltd.  
(1) Additional attendee

**PRESS:** *Akaku: Maui Community Television, Inc.*

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CHAIR LEE: . . . *(gavel)*. . . Everyone. Will the Water and Infrastructure Committee meeting of Monday, July 22<sup>nd</sup> . . . can you tone that . . . the volume's too high. Please come to order. It is 1:32. Please silence all cell phones and other noise-making devices. So, at this time I would like to introduce to you the Committee, the voting members of the Committee first. And I shall greet you the same way you would greet Dwayne Johnson, okay, so talofa. That means hello in Samoan. So, Mr. Sinenci.

COUNCILMEMBER SINENCI: Aloha and good afternoon, Chair.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Buenos dias, Madam Chair.

CHAIR LEE: Ms. Paltin.

VICE-CHAIR PALTIN: Madam Chair, our brothers and sisters in Aotearoa say kia ora.

CHAIR LEE: Alright, Ms. Kama.

COUNCILMEMBER KAMA: Good Afternoon, Chair.

CHAIR LEE: And our guest Councilmember today is our Council Chair Kelly King.

COUNCILMEMBER KING: Konnichiwa.

CHAIR LEE: Oh, very good. And excused are Riki Hokama and Keani Rawlins-Fernandez. The other non-voting Member is Yuki Lei Sugimura and I'm not sure if she's going to join us today. Committee Staff, Christy Chung, Legislative Analyst; and Rayna Yap, Committee Secretary. From the District Office, we have Mavis Oliveira-Medeiros in Hana. Hello, Mavis, are you there? Well, join us whenever you can. Denise Fernandez, Lanai.

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MS. FERNANDEZ: Good Afternoon, Chair. This is Denise Fernandez at the Lanai Office and there are no testifiers.

CHAIR LEE: Thank you. Zhantell Lindo, Molokai Office. She must be in Hana with Mavis. Okay, next, I'm going to introduce all the department people and then we have a testifier today. So, from the Department of Environmental Management we have Shayne Agawa who is the Deputy Director of Environmental Management. Shayne, can you raise your hand so we can see who you are. Okay, Albert Hahn, the Recycled Water Coordinator. Sage Kiyonaga, Civil Engineer in the audience. Alright, and we don't have anybody from Public Works here yet, or the Water Department. From the Department of Corporation Counsel, Jennifer Oana.

MS. OANA: Good Afternoon, Chair.

CHAIR LEE: Good Afternoon. Also, in the audience from Corporation Counsel, Richelle Thomson. Hi, Richelle, thank you for coming. And then, okay, did I miss anyone? If there are no objections I'd like to proceed with public testimony.

COUNCILMEMBERS: No objections.

CHAIR LEE: No objections. So ordered. We have one individual so far, so, Jason, we don't have anybody to write down your information, so could you just come to the microphone, you already know the drill? Say your name and who you represent, and also you have three minutes, three minutes to testify. Good afternoon.

**. . .BEGIN PUBLIC TESTIMONY. . .**

MR. ECONOMOU: Good Afternoon, thank you. My name is Jason Economou, I represent the REALTORS® Association of Maui and our 1,700 members. I'm their Government Affairs Director, this is a paid lobbying position. I'm here today to just add a few thoughts on WAI-12, dealing with visitability standards. I commend the Council for looking into visitability standards, I think this is a great opportunity to make housing more inclusive, and it certainly is something that should be explored. While you're exploring this possibility of changing the codes, I do want to bring up that some of the standards should come with potentially easy-to-use waivers. And I say this because the topography of Maui is varied, and some visitability standards, like zero step accesses to housings might not be good and suitable for all properties. So, in other jurisdictions where they've looked into visitability standards, they've created options where a variance is easy to get. They've created options where individual or developers are able to pay a fine or a fee instead of having houses comply with visitability standards. So, these are a couple of things that I would recommend that you look into before implementing anything final into the Code, just to recognize that one size fits all generally doesn't really work. We do need to take into account the different properties have different needs. For instance, oftentimes in areas that are close to shorelines or where flooding is common, it might be worthwhile to have steps, sometimes a ramp doesn't work depending on the size of a lot. And oftentimes, there are arguments that changes in

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visitability standards could affect the cost of building homes. Now, there are arguments against that, I'm not going to say that I oppose visitability standards because this could affect cost; however, what we have noticed is that we are functioning at a deficit of housing. So, any new standards put into a building code that might affect the plans of building developments that might already be underway could be detrimental to reaching the goals of new development in the near future. So, I would also recommend phasing in any changes to the building codes and working with developers to figure out how to properly implement new standards, especially considering how long it takes for a new development to occur on Maui. So, those are my two cents, feel free to contact my office if you want any other input, I'm happy to assist with further research and whatnot.

CHAIR LEE: Jason, I think we have some questions. Ms. Paltin?

VICE-CHAIR PALTIN: Thank you, Chair. I just had a question, that you said something, I mean I wasn't clear. I just wanted to clarify, you said something about steps and shoreline flooding, like it would be better to have steps than a ramp. I was just, is that what it was?

MR. ECONOMOU: So, you know, I'm not a builder, so let me get that out. But, yeah, in certain areas that are prone to flooding, you don't necessarily want the entrance to your home to be on the main ground level, because if that area floods, then your house floods, there's a lot of property damage. So, yeah, you know, some rise, whether it's through a ramp or through steps is probably best when it comes to flooding areas. This way you don't have that property damage. Now, the way that access to a property, you know, how the property is situated will affect how practical a ramp is and how safe a ramp can be, depending on, you know, how long it needs to be and the rise. So, that brings in all sorts of other issues that could become a problem and might not be feasible depending on the strange topography or design of the project.

VICE-CHAIR PALTIN: Okay, got it, thank you for the clarification.

CHAIR LEE: Any other questions? No? Thank you, Jason.

MR. ECONOMOU: Alright, thank you all very much.

CHAIR LEE: Alright, can we check with the, our other places, Hana, are you there?

MS. OLIVEIRA-MEDEIROS: Hi, this is Mavis Oliveira-Medeiros from Hana and there is no one here waiting to testify.

CHAIR LEE: Thank you. Lanai, are you there?

MS. FERNANDEZ: Aloha, this is Denise Fernandez on Lanai, and there are no testifiers.

CHAIR LEE: Molokai, are you there? Nope. Seeing that we don't have any further people to testify, any objections to closing public testimony?

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COUNCILMEMBERS: No objections.

CHAIR LEE: So ordered.

**. . .END OF PUBLIC TESTIMONY. . .**

**ITEM WAI-46: KIHEI WASTEWATER RECLAMATION FACILITY EFFLUENT STATION  
RENOVATION (MISC)**

CHAIR LEE: Alright. So, now we come to our agenda. Item number WAI-46, Kihei Wastewater Reclamation Facility Effluent Station Renovation. And the Director of Finance transmitted Contract C6735 for filing with the County Clerk; however, at the June 18<sup>th</sup> meeting, Council meeting, Chair King requested that the contract be referred to our Committee for discussion. So, we have this matter here for a discussion right now. Mr. Agawa, could you please provide the Committee with an explanation of the contract?

