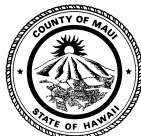


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**COUNTY COUNCIL**  
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[www.MauiCounty.us](http://www.MauiCounty.us)

November 26, 2025

Mr. John Stufflebean, P.E., Director  
Department of Water Supply  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Stufflebean:

SUBJECT: **BILL 158 (2025), ON WATER CONSERVATION AND  
CONTROL OF WATER USE DURING WATER  
SHORTAGES** (WAI-18)

At its meeting of December 15, 2025, the Council's Water and Infrastructure Committee intends to discuss Bill 158 (2025), entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 14, ARTICLE 1, MAUI COUNTY CODE, RELATING TO PUBLIC SERVICES, REPEALING CHAPTER 14.06A, AND ESTABLISHING A NEW CHAPTER 14.06B RELATING TO WATER CONSERVATION AND CONTROL OF WATER USE DURING WATER SHORTAGES."

Thank you for your responses dated November 5, 2025, to questions posed on the bill, and the revised proposed bill.

May I please request your further response to the following as it relates to the revised proposed bill:

1. Proposed Subsection 14.06B.030(C), Maui County Code, states:

"The department will prioritize the replacement of old and leak-prone water mains and will encourage consumers to report and repair water line leaks located on private property within three days or less, depending on the severity of the leak. Unresponsive owners of both occupied and unoccupied properties may face fines and service shutoff if the leak is not repaired within 30 days."

The second sentence appears to assume the leak is to be repaired by the owner and not the Department. Should the sentence be rephrased or supplemented to account for the circumstance where the leak is not repaired within 30 days because the Department is unable to timely repair the leak? Please advise and suggest language, if necessary.

2. Code Subsection 14.06B.080(A) ends with the sentence: “This section is subject to any declaration issued by the State of Hawaii, department of land and natural resources, commission on water resource management.”
  - a. Is the sentence intended to apply only to this section, which relates to the effect of water shortage declaration on agricultural consumers, as suggested, or to apply more broadly? If it is intended to apply only to section 14.06B.080, then it will be moved to a separate subsection D.
  - b. What does it mean to be “subject to” any CWRM declaration? If the intent is that, in the event of any conflict between this section’s provisions and the requirements of a declaration issued by the State Commission on Water Resource Management, the CWRM declaration will prevail, please provide appropriate language.
3. The first exemption under Code Section 14.06B.090, states: “Irrigation using 100 percent recycled water, gray water, or rainwater catchment.” Would a combination of these sources equating to 100 percent also be acceptable?
4. Under Code Section 14.06B.100, relating to Water waste:
  - a. The first paragraph under actions constituting water waste states:

“Applying water in quantities for landscapes, yard maintenance, or other outdoor activities, that overflows or sprays onto an adjacent property which pools or obstructs a public thoroughfare, and potentially causes erosion.”

- (1) Is the intent that the overflow or spray onto adjacent property also cause pooling or obstruction of a public thoroughfare to constitute water waste? Or is the intent that overflow or spray onto adjacent property constitutes water waste, and applying the water in a manner that allows the water to pool or obstruct a public thoroughfare also separately constitutes water waste? If the latter, the language will be adjusted accordingly.
    - (2) Is the phrase “potentially causes erosion” needed?
  - b. Seven water-conserving practices are listed as water waste “remedies.”
    - (1) How would these remedies be triggered? Are these practices being listed as a means to respond to a violation? Did the Department intend to describe these practices as remedies or something else?
5. Under Code paragraph 14.06B.110(C)(5), the bill states:

“These systems should be capable of utilizing recycled water when economically feasible.”

Does the Department intend that the systems only be capable of using recycled water when economically feasible or actually use recycled water when economically feasible?

Please note that because a further revised Bill 158, CD1, is in progress, there is no need for you to return a further revised bill at this stage.

May I further request you transmit your response to [wai.committee@mauicounty.us](mailto:wai.committee@mauicounty.us) by **December 2, 2025**. To ensure efficient processing, please include WAI-18 in the subject line.

Mr. John Stufflebean, P.E., Director  
November 26, 2025  
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Should you have any questions, please contact me or the Committee staff (Keone Hurdle at ext. 7659, or Lori Tengan at ext. 7147).

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Cook".

TOM COOK, Chair  
Water and Infrastructure Committee

wai:ltr:018aws02:kjh

cc: Mayor Richard T. Bissen, Jr.