

# **WATER AND INFRASTRUCTURE COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**December 5, 2024**

**Online Only via Teams**

**CONVENE:** 9:05 a.m.

**PRESENT:** Councilmember Tom Cook, Chair  
Councilmember Yuki Lei K. Sugimura, Vice-Chair  
Councilmember Gabe Johnson, Member  
Councilmember Tasha Kama, Member  
Councilmember Alice L. Lee, Member (arrived at 9:12 a.m.; left at 10:59 a.m.)  
Councilmember Tamara Paltin, Member  
Councilmember Shane M. Sinenci, Member (arrived at 10:55 a.m.; left at 10:59 a.m.)  
Councilmember Nohelani U‘u-Hodgins, Member

**EXCUSED:** Councilmember Keani N.W. Rawlins-Fernandez, Member

**STAFF:** Jarret Pascual, Legislative Analyst  
Samantha Tanck, Legislative Analyst  
Richelle Kawasaki, Deputy Director, Office of Council Services  
Pauline Martins, Senior Committee Secretary  
Lori Tengan, Committee Secretary  
Lenora Dineen, Council Services Assistant Clerk  
Ryan Martins, Council Ambassador

Residency Area Office:

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office  
Christian Balagso, Council Aide, West Maui Residency Area Office  
Roxanne Morita, Council Aide, Lāna‘i Residency Area Office  
Jade Rojas-Letisi, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office  
Zhantell Lindo, Council Aide, Moloka‘i Residency Area Office  
Bill Snipes, Council Aide, South Maui Residency Area Office

**ADMIN.:** Caleb Rowe, Deputy Corporation Counsel, Department of the Corporation Counsel  
Jordan Molina, Director, Department of Public Works  
James Jensen, Engineering Program Manager, Department of Water Supply

**OTHERS:** Sydney Smith, Chair, Ag Working Group  
Cinco Young, Maui Water Tanks, Inc.  
Steve Allen, Allen’s Plumbing  
Jonathan Helton, Policy Researcher, Grassroot Institute of Hawaii  
Johann Lall  
(10) additional attendees

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

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CHAIR COOK: . . .*(gavel)*. . . Will the Water and Infrastructure Committee of December 5, 2024, please come to order. The time is now 9:05 a.m. May I ask that all participants, please silence all noise-making devices. I'm your Chair Tom Cook. Members, per the Sunshine Law, please identify by name, who, if anyone, is in the room, vehicle, or work place with you today, exclusive of minors. Before we begin, I would also like to ask the Department representatives who have joined online to please turn on your camera when it is your turn to speak. Now, I'd like to introduce the Committee Members, starting with Vice-Chair Yuki Lei Sugimura, good morning.

VICE-CHAIR SUGIMURA: Good morning, Chair. Looking forward to a productive meeting. I like your agenda. Thanks.

CHAIR COOK: Councilmember Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and everyone else here in the Chambers and in *Akakū* land. Ready to work.

CHAIR COOK: Member Tamara Paltin is excused for the moment.

MR. PASCUAL: Chair, she's actually online.

CHAIR COOK: Okay. Good morning, Councilmember Tamara Paltin. Now I see you.

COUNCILMEMBER PALTIN: Aloha kakahiaka. Streaming live and direct from Nāpili, from my kitchen table. I have with me two canines, one adult named Kingy Pooh and one minor who shall remain unnamed. Thank you.

CHAIR COOK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Aloha, Chair, Councilmembers, community members. There's no testifiers at the Lānaʻi District Office. I'm here and ready to work and thank you for bringing these bills forward. Mahalo.

CHAIR COOK: And Councilmember Keani Rawlins-Fernandez.

MR. PASCUAL: Chair, we don't see her online.

CHAIR COOK: Okay, excused. Hopefully, she'll come. Council Chair Alice Lee is...looks like she's set up. She'll be here later. And good morning, Councilmember Nohelani U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Good morning, Chair. Good morning, everyone. I'm at the Pā'ia District Office with Susan Clements and Jade Rojas-Letisi and we have no testifiers at this time.

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CHAIR COOK: And today, Councilmember Shane Sinenci is excused. From the Department of Public Works, I'd like to welcome Director Jordan Molina.