MR. AGAWA: Thank you, Chair Lee. So, in respect to WAI-46, the contract is for a study that was done of our effluent pump station at our Kihei Wastewater Reclamation Facility. The effluent pump station is aging, over 30-plus years. We had a consultant based on a QBS process selected. They did an analysis of the existing condition of the pumps and also of a pump house. It was determined that the condition was, replacement was warranted for the pumps and also pump lines. There is some question as to whether there has been some options as to what we do with the existing pump house. The consultant gave us three options: option one, option two, option three. Option three was to relocate the effluent pump station. That was in the order of about \$5 million. That wasn't going to fit our budget so that option was taken out. Option one was to replace pumps and the pump lines and to renovate the pump house. And along with option two, everything, the baseline is to replace the pumps and the pump lines and to replace the pump house.

UNIDENTIFIED SPEAKER: Demolish.

MR. AGAWA: Sorry, demolish the pump house. So, the contract you see in front of you proposal is for the study and also to produce a tech memo giving the three options and explanation of each and a construction estimate of each option.

CHAIR LEE: Any questions, Members? Ms. King?

COUNCILMEMBER KING: Thank you, thank you. I don't know if, is this on?

CHAIR LEE: Yes.

COUNCILMEMBER KING: Okay, thank you, Chair, for putting this on the agenda. And my main purpose for wanting to discuss this is that in a previous Budget Session, there was a proviso for the Department of Environmental Management for Kihei Wastewater Treatment Facility to hire a consultant for biological nutrient removal from the

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wastewater facility. And they told me that they had done that, and so I just wondered how...if this was tying in. I see that in your contract under Target Design Conditions, the first statement says, "pumps and effluent reuse systems should also be designed to handle all of the projected flows (100 percent reuse - no injection wells)." So, I wonder if you could just speak to that and about how we're moving forward with the intention of bypassing injection wells, which is what I was told by DEM last year.

MR. AGAWA: Thank you, Member King. With me I have Albert Hahn, he's an engineer with our Wastewater Reclamation Division. He can answer to technical questions.

MR. HAHN: So, right now the pumps are for a lack of a better term, they're limping along. They're aged. So, now we're replacing them and to provide more capacity and as well as more reliability. So, right now we do about 50 percent recycled water in Kihei. And to do a 100 percent, we're putting it right now, I think you folks know, we're putting an additional tank and some additional infrastructure in Kihei to expand that capacity, you know, the percentage of reuse. So, now these pumps they're larger, they can deliver more, you know, we're doubling the capacity of storage up on the hill. And these pumps are sized appropriately to double on our future flows.

COUNCILMEMBER KING: Okay, so does that eliminate, if you're going to bypass the injection wells completely, does that eliminate the need for biological nutrient removal or you're still doing some level of nutrient removal at that site?

MR. HAHN: I think that, you know, there's a lot of things that need to happen prior to us going to a 100 percent reuse. And, quite frankly I think that a 100 percent reuse is, I'm not sure if that's achievable. When it rains, you know, if it rains for some time, nobody uses any water. And if we're...a 100 percent reuse, you're talking about 4 million gallons a day. We're doubling our capacity, that only gives us 2 million gallons of storage. If it rains for more than one day, and nobody uses water, where does that go? But, I'm down here and not up here, so I can't answer like the master plan.

COUNCILMEMBER KING: Okay, that was my main concern and it's in your document. I don't know if you've seen the contract. But the contract says under Target Design Conditions that it should be designed to handle all the projected flows, a 100 percent reuse, no injection wells. So, that's kind of what I wanted to hear about.

MR. HAHN: So, design is one thing, use is another. So, you can design, I can design a car to go 100 miles an hour, whether that's legal or not is another story. So, I can design this thing to pump 4 million gallons a day, but whether or not we'll have the demand of 4 million gallons a day, that's a whole separate story.

COUNCILMEMBER KING: So, can you speak to that, the design? I mean, are you the design person or is it somebody else?

MR. HAHN: Well, the consultant is the designer, yeah.

COUNCILMEMBER KING: Okay.

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MR. HAHN: We consult them, we contract them to the design. Yes, it can, I think its....

COUNCILMEMBER KING: Is that the intention because that's what's in the contract?

MR. HAHN: Yeah so it will be able to handle 4 million gallons a day.

COUNCILMEMBER KING: So, the intention, I mean, you know, all good intentions aside, I mean I know things happen, but the intention that I've been hearing about for the last year and a half from the previous Director of DEM is to stop using injection wells at the Kihei Wastewater Treatment Facility. So, I just wanted to find out how this is going to fit in and if there's that intention of moving forward to do what this says it's trying to do.

MR. HAHN: This is the design and so their design is to be able to pump 100 percent of our effluent, which is the treated wastewater up into our recycled water infrastructure.

COUNCILMEMBER KING: Okay, so are you still moving ahead with the biological nutrient removal or is the, is it the, whatever the standard procedure was before they got that consultant in?

MR. HAHN: Let me hand off to Shayne.

MR. AGAWA: I'm not the expert, but I think it'll, the treatment process will still be the same. It's just the amount of effluent that we can remove from the system into storage will double.

COUNCILMEMBER KING: Okay, so do you have a report, do you know if DEM has a report from that, the consultant who they were contracted to consult on the biological nutrient removal?

MR. AGAWA: We can....

COUNCILMEMBER KING: It would have been under Stewart Stant.

MR. AGAWA: Yeah, I can go back to the Division and find that for you, and we can respond in writing.

COUNCILMEMBER KING: Okay, because there's, aside from that contract which I was assured would have been fulfilled, there's also, you know, our drainage systems in Kihei where, I know that DPS...DPW is looking at more environmentally friendly biological types of drainage. And so, all of this is kind of fitting into the community's desire to be more environmental, to be more sustainable as far as what goes downhill. And, I haven't heard a lot of what was supposed to be follow up from DEM on that project, for the nutrient removal. So, you know, I'd like to find out how that fits in. And what I wanted to hear from you is that if we are going to a 100 percent reuse, then, you know, I mean this is what Mr. Stant told me, was that, you know, maybe we don't need to do that type

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of treatment. But now you're telling me that, that's the design but that's not the expectation, so maybe we still need to look at that other type of nutrient removal so that we get those extra nutrients out before they hit the ocean.

MR. AGAWA: Yeah thank you, Committee Member King. We will, I'll get back to the Division and check on that for you.

COUNCILMEMBER KING: Okay, I would really appreciate it. And I think anytime we have a contract like that, there should be some kind of report that goes out, so it would be good if the Council could get a hold of it, because this was a proviso in our previous budget. Thank you, Mr. Agawa. Thank you, Mr. Hahn.

CHAIR LEE: We have lots of questions. Mr. Sinenci, Mr. Molina, then Ms. Paltin.

COUNCILMEMBER SINENCI: Thank you, Chair. I just had a clarification question. So, the 30,000 is being asked today is for the Department to look at, consider the different options to do a study, of which direction you should be moving into, is that correct?

MR. AGAWA: Yes, the 30,000 was to do an analysis of the existing facilities and to give the options and right now, my understanding is the division is deciding between option one and two. There's also additional items that came about discussion where we may need to upgrade the pump house itself up to current standards meaning hurricane resistant strapping, that type of thing, insulation. There has been some talk about air conditioning the house, due to sensitive electronic equipment being in there. Right now, temperatures, because of the two pumps running generates a lot of heat which can damage the electrical system so the existing way to alleviate that is to open the doors, and they have those vents, roof vents just for the heat to escape. But, the consultant found that to be very inefficient and still being able to damage the system, so...

COUNCILMEMBER SINENCI: So, just for clarification, so, but these, the contract has not been written up yet. I mean this is when you decide, then a contract will be written up to pursue which ever option you guys decide on?

