

# REQUEST FOR LEGAL SERVICES

**Date:** December 1, 2023  
**From:** Gabe Johnson, Chair  
Agriculture, Diversification, Environment, and Public Transportation  
Committee

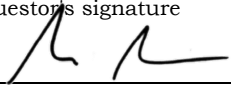
TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Christie Trenholme, Esq.

**Subject:** BILL 52 (2022), PROHIBITED DISCHARGE STANDARDS (ADEPT-4)

**Background Data:** Please see attached revised bill. Please submit your response to adept.committee@mauicounty.us with a reference to ADEPT-4.

**Work Requested:**  FOR APPROVAL AS TO FORM AND LEGALITY  
 OTHER:

Requestor's signature  Gabe Johnson, Chair	Contact Person <u>Sam Tanck</u> (Telephone Extension: <u>7140</u> )
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ROUTINE (WITHIN 15 WORKING DAYS)       RUSH (WITHIN 5 WORKING DAYS)  
 PRIORITY (WITHIN 10 WORKING DAYS)       URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): December 6, 2023  
REASON: For posting on the December 15, 2023, Council meeting agenda.

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR:  APPROVED  DISAPPROVED  OTHER (SEE COMMENTS BELOW)  
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date \_\_\_\_\_

By \_\_\_\_\_

(Rev. 7/03)

adept:ltr:004acc01:sgt

Attachment

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

BILL NO. 52, CD1 (2022)

A BILL FOR AN ORDINANCE 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.** This plan [shall serve] serves 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.]; and

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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Department of the Corporation Counsel  
County of Maui

adept:misc:004abill03:sgt

INTRODUCED BY:

Kelly T. King