

COUNCIL OF THE COUNTY OF MAUI

**AGRICULTURE, DIVERSIFICATION,  
ENVIRONMENT, AND PUBLIC  
TRANSPORTATION COMMITTEE**

December 15, 2023

**Committee  
Report No.** \_\_\_\_\_

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

Chair and Members:

Your Agriculture, Diversification, Environment, and Public Transportation Committee, having met on October 19, 2023, and November 30, 2023, makes reference to Bill 52 (2022), entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 14.21A.015, MAUI COUNTY CODE, RELATING TO PROHIBITED DISCHARGE STANDARDS.”

Bill 52’s purposes are to require: 1) municipal wastewater effluent discharged by the County to meet Hawaii State R-1 reuse water standards, 2) municipal wastewater effluent reused by the County to meet Environmental Protection Agency (“EPA”) drinking water standards; and 3) sufficient County funding for the implementation of these provisions without resulting in a significant increase in residential sewage rates.

Your Committee notes that the Council’s Climate Action, Resilience, and Environment Committee (2021-2023 Council term) met on this matter on March 16, 2022.

By correspondence dated April 19, 2022, the Director of Environmental Management informed your Committee that the County disposes nearly 10 million gallons of wastewater per day, while approximately one-third of that capacity is treated with ultraviolet light or to R-1 standards.

Your Committee notes that the injected wastewater eventually enters the ocean where it may damage marine ecosystems and create risks

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to human health. By treating wastewater to R-1 standards, the County may be able to reuse wastewater for a variety of purposes, including agriculture and landscaping.

The Director of Environmental Management expressed concern about the feasibility of requiring reused wastewater to meet drinking standards set by the EPA. The State Department of Health has listed R-1 water as its highest recycled water standard.

The Director said that a lack of distribution infrastructure is the main barrier to providing R-1 water to consumers.

The Director also said the Department has seven capital improvement projects currently in construction to expand the County's water reuse capabilities, with an additional \$80 million in projects planned for the next six years.

Your Committee supported amendments to Bill 152, as follows:

- Amend Section 14.02.030, Maui County Code, to require the Water Use and Development Plan to serve as a guide to the Council, the Department of Water Supply, and all other County agencies in the creation and approval of the County's annual capital improvement program to implement recommendations and strategies for the development of reclaimed water infrastructure and alternative water sources;
- Amend Section 20.30.020, Maui County Code, to require municipal wastewater effluent produced by the County to meet State R-1 reuse water standards by January 1, 2039, and to require the County to allocate sufficient funding for implementation by that date; and

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- Amend Section 20.30.030, Maui County Code, to amend the definition of “available reclaimed water service” to mean the existence of a reclaimed water distribution main contiguous to or within two hundred fifty feet of any consumer’s property line.

Your Committee commended the Department’s efforts in expanding wastewater reuse.

Your Committee voted 6-1 to recommend passage of Bill 52, CD1 (2022), on first reading. Committee Chair Johnson, Vice-Chair Sinenci, and members Cook, Lee, Rawlins-Fernandez, and U‘u-Hodgins voted “aye.” Committee member Sugimura voted “no.”

Your Committee is in receipt of Bill 52, CD1 (2022), approved as to form and legality by the Department of the Corporation Counsel, entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 14.02.030 AND CHAPTER 20.30, MAUI COUNTY CODE RELATING TO PROHIBITED DISCHARGE STANDARDS,” incorporating your Committee’s recommended revisions and nonsubstantive revisions.

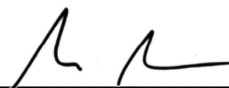
Your Agriculture, Diversification, Environment, and Public Transportation Committee RECOMMENDS that Bill 52, CD1 (2022), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 14.02.030 AND CHAPTER 20.30, MAUI COUNTY CODE RELATING TO PROHIBITED DISCHARGE STANDARDS,” be PASSED ON FIRST READING and be ORDERED TO PRINT.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



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GABE JOHNSON, Chair

adept:cr:23004aa:sgt

ORDINANCE NO. \_\_\_\_\_

BILL NO. 52, CD1 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.02.030 AND  
CHAPTER 20.30, MAUI COUNTY CODE RELATING  
TO PROHIBITED DISCHARGE STANDARDS

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

SECTION 1. Section 14.02.030, Maui County Code, is amended to read as follows:

**“Section 14.02.030 Application of the plan.** The plan [shall serve]erves as the primary guide to the council, the department, and all other agencies of the County:

1. In approving or recommending to other agencies the use or commitment of the water resources in the County[; and].

2. In using public funds to develop water resources to meet existing or projected future demands on the public water system [as set forth in the plan].

3. In the creation and approval of the County’s annual capital improvement program to implement the recommendations and strategies for the development of reclaimed water infrastructure and alternative water sources.”

SECTION 2. Section 20.30.020, Maui County Code, is amended to read as follows:

**“Section 20.30.020 Scope and applicability.** A. This chapter requires improved commercial property[, as defined in this chapter,] to connect to available reclaimed water service for irrigation purposes, including [but not limited to] golf courses, landscaping, and agricultural uses, except for properties used for single-family or duplex purposes.

B. This chapter also encourages the use of reclaimed water for construction, irrigation, and other suitable purposes through the use of reclaimed water fill stations.

C. If the State of Hawaii department of health or environmental protection agency prohibits any user of reclaimed water from complying with this chapter, or any provisions [hereof], said user [shall] may be exempt [therefrom].

D. Starting January 1, 2039, municipal wastewater effluent produced by the County must meet Hawaii State R-1 reuse water standards. The County must allocate sufficient funding for the implementation of this subsection so that its requirements will be met by the implementation stated above.

[D] E. This chapter applies only in “Central Maui,” “South Maui,” and “West Maui” for mandatory irrigation purposes, as defined by the entire geographic areas shown on Figure 6-2 of the Wailuku-Kahului feasibility study dated June 1991, Figure 6-2 of the South Maui water reuse feasibility study dated September 1992, and Figure 6-2 of the West Maui water reuse feasibility study dated May 1992, respectively, and other locations in Maui County for construction, irrigation, and other suitable purposes where reclaimed water fill stations are made available by the County.”

SECTION 3. Section 20.30.030, Maui County Code, is amended by amending the definition of “available reclaimed water service” to read as follows:

“Available reclaimed water service” means the existence of a reclaimed water distribution main contiguous to or within [one hundred] two hundred fifty feet of any consumers’ property line.”

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM  
AND LEGALITY:



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CHRISTIE M. TRENHOLME  
Deputy Corporation Counsel  
County of Maui

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INTRODUCED BY:

Kelly T. King