MR. AGAWA: Correct, this is just a study to give us options. Once the Division and the Department decides on what option to go ahead with and nail down the scope of work which is in discussion now, a construction contract will be drafted up. And with the Fiscal Year '20 Budget it shows, I think as \$750,000 for construction. With the additional talks, meaning the upgrade to the building, it looks as though that estimate is fairly low, so we may have to come back and tap into some of that 7.5 million funding that was given to the Department at some time. And hopefully we can use some of that money to do additional upgrades, necessary upgrades.

COUNCILMEMBER SINENCI: Follow up, Chair. Okay, so, and then so once you decide, this will then go out for RFP?

MR. AGAWA: That is correct.

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COUNCILMEMBER SINENCI: Okay, thank you. Thank you, Chair.

CHAIR LEE: Mr. Molina?

COUNCILMEMBER MOLINA: Yeah, thank you very much, Madam Chair. Good Afternoon, Director. Just quickly, when was the last time this, I guess the pump house and lines were I guess renovated or when was it put in? How long has it been I guess?

MR. AGAWA: Approximately 30-plus years.

COUNCILMEMBER MOLINA: Wow.

MR. AGAWA: What we found out is the pumps are running very inefficiently. The lines, when I say pump lines, those are the lines coming out of the pump to transfer the effluent water. They're so old, that when they were constructed, they were made out of welded steel. Right now, now current standards you have standard size bends, 45 degree, and these are all custom made, welded. So, to bring it up to standard to get replacement parts, we wanna upgrade it to standard type of fittings.

COUNCILMEMBER MOLINA: Wow, to say we're overdue is an understatement then yeah, oh that's good to know. And, I know it's only a preliminary, you're looking at a study, what is the life expectancy you hope to get out of these renovations once they're put in? Has the, I guess the consultant shared with you at this point, basically can we get at least another good 30 years, once we do these renovations or is it too early to tell yet?

MR. HAHN: We expect it 20 to 25 years.

COUNCILMEMBER MOLINA: 20, 25, okay.

MR. HAHN: I think we're on borrowed time with these ones.

COUNCILMEMBER MOLINA: Okay, and any need for additional security measures 'cause you talked about some sensitive electrical equipment in there? I guess the study will tell you that I guess if you need to any additional security measures for the...

MR. AGAWA: The pump house is actually within the wastewater reclamation facility which is a secure site. So, it is within the campus itself.

COUNCILMEMBER MOLINA: Okay. Thank you. Thank you, Madam Chair.

CHAIR LEE: Ms. Paltin?

VICE-CHAIR PALTIN: Thank you, Madam Chair. I just had couple basic questions for my, educate myself more. When you were talking about the effluent being pumped up to a storage, I just was wondering, is that storage covered or open?

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MR. HAHN: It's a tank, similar to a water storage, it's, you know, like water, domestic water is stored in tanks. It's similar to that. A concrete cylinder with an aluminum dome roof.

VICE-CHAIR PALTIN: Oh okay, thank you. And what category is the effluent treated to, is it R1 standards?

MR. HAHN: Yes, it's treated to R1. This is all R1.

VICE-CHAIR PALTIN: And is that reuse water for irrigation only or can it be pumped into people's houses for like toilet water or wash clothes water, or it's only landscape irrigation?

MR. HAHN: R1 can be used for toilet flushing. I don't think it could be used for washing clothes.

VICE-CHAIR PALTIN: Is that allowed though as the pipe go straight to the toilet or is it currently only used for landscape irrigation?

MR. HAHN: In this case there's one user that pipes it into their toilets and that's Bayer or Monsanto, what is was formerly called

VICE-CHAIR PALTIN: So, how come only one user, 'cause if it rains, people still flush their toilets?

MR. HAHN: Yeah, so the infrastructure, because at the time when Bayer or Monsanto was being developed, the Department of Water didn't have enough capacity to provide them water. So, the only way they could build their facility is by whatever water usage they could shift to recycled water, they did. For the general public, yes, we could, but the infrastructure is the implication right, to be able to add a duplicate infrastructure into all like public...let's start at a commercial facility to supply it into commercial facilities. You know right now, we don't require that, and it's a, it's quite an economic burden on people.

VICE-CHAIR PALTIN: So, like I mean, for hotels though, if they used all recycled water to flush their toilets, that could possibly reach up to 4 million gallons a day?

MR. HAHN: You know, I haven't looked at it. I would expect it to be about half because if you can't use that water for wash clothes, you cannot bathe in it, you know, that's a lot of water. Flush toilet is 1.6 gallons per flush approximately. But it would be a huge step forward. Like I said, the problem is the infrastructure. I personally had friends looking at, you know, when they were building their own homes, they considered it. And they got --

VICE-CHAIR PALTIN: Price tag.

MR. HAHN: --the proposal from the plumber and they're like whoa, yeah. But it's a good idea.

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VICE-CHAIR PALTIN: But I mean for large scale commercial developments versus like single-family homes, you would use more of it in...

MR. HAHN: You're talking about volume of the recycled water?

VICE-CHAIR PALTIN: Volume, yeah.

MR. HAHN: I think it would be the same percentage. You know just because it's in a hotel, doesn't mean they go to the bathroom more often. But, you know, and then that, all the water still comes to us for processing, so it's.....

VICE-CHAIR PALTIN: Too bad we never start out with that way and just have the closed loop?

MR. HAHN: Yeah, oh.

VICE-CHAIR PALTIN: Thank you.

MR. HAHN: You're welcome.

CHAIR LEE: Any further questions? Alright, yes, Ms. Tasha Kama?

COUNCILMEMBER KAMA: Just out of curiosity, what would it cost if you know or you could tell me later if you don't know. If we built the development and we built in the use of R1 water for their toilets, what would that cost be for a 50-unit subdivision per se, single-family home?

CHAIR LEE: Shayne?

COUNCILMEMBER KAMA: Curiosity.

MR. AGAWA: I wouldn't be able to answer that right now, but in adding to Albert's statement, when it comes to infrastructure, there's two types. So, the first type is what the County owns, the transmission system of R1. Right now, we may not be able to serve everybody who potentially can use the R1 water for flushing toilets. The second type of infrastructure is internal, meaning the hotel itself. Their plumbing system is based off of potable water, so to transfer some of their system using potable, which is the faucet, showers, whatnot, and then the toilets to R1, there's an internal big economic burden on the private owners as well which the County would probably not fit the bill for.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR LEE: Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Just follow up on that. About a year and a half ago, maybe two years ago, well, it was probably two-and-a-half years ago 'cause it was when I first came into office. And we were battling, the County was battling with one of the condos in South Maui to put the R1 in, because they didn't want the R1. So, I think

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the intent was to use a lot of this for irrigation for lawns and not necessarily for toilets, so that seems to be a lot more water that would be used. And I'm not sure what the intent is, I know wherever it gets put in, these condos, and I don't wanna call 'em public because they're private entities, but they're required to use it. So, they actually were irrigating with their own well, brackish water and they were told no, now they have to hook up to the R1, so maybe you could give us a little bit of background of or maybe not even background, but where we're going with that in terms of expansion for South Maui for the R1 use, and how much that could potentially use up for irrigation.

MR. HAHN: I'm sorry, we're talking about how much...can you repeat the question please?

COUNCILMEMBER KING: Well, I'm following up on the question, the earlier questions about R1 use for, you know, flushing toilets, but we've been putting in R1 in South Maui and requiring some of the condos to use it for irrigation, so are we still continuing to lay those pipes and make those requirements or where are we at with that \_\_\_\_?

