

Amendments to Title 16, Chapter 201,
Rules Relating to Water Service

1. Section 16-201-03, Rules Relating to Water Service, is amended to read as follows:

§16-201-03 Definitions. For purposes of these rules, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases are defined as follows:

“Applicant” means any person or entity applying for new or additional water service, including subdivision water service.

"Large quantities of water" means:

(a) In a department potable water system where the estimated three year forecast for water usage is within 98 percent to 100 percent of the department's maximum reliable capacity, an applicant's request for water service from the department for new or additional uses is more than 1,200 gallons per day.

(b) In a department potable water system where the estimated three year forecast for water usage is within 93 percent to 97.9 percent of the department's maximum reliable capacity, an applicant's request for water service from the department for new or additional uses is more than 3,000 gallons per day.

(c) In a department potable water system where the estimated three year forecast for water usage is within 88 percent to 92.9 percent of the department's maximum reliable capacity, an applicant's request for water service from the department for new or additional uses is more than 5,400 gallons per day.

(d) In a department potable water system where the estimated three year forecast for water usage is below 88 percent of the department's maximum reliable capacity, an applicant's request for water service from the department for new or additional uses is more than 120,000 gallons per day.

(e) The projected water usage for any new agricultural consumer is more than 10,000 gallons per day.

(f) The projected water usage is for a consumer for agricultural purposes on lands historically served by a non-potable water source or which can be reasonably served by an available alternate non-potable source, including but not limited to constructing a well, connecting to R-1 water, and using ditch, stream, or brackish water. Whether a non-potable source can reasonably serve such lands will be determined by the director in the director's sole discretion.

(g) Exceptions. The following projects shall not be considered projects using large quantities of water, provided that the water system has adequate capacity to meet the project's water needs:

- (1) Residential development projects [with] comprised of 100 percent [affordable housing units, as defined in section 2.86.140, Maui County Code,] residential workforce housing units, as defined in section 2.96.020, Maui County Code, evidenced by an executed,

recorded, and valid residential workforce housing agreement between the developer and the County, and which are located within the service area of the department's central or west Maui water system.

[(2) Residential workforce housing units developed by a qualified housing provider pursuant to chapter 2.96, Maui County Code, which are located within the service area of the department's central or west Maui water system.]

[(3)] (2) County, state, or federal public facility projects, as defined in section 19.04.040, Maui County Code, which are located within the service area of the department's central or west Maui water system.

"Maximum reliable capacity" means the volume of water that the department determines can be reliably produced on an ongoing basis in any given department water system. Such value shall be based on engineering principles and shall take into account various uncertainties, including but not limited to, mechanical failures, human error, and weather events. Transmission and storage infrastructure are not evaluated for this determination.

"Project" means any development, including subdivisions, individual building permit activities, new water meter requests, or water meter upgrade requests.

"Special conditions" means the development and dedication to the department of water source, transmission and/or distribution pipelines, and/or storage infrastructure capable of supporting 100 percent of a project's water needs. An applicant shall be responsible to construct and install any such infrastructure improvements in accordance with the department's Water System Standards (2002), as amended, before any water meter is installed. [Eff 01/29/18; am and comp 11/28/2019] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.04.010)

2. Material, except source notes, to be repealed is bracketed. New material is underscored.

3. Additions to update source notes to reflect these amendments are not underscored.

4. These amendments to Chapter 201, "Rules Relating to Water Service", shall take effect ten days after filing with the Office of the County Clerk.

Adopted this 18th day of September, 2019, at Wailuku, Maui, Hawaii.

By: 
JEFFREY T. PEARSON
Director
Department of Water Supply

Approved this 18th day of
September, 2019.


MICHAEL P. VICTORINO
Mayor, County of Maui

APPROVED AS TO FORM
AND LEGALITY:


JENNIFER M.P.E. OANA
Deputy Corporation Counsel
County of Maui

Received this 18th day of
November, 2019.


Clerk, County of Maui

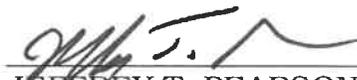
CERTIFICATION

I, JEFFREY T. PEARSON, Director of the Department of Water Supply, County of Maui, do hereby certify:

1. That the foregoing is a full, true, and correct copy of the amendments to the Rules Relating to Water Service, drafted in Ramseyer format, pursuant to the requirements of Section 91-4.1, Hawaii Revised Statutes, which were adopted on the 18th day of September, 2019, following a public hearing that closed on July 9, 2019, and filed with the Office of the County Clerk.

2. That the notice of public hearing on the foregoing amendments to the rules was published in The Maui News on the 8th day of June, 2019.

COUNTY OF MAUI



JEFFREY T. PEARSON

Director

Department of Water Supply

L.S.

Doc. Date: 09/18/19 # Pages: 04
Notary Name: Didi Archeta Hawaii 2nd Circuit
Doc. Description: amendments to RHE 16, (Stamp or Seal)
CHAPTER 261, RULES RELATING TO WATER SERVICE
DDA 09/19/19
Notary Signature Date

L.S.