MR. PASCUAL: Chair, Director Molina will be on at 10:30.

CHAIR COOK: Okay. And from the Department of Water Supply, I'd like to welcome James Jensen, the Engineering Program Manager. From Corporation Counsel, welcome Deputy Corporation Counsel Caleb Rowe.

MR. ROWE: Good morning, everyone.

CHAIR COOK: From our OCF...from OCS our Committee Staff, Jarrett Pascual, Sam Tanck, Pauline Martins, Lori Ann Tengan, Richelle Kawasaki, and Lei Dinneen. I'm grateful for your service every day and please see the last page on the agenda for information on meeting connectivity. Good morning, everyone and thank you for joining today's WAI Committee. We have three items on today's agenda. The first is Bills and Resolutions for Referral to the Council Chair for the 2025-2027 Council Term. Second item we have is WAI-33, and then WAI-34. The first item relates to the recommending bills and resolutions to be referred to the Council Chair for the 2025-2027 Council term. WAI-33 relates to requiring the Department of Water Supply to use methods based on projecting...on projected gallons per day usage to calculate the domestic water demand and development impact fees. WAI-34 relates to allowing the use of private water catchment systems and storage tank systems of up to 30,000 gallons in the agricultural and rural districts. Let's move on to testimony at the beginning of the meeting. Staff?

MS. TANCK: Chair, the first individual signed up to testify is Sydney Smith, to be followed by Cinco Young.

CHAIR COOK: Okay, I will read the testimony. Anyone wanting to testimony [*sic*], please sign up in the lobby of the Council Chambers, or join the online meeting, or call in the phone number noted on today's agenda. For online testifiers, please click the raise your hand button. For those calling in, please follow the prompts via phone. Star five to raise and lower your hand, and star six to mute and unmute. Written testimony will continue to be accepted and can be submitted via eComment at [mauicounty.us/agendas](http://mauicounty.us/agendas). Staff will enable your microphone and video when it's your turn to testify. Oral testimony is limited to three minutes per item. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. You can view the meeting on *Akakū Channel 53*, Facebook Live, or [mauicounty.us/agendas](http://mauicounty.us/agendas). Decorum must be maintained throughout the meeting. Breaching decorum includes anything that disrupts or disorderly management of the meeting. Violation of decorum may result in being removed from the meeting. We will now call on testifiers wishing to testify at the beginning of the meeting. Staff, please call the first testifier.

MS. TANCK: Chair, the first individual signed up to testify is Sydney Smith, to be followed by Cinco Young.

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

MS. SMITH: Good morning, Chair Cook --

CHAIR COOK: Good morning.

MS. SMITH: -- and Council. I'm here today to testify for Bill 146. My name is Sydney Smith and I'm the Chair of the Ag Working Group. I'm testifying on behalf of myself and the Ag Working Group. I want to thank Councilmember Gabe Johnson and Tom Cook, and their Staff, and along with Council Services for their hard work on this bill. This is about the dreaded fixture unit worksheet. The Ag Working Group has been bringing up our problems with the fixture-unit policy to past water directors for years and years. It's a huge contributing factor to our lack of housing. Pass all the bills you want to make more and larger ohana units, but if they can't have a bathroom or a kitchen, no one will build. And obviously we haven't been building and it's partly because of this policy. Apparently, Department of Water Supply uses the fixture unit as a way to estimate water needs. But the number of fixtures is no indication of how much water a household will use. In the words of Ag Working Group member Brendan Balthazar, it doesn't matter how many toilets I have because I only have one butt, only he didn't say butt. But his statement illustrates the problem. A one-bathroom house with eight family members will use more water than a six-bathroom house with two family members. Over the years, we've heard various justifications for the policy from past directors. Everything from it's going to break the meter to it's going to just depressurize the whole system. The Ag Working Group didn't buy any of them. When we met with our current Water Director John Stufflebean, we brought up our dissatisfaction and frustration with a fixture-unit policy and he was open to change. So, if you are serious about wanting to support additional housing for Maui County and if you think it's a good idea to change the methodology for assessing our future water needs to an accurate one, please support Bill 146.

CHAIR COOK: Thank you for your testimony. One moment. Before that, I would like to acknowledge and welcome, Chair Lee, good morning.