MR. HAHN: Yes, we still have that requirement, for commercial properties to connect to our recycled water system for irrigation for landscape.

COUNCILMEMBER KING: Yeah, I know the requirement is there, I was just wondering is there still, are we still laying more pipe for that?

MR. HAHN: Yes, we are.

COUNCILMEMBER KING: Okay. So, is the intention to cover pretty much all the commercial properties in South Maui so that they use R1, and then will that take up the bulk of the 4 million gallons, or how is that usage compared to what our need to, you know, divert from the injection wells?

MR. HAHN: I don't think we're reaching 4 million gallons a day. And like I said, so currently we're completing a loop around South Maui, it's Waipuilani down to South Kihei Road, up Kulanihakoi and then we're extending our recycled waterline down, it's Laloa...Liloa, the North South Collector Road, and that'll make the loop. And then it also penetrates up to the high school. And then we're trying to loop it up on the top to make a...but even doing all that work, in my opinion, it won't reach 4 million gallons a day of recycled water use.

COUNCILMEMBER KING: Okay, and that's the entire, and that's the whole project that's on the books right now? There's no intent to go \_\_\_\_ up to Wailea?

MR. HAHN: To my knowledge, that's everything in Kihei.

COUNCILMEMBER KING: Okay. There's no intent to go up to Wailea with those?

MR. HAHN: We've talked about it, but the cost is astronomical.

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COUNCILMEMBER KING: Oh, okay. Okay. Yeah, it might be good to get a, you know, if you can just provide us, maybe the Committee Chair could ask for it, just with the projected use once that loop system gets finished, what are we looking at with the commercial operations, that might be good.

CHAIR LEE: We would like report on the current status and also future plans, and you said okay you won't reach 4 million. What will you reach?

MR. HAHN: So, we have a meeting with you folks on August 3<sup>rd</sup>, I think.

MR. AGAWA: August 5<sup>th</sup>.

MR. HAHN: August 5<sup>th</sup>, well, I'll be there on the 3<sup>rd</sup>. Yeah, August 5<sup>th</sup>, and in that will be describing all the future plans as well as the future consumption or anticipated consumption.

COUNCILMEMBER KING: Okay. Okay, that's great. And then also, Chair, if we could get a, if you could provide information on R1 uses, I think that would be helpful for the public, because I know some people, you know, when I was working with that one condo, they had a lot of concerns about putting R1 on their lawns, which I think they're okay with now because now that it's done, I haven't heard any complaints. But I think there's not a good understanding in the public about the safety of R1 as far as, you know, using it for irrigation for lawns the kids are going to be playing on. And also, if there's any issue with, if we eventually get it into the sewage system so we could use it to flush toilets, is it any different than potable water as far as staining toilets and things like that. 'Cause there's just a real, there's a real mystique about what R1 water is out there.

CHAIR LEE: Ms. Paltin, one second. Do you, Shayne, do you, does the Department do any kind of informational, send out information to the public when, like with regard to, you know, R1 use, and do you like just do one mail out or do you, or is it an ongoing exercise?

MR. AGAWA: Thank you, Chair, for that question. We recently had a community meeting with the KCA, and it was mainly regarding the R1 use and answering questions regarding the system. As far as intermittent mailings or informational, I don't believe we have anything going out. It's something that we can definitely work on.

CHAIR LEE: Good to hear. Ms. Paltin?

COUNCILMEMBER KING: Thank you, Chair. So, I just wanted to say, so if you could get a handout for us to give out when people ask questions, that would be really helpful. Thank you.

MR. AGAWA: Yeah, duly noted. And again, we will have that presentation from the Wastewater Division on August 5<sup>th</sup>. That may answer a lot of questions regarding R1.

COUNCILMEMBER KING: Okay, thank you.

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CHAIR LEE: Ms. Paltin?

VICE-CHAIR PALTIN: Thank you, Chair. I just was wondering when you were answering Member Kama's question, if it's talking about converting existing structures to the capacity of R1 or going from scratch before the, whatever it is gets built? Is it's much more to convert, I mean it costs more either way, but it's much more to convert than to start from the bottom, is that a fair statement?

MR. AGAWA: If I understand the question correctly, meaning to retrofit an existing home to take R1, offhand, I would make an educated guess, yes, that would cost more than if you started from scratch with a new development. With a new development, you can plan for it, dual lines, dual system. Again, I believe the burden would be on the landowner from say the property line, or the service line from the property in. We would be probably responsible up to the property line. Our infrastructure would be more of the transmission to that area. But yes, you are correct, the burden, I think the cost would be more to retro fit.

MR. HAHN: So, when you're talking about wastewater, recycled water use for example for flushing toilets, yeah, the cost benefit, you know, the amount of money that you would take to put in the infrastructure just to flush toilets, like I was mentioning before, it's approximately 1.6 gallons per flush yeah. So, that's why we concentrate on irrigation, because, you know, say for example in a whole day, for a whole household, or even a commercial building, how many gallons it costs per flush, I mean excuse me, how many gallons you use per flush times how many people in the building flush the toilet. You know, and as compared to the cost of putting the infrastructure in, is the infrastructure is, the cost for infrastructure is pretty high. But as far as irrigation is concerned, they gotta put that, it's not a duplicate system for irrigation, yeah. Single irrigation system, they gotta put it in already, and the thing burns up, I don't know how many hundreds of gallons per acre or thousands of gallons per acre, but it's the cost benefit is with irrigation. So, when we go out and we require commercial properties in Kihei to do recycled water for their landscape, there's actually a return on investment. They pay one-third the cost of domestic water by using our water. And the ones that do go from well, we basically match whatever their operational cost for them to provide their own water, and they have to do maintenance and replace their pumps. So, there's always a...there's a financial incentive for us to do irrigation. You know, some people complain about it, but they are financially the winners, they get a return on their investment. But, by flushing toilets, the infrastructure's so cost...so high compared to how much water you're saving, I'm not sure if that's feasible.

VICE-CHAIR PALTIN: Thank you, Mr. Hahn. I think that we as policymakers need to look beyond the financial implications to the environmental implications of injecting our R1 waters as well as the using up of our limited potable resources for things like human waste, when it could be used for R1. I mean, we need to take in the financial aspects of everything, but we also need to look at the big picture of where the water that people flush their toilets with potable water is coming from. And we also need to look like you said, people don't irrigate when it rains, so it's a bigger picture than just the dollars and cents, although that is an important factor. And, maybe flushing toilets isn't the one,

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but, you know, that's things that we need to take into consideration as policymakers, so thank you for your input and I appreciate it. But, it's a bigger picture as well, beyond just the money.

MR. HAHN: I think it's...I really appreciate you guys looking out of the box too. You know I'm not...I think it's a good idea, I'm just saying it's only 1.6 gallons at a time, but definitely you should ask those questions, and so we can look for other avenues to use that water, yeah.

VICE-CHAIR PALTIN: Thank you.

CHAIR LEE: And speaking of flushing, and checking out of the box, we will be looking at this further on August 5<sup>th</sup>, and right now we are talking about Contract Number C6735. And if there are no further questions, are there any objections to filing this matter?

COUNCILMEMBER KAMA: No objections.

CHAIR LEE: Okay, no objections. I need a motion to file.

COUNCILMEMBER MOLINA: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Moved by Mr. Molina, seconded by Ms. Kama to file this Miscellaneous Communication. All in favor say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR LEE: Opposed, nay. Motion carries. Okay, I'd like to remind the Department to try and focus on the contract itself yeah. Not that we're at fault with straying from the subject, but I'm gonna blame you. So, the next item is WAI-74 [sic].

MS. CHUNG: Can we can confirm that it was five "ayes" and two excused?

CHAIR LEE: Yes, I shall confirm that there were five "ayes" and two excused.



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MR. AGAWA: That is correct, the three new wells were installed in December 2018.

COUNCILMEMBER KING: Oh, okay. So, they were actually, we had to dig those?

MR. AGAWA: Correct.

COUNCILMEMBER KING: Okay. And is there any foreseen future requirement with the next expansion in the landfill, Phase VI?

MR. AGAWA: The next expansion of the landfill is actually within that same footprint. We're looking...we're not expanding the footprint of the Central Maui Landfill, so I would assume that the existing wells would be adequate enough to monitor any type of potential contamination from our next expansion.

COUNCILMEMBER KING: Okay, and can you just briefly explain if it's not too difficult, explain how they use these wells to monitor the groundwater?

MR. AGAWA: With me I have Sage Kiyonaga. He can answer that technical question.

COUNCILMEMBER KING: Looks like he's really excited to give this explanation.

MR. KIYONAGA: First let me caveat here, I am not a hydrogeologist.

COUNCILMEMBER KING: Okay.

MR. KIYONAGA: So, I have a basic understanding. In this case, the best way to think about it is like a river. So, you have pollution coming from upstream that migrates downstream. So, our Central Maui groundwater monitoring network is essentially the same. It's heavily tidally influenced, so everything kind of flows from Central Maui toward Kahului Harbor, that's kind of like our hydraulic gradient there. So, basically, we use the upstream wells as kind of a background to what's coming toward the landfill. And then we compare that to our compliance monitoring wells which is downstream of the landfill and then we compare the downstream if we have...if there is any problems, we compare the downstream with what we sample when we take out our leachate from the bottom of the liner in the landfill. And then you can do a comparison and using statistics you can decide whether or not you may potentially have a leak in your liner system. Is that sufficient?

COUNCILMEMBER KING: Yeah, that's really interesting. I was wondering how you made that link there. Thank you.

CHAIR LEE: Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I just had a question about the 73,000, what would that funds go towards, what scope of the work?

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MR. AGAWA: So, initially, the contract to monitor the six wells was for the amount of \$131,237.74. Those were the existing six wells. With the additional three wells that were put in December, we needed to modify the contract to monitor those as well, so the 73,000 and change is an amendment to the original contract to add the three new ones to the six for a total monitoring of nine wells.

COUNCILMEMBER SINENCI: Okay, thank you, Mr. Agawa. And then you mentioned who had the contract previously, is there a new holder of that older contract or is it the same?

MR. AGAWA: It's technically the same company, they got absorbed by another company called Jacobs as you see on the document here, but it's the same company.

COUNCILMEMBER SINENCI: Okay, thank you. Thank you, Chair.

CHAIR LEE: Anymore questions, Members? Ms. King?

COUNCILMEMBER KING: Thank you. Okay, so, this is an annual contract? 'Cause this is an ongoing issue, right? And this is...and well basically I just wanted to clarify that what we're monitoring, we're monitoring the groundwater because of concern about it getting to the ocean?

MR. AGAWA: We're monitoring just for any type of potential contamination from leachate from the landfill.

COUNCILMEMBER KING: To, in the ocean?

MR. AGAWA: Into the groundwater itself.

COUNCILMEMBER KING: Into the groundwater.

MR. AGAWA: So, as Sage says, we have strategically placed wells upstream. We use it as a baseline. And then we have wells downstream of the Central Maui Landfill. And any type of readings that shows positive, we can compare with the upstream, which is the baseline to see, you know...

COUNCILMEMBER KING: Okay.

MR. AGAWA: Yeah.

COUNCILMEMBER KING: But are we monitoring that groundwater 'cause it's our drinking water or because of, because it's a conduit to the ocean?

MR. KIYONAGA: It's for permit compliance but the uppermost aquifer is a brackish water aquifer. So, it's not used for drinking water.

COUNCILMEMBER KING: Okay, so the compliance, I'm trying to get at the reason for the compliance.



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CHAIR LEE: Next item is--oh, did I skip a page--is WAI-12 and this has to...right? Don't look at me like that. Okay. This is the visitability standards. Who picked this name, I will never know, but God, it's hard to even pronounce. Visit-ability, yeah visitability. Okay, how many times people use that word? Even Jason called it visibility. Let's see. Okay, this, this is an item, that is carried over from the previous Council. And, so as Jason mentioned, and I think all of you also probably read the information, it has to do with standards for new residential construction. So, adding, you know, requirements to the County's Building Code. So, let's open this up for discussion. Oh, shall we call on Ms. Andaya first? Do you want to hear from the Department first?

MS. DAGDAG-ANDAYA: Thank you.

CHAIR LEE: Ms. Andaya, Director, could you give us an overview of this resolution?

MS. DAGDAG-ANDAYA: Okay, thank you, Chair. And thank you, Members, for having this item scheduled today, regarding visitability standards. It's a good thing I didn't wear my aligners today otherwise I wouldn't be able to say the word. But I understand where this is coming from. In 1996, the U.S. Department of Housing and Urban Development endorsed standards for visitability in their 1996 Fair Housing Planning Guide Volume One. And, it identified a number of standards relating to what was discussed earlier this afternoon, the zero-step entrance where you don't have those additional steps as you move or walk into a home. It, the entrance should be level to the road or to the driveway, ensuring adequate or spaces for clear passage including a standard for having a full bath or half bath on the main floor. Reinforcement of bathroom walls, space for wheelchairs to maneuver, and having receptacles and light switches. Or light switches at a height that's accessible to those who are in a wheelchair or for those who may not be able to reach the, like a standard height. I understand where this is coming from. As a daughter of two individuals who are aging, you know, I'm always helping them out with how to adapt or make changes to their home that they live in so that they are able to adapt and continue living there. And for many years my parents were caregivers to many different folks. They operated a care home in their home, and over the years they've had to modify our home so that they can make it accessible to the clients who they have living in their home. As far as incorporating the standards and the resolution before you today, the Department doesn't have any objections to the resolutions as is. There may be some challenges however with incorporating some of these standards, but this is something that we can continue to explore and to talk with the design and construction community. We do have an update to our current Building Code that will be taking place later at the end of this year. And we might be coming, I think we anticipate coming before you in the early part of 2020 to...with changes to our Building Code and updating them to the 2018 IBC. So, with that, I just wanted to reiterate again that, you know, we do not have any objections to the resolutions as is and should the resolution pass today, we would be open to exploring the issue of visitability, adopting or making changes to our Code and also talking with different members of our community to get an understanding of how we can balance some of these requests and needs.

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CHAIR LEE: Thank you, Ms. Dagdag-Andaya. So, Members, we have Mr. Anthony Riecke-Gonzales here with us today. He is a Principal at Riecke Sunnland Kono Architects and has served as a Governor's appointee to the State Disability and Communication Access Board. I will ask that he be designated as a resource person, pursuant to Rule 18A of the Rules of the Council if there are no objections.

COUNCILMEMBERS: No objections.

CHAIR LEE: No objections. Mr. Riecke, do you, Riecke-Gonzales, do you have anything to add today?

MR. RIECKE-GONZALES: No, I'm just here to answer any questions that you might have. I know a person from the public had talked to me a little bit on the side before the meeting of in the resolution it says that other architects have supported this because one of the things is that, you know, people desire it and that it would be at minimal additional cost. Unfortunately, Maui as many of you probably know is a different place than any of the places on the mainland. It is very different, you know, a lot of the homes that are built on the mainland, I think the average size now is like 25 or 2,600 square feet. So, to add another 25, 30, 40 square feet isn't that big an increase. A lot of the projects that I do for affordable housing, if we can squeak in 1,200 square feet in like a four-bedroom, three-bath house and a lot of them are smaller than that, you know, they're down around maybe a 1,000 to 1,100 square feet, not including the garage. To add another 40 square feet, I'll be the one who's telling the person building the home that is a substantial increase. You know, you don't get extra square footage for nothing. And most of these suggestions that I see down here, they would be in that 30 to 40-square-foot range. We have done projects specifically with Dowling Company for the Hawaiian Home Lands where we'll do options so that if somebody wants to come in and they have an elderly parent or an elderly person in the house, that they can say switch out a tub to a roll-in shower, that doesn't add that much cost. It still adds some, because unfortunately the way that the builders work is okay, you've got 20 of these plans, they've all got tubs in them, you get X price. You throw in okay, we only want 19 of those plans and one to be special with a shower, they charge for that, so it does add cost and at least on a lot of these affordable homes, we're working really hard to get the houses affordable as possible so they can qualify. Every little extra hundred dollars can make that tipping point where even though we build the affordable house and the affordable house is there, they can't qualify for the loan 'cause they're at, you know, say 80 percent of the median income. And we want those people to be able to buy homes, right I mean, they're the ones who really need 'em.

CHAIR LEE: Thank you. Members, do you have any questions? Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I would want to support this resolution as a son of an elderly parent who we experience every day to transport my dad down the stairs to different, you know, avenues throughout the community. It's a chore at times when we have to go steps. So, I wanna support this, I think it's responsible planning that needs to become more of a priority and making sure that we're supporting planning that allows for inclusivity for our residents with ADA access needs. That should be a

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requirement. This would allow our aging populations to age in place with more easy and less cost incurred to them in their later years, so I want to support this resolution even though it's not discussion yet.

CHAIR LEE: Okay. Mr. Molina, you look like you have a question.

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair. Not so much question, more of a quick statement, but thank you for mentioning the, I guess the cost wouldn't impede affordable housing in this case. Are there any tax credits for developers or the homeowners should they, you know, choose this route to make these changes, necessary changes?

MS. DAGDAG-ANDAYA: Chair?

CHAIR LEE: Yes, Ms. Dagdag-Andaya.

MS. DAGDAG-ANDAYA: Yes, no, there's no, if you're looking for incentives, no. And in fact, that was something that I had, I was thinking about before coming here today. You know how we have LEED certification; I don't know if there's a way we can work with Housing and Human Concerns and develop some sort of incentive program for developers who do adopt these types of standards for the homes that they build. So, in looking at evaluating the six standards, maybe that's one thing that we can do is maybe see if there's a way that we can do an incentive program for building homes that are accessible, more accessible.

COUNCILMEMBER MOLINA: Great idea, Madam Director, engage with the Department on that. And as far as the minimal cost, any idea what that minimal cost would be? I guess Mr. Riecke-Gonzales that you had mentioned.

MR. RIECKE-GONZALES: I know when I've done it for the Hawaiian Home projects, and those are less in scope than what you have here, it very often adds about 1,500 to \$2,000 to each home to say, you know, switch out to a shower, make the door a little larger. I would like to point out that when we do that, we are not looking at meeting what I would call and what's actually defined as American producibility act standards. There are already rules, that if you're doing say a Federally-funded project or state-funded project, there's certain ADA standards that apply to that housing. So, for instance, that's a standard that's been around a very long time called UFAS. And it's like if you're doing a HUD-funded project that you have to meet certain requirements. Those are less stringent than this. So, for instance in this, it's saying you have to have a 32-inch-wide doorway. UFAS allows you to have a 32-inch-wide door, which actually doesn't give a 32-inch-wide doorway, it's usually closer to 30, 30½. And, I think there, at least what's been explained to me at some seminars, their thinking on that is, when it's your own private home, you're likely to have more assistance than if you're out on your own. You're the only person in the house, and you can get through a doorway that's smaller than 36 inches with a little bit of assistance from someone. The 36 inches is actually because the chair is 27 inches and then if you're the only one there on your own, you've got your elbows and your arms pushing the chair, you need some space to be able to

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get you through the doorway. So, they actually, you know, other standards give you a bit of a break and they don't have to have things like 18 inches on the latch side of the door to be able to pull it open. All those things add space, you know, like in this it said, you know, 36-inch hallway, while I'm sure a lot of us have known older homes, especially where there'll be a door at the end of the hallway. Well if the door is 36 inches and the hallway is 36 inches, that doesn't work, so you end up actually with a hallway that's like five-feet wide to be able to make that work. And now you've added a substantial amount of square footage to the house.

COUNCILMEMBER MOLINA: Great, well thank you for that additional information. Really good to know about this. Thank you. And I'm like my colleague from Hana, ready for your recommendation, Madam Chair, to support this. Thank you.

CHAIR LEE: Any more...yes, Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I just wanted to make this statement, because I think my colleague on the end is correct. When you look at the word visitability, for me it means the ability for someone to come and visit me, that I'm stuck in this house because I can't go anywhere, and people cannot come to visit me either because of the situation I'm in. But can we make housing available so that anyone who is confined to their home because of their situation, that other people can come and visit them. Can other people in a wheelchair go and visit other people in a wheelchair, can they? Take a look at where you live, just think about that. What prohibits people from visiting each other if they're in a wheelchair, the doors for one. Wheelchairs, I mean you can't even get on certain places unless the wheelchair is smaller than 30½ inches. Which means that you're isolated, which means that you probably don't have the quality of life we all talk about, but we can't because we're isolated due to our own disability or inabilities. I totally support this issue because it's talking about new construction. At some point in time, in all of our lives, we are all going to be hindered just due to old age. That means that we're going to have to age wherever we are. That means that if we have upfront the grab bars in the shower, if we have upfront, you know, the toilets that are higher than lower, 'cause when you're older that's what you're going to have to do when you're disabled. When...if we have those things upfront, they're cheaper to pay for things on the frontend than on the backend. And so if we think about our future and what that would look like for ourselves, wouldn't we want to be able to have a future and a place where we live, or we rent? And most likely it's rentals 'cause that's what we want to build right? We say we need 14,000 housing units, not all of them will be single-family homes. Many of them will be rentals. And many of these people may be elder, they may be disabled, and are we going to be able to not allow them to live someplace because the doorways are too small, or they can't maneuver into the hallway or into the showers? That's all I have to say, Chair, thank you so much.

CHAIR LEE: Ms. Paltin?

VICE-CHAIR PALTIN: Thank you, Chair. Earlier today, I'm not sure if you guys were here when we had public testimony. One of the, or the testifier mentioned about that he supported housing being more inclusive but if it was possible if this passed to have a,

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kind of I believe easier, easy waiver process for, you know, topographical situations or possibly, you know, the affordable housing, like how you were saying, you just want to get people into homes. I just was wondering if you could comment on that, like if this becomes the standard, would it be, what would be the process to give folks a variance, or if they, you know, just outright didn't want it, could they put money in a fine fund for at some point in the future if the occupants of the house needed to modify it or whatever, if there was a way to do it, like along those lines? Thank you.

MS. DAGDAG-ANDAYA: Chair, that would be something that would happen during the evaluation process. What the resolution calls for is, it urges the Department of Public Works to evaluate the standards with a view towards incorporating those or similar standards for new residential construction, in a proposed bill to amend the County's Building Code. So, as we're moving towards making amendments to the existing Building Code and updating it, one of the things we do is discuss this, discuss updates to the Code with our colleagues on the neighbor islands. I know that the City and County of Honolulu is exploring this issue right as we speak so when we talk about waivers, you know, that's something that we'd want to talk with them about is finding about what kind of waiver process they have. And, seeing if that waiver process would work with us. One thing I would want to caution though about having waivers is that when too many people are asking for waivers, that becomes an issue too, that means something's wrong with the Code. So, I think, you know, as we evaluate we need to be sure that, you know, we look at different types of options, whether it be, you know, an incentive program or even working with Housing and Human Concerns to create grants, or seeing if there's different types of grant available so that we can have this type of, or incorporate these types of standards in construction. So, when we're evaluating, we'll look at the, we'll look at different ways.

CHAIR LEE: Ms. Paltin?

VICE-CHAIR PALTIN: Thank you, Chair. And just, if we take the vote, we're just taking the vote to urge them to look into that? Okay. Thanks.

CHAIR LEE: Yes. Ms. King?

COUNCILMEMBER KING: Thank you, Chair. So, I was kind of wanting to piggyback on what Ms. Paltin said because I was going to bring that up as well, the idea, is the intent of, I don't know, maybe you know, Chair, the intent of the resolution to look at requirement for developers or is it for everybody, like individual persons who are building individual residences, this would apply to that as well? So, we require everyone to do this regardless of their need at the time?

CHAIR LEE: No, I think this if for new development and urging the Administration to consider revising the Building Code.

COUNCILMEMBER KING: Okay, but it also replies...applies to like an individual who is just building a house for themselves, not necessarily all, just for themselves?

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CHAIR LEE: Oh yeah, yeah, it's for everyone.

COUNCILMEMBER KING: Okay, so I think that's why, you know, the testifier talked about, you know, looking at variances, 'cause if you don't have the need or if you're building on a steep slope, I mean it really kind of limits where you can build to follow these codes. And it would preclude someone from wanting to have something, you know, a little outside the norm. So, I would support this moving forward if we're looking at all those options, and then also gathering more public input 'cause I think this is left over from the previous term and it never got...we had presentations in the Chambers, but we never had a real, like a public hearing on it so people could comment.

CHAIR LEE: Thank you.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Mr. Molina?

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair. Just a follow up on Chairman King's comments regarding public input. Was there any record of this going before our Commission on Persons with Disabilities to get input from them? Just out of curiosity for...

CHAIR LEE: I believe it was initiated by them.

COUNCILMEMBER MOLINA: They initiated it, oh okay. Okay. I was looking through the Granicus, so this was some I guess during the last term?

CHAIR LEE: Yeah, they supported this, yes.

COUNCILMEMBER MOLINA: Okay.

COUNCILMEMBER KAMA: Chair?

CHAIR LEE: Yes, Ms. Kama.

COUNCILMEMBER KAMA: On Granicus, there's a Center for Disabilities study, University of Hawaii. They did a full study and a report on that. Thank you, Chair.

CHAIR LEE: Any more questions, Members? If not, the Chair recommends, actually I recommend passage of, adoption of the ordinance, but I too have concerns about the cost and I'm glad that the Director of Public Works is looking at options and incentives. Possibly, instead of waivers, maybe a discount on real property taxes because I'd hate to see a young family lose out and not qualify because the cost, this additional cost puts them out of the reach or out of contention for a house. So, maybe if we can make up that difference with discount on real property taxes, that might be one option as well as waivers, and a possibility of also considering or having the Department of Housing and Human Concerns create a program for, a grant program for retrofitting because I'm sure



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CHAIR LEE: Derek, okay maybe you can introduce Derek when it's time. So, can we have Helene from the...Deputy Director from the Water Department introduce this item? Helene Kau?

MS. KAU: Thank you. So, this bill is to amend Section 14.05.050 of the Maui County Code, which is relating to Reimbursement for Subdivision Water Main Extension.

CHAIR LEE: Proceed.

MS. KAU: Oh, I was advised that should I introduce Derek?

CHAIR LEE: Sure.

MS. KAU: Okay, sorry.

CHAIR LEE: Just keep it moving.

MS. KAU: Okay, this is Derek Takahashi of our Engineering Division.

CHAIR LEE: Okay, well Derek you want to continue on? Why you introducing him?

MS. KAU: Huh?

CHAIR LEE: Why are you introducing him?

MS. TAOMOTO: No, I thought when I spoke with staff, the handouts that you were going to mention it to the Members, the Clerk's has it, we gave it to Raynette. The Members don't have it quite yet. Do you want the Department to go over the handout?

CHAIR LEE: No, okay.

MS. TAOMOTO: Can you please give Chair a handout?

CHAIR LEE: Where? This one? Okay, are we ready?

UNIDENTIFIED SPEAKER: Go

CHAIR LEE: Okay. Look, does everybody have the handout? Alright you got two. How come I have...on two sides?

UNIDENTIFIED SPEAKER: One on one side . . .*(inaudible)*. . .

CHAIR LEE: Okay, let's just go forward. A Bill for an Ordinance Amending Section 14.05.050, Maui County Code, Relating to Reimbursement for Subdivision Water Main Extension. What does this bill do? This ordinance's purpose is to one, state conditions under which subdivision water main extension reimbursements shall be made. And two, control the County's reimbursement costs. Okay. It applies to a subdivider who completes

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subdivision water system improvements that includes a water main extension that qualifies for reimbursement. And then, what is the process for getting a subdivision water main reimbursement under this bill? The Maui County Code 14.05.050 currently provides for reimbursement for subdivision water main extensions. When a subdivider proposes to install subdivision water system improvements, some portion of those improvements may qualify for a partial reimbursement from the Department of Water Supply. DWS reviews the subdivision water system construction plans, and if there is a qualifying water main extension, DWS and the subdivider will enter into an agreement for reimbursement. After the water system improvements are completed, DWS performs final inspection and acceptance. The reimbursement agreement is amended if the final reimbursable cost differs from the estimated cost. The subdivider will receive the first reimbursement payment at the end of the fiscal year in which the water system improvements are accepted by DWS. And seven, reimbursements are made in five equal annual installments without interest. And then perhaps Wendy Taomoto can do the highlights of the changes since I stole your part.

MS. TAOMOTO: Thank you, Chair. You should have a second handout which is the, it's a request for legal services, starting on Page 2 is the bill itself. And, in here, the highlight of changes is from the existing ordinance, the first one, it puts a \$100,000 cap on reimbursements. The second, it provides 50 percent reimbursement across the board for every type of applicant. Third, it gives a subdivider five years to complete the subdivision water system improvements. Fourth, Section 3, we've included a grandfathering clauses where existing conditions they would qualify under the existing language of the bill, because some of the subdivisions we're currently reviewing are in process and expect to get the reimbursement under the current bill, so we have three grandfather clauses. Thank you, Chair.

CHAIR LEE: Do you have anything to add before we start asking questions?

MS. TAOMOTO: No, Chair.

CHAIR LEE: Alright, thank you. Now, we're open for questions, Members. Ms. Paltin, then Mr. Molina, and then Mr. Sinenci, then Ms. Kama.

VICE-CHAIR PALTIN: Thank you, Chair. I was wondering if you could maybe give a little bit why, what was the impetus for this to be, like is there people that are asking for way more than a \$100,000 reimbursement and like how you came you on that number and like maybe I guess just the reasons why we're doing this?

MS. TAOMOTO: Chair?

CHAIR LEE: Yes, Ms. Taomoto.

MS. TAOMOTO: Thank you. So, in the handout that Chair was reading, the bill was proposed for two reasons. It clarified, yeah, conditions under which reimbursements shall be made and it also primarily was made to control the County's reimbursement cost. Under the current bill, ordinance, the Department is required to reimburse a subdivider if they

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qualify and the limit of reimbursement is just 50 percent for the portion of the water system improvement that's qualified. So, when we...we could have a significantly large subdivision requesting a reimbursement and we are not budgeted for it. Typically, we've been budgeting about half a million dollars per fiscal year to take care of reimbursement. But because we're not in control of when the subdivider starts, completes the paperwork and everything, it's an uncontrolled cost, and when we looked back at, and if you look at Granicus, there's a number of documents we submitted under the previous Council. We looked at previous reimbursement agreements and we felt like 100,000 was a good average cost. Of course, there's those subdivisions that exceeded that cost and some that was under, but we felt 100,000 was a comfortable number for us and the previous Council didn't seem to have any objection with that at the time we discussed it.

CHAIR LEE: Ms. Paltin?

VICE-CHAIR PALTIN: So, kind of new to this, and I just was wondering with the \$100,000 cap and then the 50 percent across the board for all categories. Are those related to each other, like if their 50 percent is more than a 100,000 kind of thing?

MS. TAOMOTO: So, the 100,000 cap will apply to everyone. The across the board is in reference to the existing language of the existing ordinance allows a provision for family subdivision where that cost is currently 75 percent. And rather than do it in five reimbursement annual installments, it's two annual installments. If you read the existing law, it's, there's a family subdivision provision. The background to why that was deleted in the current bill that you're looking at now is when we were at the previous Council at discussions, we did bring it to their attention, that there's a number of subdivisions that don't keep it in the family, and most, a lot of times that's what we're seeing, that they're not intending to keep it in the family, but they're taking advantage of it by meeting the requirements to be considered family. And what that means is, prior to the reimbursement being made they have to show us a deed transferring it from them to an immediate family member or as defined in the Code. And, after that reimbursement is made, nothing prevents them from transferring it back or that family selling it to market. And, we've seen a lot of that, more than keeping it in the family, and so as discussed with the previous Council and we didn't see any significant objections from that previous Council, we deleted it and made it the same for everybody.

VICE-CHAIR PALTIN: Right on, thank you very much. That was understandable to me.

CHAIR LEE: Any questions? I saw some hands over here. Mr. Molina?

COUNCILMEMBER MOLINA: No, I just wanted to state the questions that was asked by Member Paltin was along the same that I had so, I'm satisfied --

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: --with the proposal, thank you.

CHAIR LEE: Alright. Mr. Sinenci?

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COUNCILMEMBER SINENCI: Thank you, Chair. So, would the reimbursements be coming out of the DWS Budget?

MS. TAOMOTO: Yes, the reimbursements come out of our annual operating budget. We budget half a million dollars typically every year.

COUNCILMEMBER SINENCI: Just for this?

MS. TAOMOTO: And if we have reimbursements that exceed that, what we would need to do is come down for a budget amendment.

COUNCILMEMBER SINENCI: Okay.

MS. TAOMOTO: Thank you.

COUNCILMEMBER SINENCI: Thank you. And then you mentioned that reimbursements are made in five equal annual installments without interest. Each in the five years that you've given them, yeah. Is there a limit on users or a limit on the distance for the water main extensions?

CHAIR LEE: Ms. Taomoto, and you know what, don't have to look at me, just answer. Thank you.

MS. TAOMOTO: Thank you, Chair. Don't wanna get scoldings. The distance doesn't matter. This current proposed, the current language in the current bill, I mean the current law, the distance we will reimburse 50 percent. Okay, as long as they qualify as a main extension that benefits others outside of the subdivision. Under the current bill, of course they could have like five miles of pipe, but their limitation will be the 100,000 cap on the reimbursement. So, the current law, there's no cap.

COUNCILMEMBER SINENCI: Okay. Is, a follow-up, Chair?

CHAIR LEE: Sure.

COUNCILMEMBER SINENCI: Is there a way for the Department to track these extensions?

MS. TAOMOTO: When you say track it, we are aware of the subdivision plans that we are reviewing and we're aware of the subdividers that have requested the reimbursement. But like I said, we are not in control of when they initiate construction or when they finish construction. So, that part is why our costs are uncontrolled.

COUNCILMEMBER SINENCI: But we've, you've put the five-year max into the bill.

MS. TAOMOTO: We've put the five-year max because under the current law, the language is kind of loose and/or vague where it says one year and then we can, we have to, subject

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may terminate. And so, there's a definitive termination of the reimbursement agreement, which they enter into with us as five years now versus an open-ended --

COUNCILMEMBER SINENCI: Okay.

MS. TAOMOTO: --situation we currently have.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR LEE: Ms. Paltin?

VICE-CHAIR PALTIN: Thank you, Chair. So, I think I understand it too, and so then you can kind of once this goes into effect have a five-year window of like kind of a rough estimate of what you need to budget for. And you said before that, you currently budget like half a million dollars, so would that be like, \$500,000 cap project would be all of your budget and then what happens, you come for a budget amendment or something?

MS. TAOMOTO: The \$500,000 is to provide for all the annual reimbursements per year. Each reimbursement is, maximum reimbursement is a \$100,000 divided by 5, so that would be 20,000 per subdivider. So that would be ten...no how much is that, my math is five. Five, five, five reimbursements with a hundred. I got to use my calculator, but it's more than five, because it's five...each reimbursement if it was a 100,000 cap is 20,000 per year and we have half a million dollars, so that is...

VICE-CHAIR PALTIN: Oh, it's per year.

MS. TAOMOTO: Yeah, it's an annual.

VICE-CHAIR PALTIN: Oh, oh sorry, I forgot about that part, my bad.

MS. TAOMOTO: Wait, hang on, let me calculate. I'm super bad without...25 subdividers.

VICE-CHAIR PALTIN: Okay, okay, sorry, I forgot about the per year part, so makes sense.

MS. TAOMOTO: So, it's...wait, hang on...

MS. KAU: Chair, not taking into consideration agreements that are already in existence, yeah.

CHAIR LEE: Ms. Kama, do you have any questions?

COUNCILMEMBER KAMA: No.

CHAIR LEE: Any more questions?

COUNCILMEMBER MOLINA: Recommendation.

CHAIR LEE: Alright, let's see. The Chair recommends passing this, approving this ordinance.



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CHAIR LEE: And that brings us to the end of the calendar. I know you want to continue this meeting, but shucks we have to end. If there are no, if there's no further business this meeting is adjourned. Thank you, everybody. . . .(gavel). . .

**ADJOURN:** 3:02 p.m.

APPROVED:



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ALICE L. LEE, Chair  
Water and Infrastructure Committee

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Transcribed by: Kimi Kusumoto

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CERTIFICATE

I, Kimi Kusumoto, 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 the 12<sup>th</sup> day of August, 2019, in Wailuku, Hawaii

A handwritten signature in cursive script, reading "Kimi Kusumoto", is written over a horizontal line.

Kimi Kusumoto