COUNCILMEMBER LEE: Kaoha, from the Marquesas Islands in the Polynesian South Pacific. I am home alone, here by myself, and looking forward to your meeting. I apologize for my lateness. Thank you.

CHAIR COOK: Well, you're very welcome. Okay. So, now Members, any clarifying questions for our testifier? Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I'd like to designate Ms. Sydney Smith as a resource per our Rules of the Council based off her experience in the Ag Working Group, without any objections?

CHAIR COOK: Members, any objections? I have no objection. Welcome.

COUNCILMEMBER JOHNSON: Thank you.

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**COUNCILMEMBERS VOICED NO OBJECTIONS.**

MS. SMITH: All right.

COUNCILMEMBER JOHNSON: You're free for the meeting?

MS. SMITH: Yes.

COUNCILMEMBER JOHNSON: Okay. Thank you. Thank you, Chair.

MS. SMITH: I'd now like to testify on Bill 180.

CHAIR COOK: Okay.

MS. SMITH: I'm still Sydney and I'm still representing the Ag Working Group. The Ag Working Group worked with Councilmember Gabe Johnson and Councilmember Tom Cook and their staff to bring this bill before you. Our water resources are dwindling and becoming more precious as the years go by. No one is more aware of this than a farmer or a rancher. We've seen the changes in our environment firsthand. Rather than receiving our rain steadily throughout the year, we now witness months with no rain at all and then flooding downpours, and hard dry earth cannot absorb that flooding rain and it ends up causing mudslides and brown water advisories. Bill 180 would make it easier for our farmers and ranchers to build higher-volume catchment tanks to help support our plants and animals. The water in these tanks will reduce the stress on our potable water supplies. Even if it doesn't rain, it'll collect water just from condensation overnight. By making it possible to build these tanks without complicated and expensive engineering plans and spending time submitting these plans to the various overburdened County departments, our agricultural community can begin to build these tanks now. With the stroke of a pen, you can help Maui County become more sustainable without it costing the local taxpayer any revenue dollars for additional infrastructure. The Ag Working Group would like you to support this bill to help us survive these years of continuous drought and reduce the stress on our Department of Water Supply. Thank you.

CHAIR COOK: Members, any clarifying questions? Member Kama. Okay.

COUNCILMEMBER KAMA: Questions for you. I would like to ask Ms. Smith if she could stay for the second thing to be a resource, because it seems like they go hand in hand.

CHAIR COOK: Are you available to be a resource for both items?

MS. SMITH: Yes. Yes, I'll stay here.

CHAIR COOK: Okay, thank you.

COUNCILMEMBER KAMA: Thank you, Chair.

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CHAIR COOK: I'll call you up when we have that issue and you can come join us up here.

MS. SMITH: Okay.

CHAIR COOK: Thank you.

MS. SMITH: All right.

CHAIR COOK: Members, we'll wait on any other questions until she's available as a resource.  
Staff?

MS. TANCK: Chair, the next individual signed up to testify is Cinco Young, to be followed by Steve Allen.

CHAIR COOK: Okay.

MR. YOUNG: Aloha. My name is Cinco Young and I'm with Maui Water Tanks, Incorporated.  
Can you hear me well enough?

CHAIR COOK: Yes.

MR. YOUNG: Okay. I want to thank Tom Cook and Council for helping us push this proposal along. The threshold right now as you all know is 15,000 gallons for a building permit for a water tank and we're just asking to increase it to 30,000 to circumvent the additional expenses that would be required by an individual to pull a building permit, which would be stamped engineered plan sets and then burdening the permit department with unnecessary time and efforts and energies to increase this capacity. We're...we propose it because like Ms. Smith said, we have far less inconsistent rain and you get it all at once now and the more water storage people can hold and sustain, they can reallocate it out in times of drought which would then also alleviate some of the burden on the Water Department. So, you know, this is...all we're asking for is a slight increase in volume and which is due to diameter, the tanks are engineered, they're not designed for failure. And this would just help out all the customers between the ranches, residential, and also alleviate some of the burden on the County. And so we hope to push this thing forward. Thank you kindly for your time.

CHAIR COOK: Thank you. Members, any clarifying questions? Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, Mr. Young.

MR. YOUNG: Yes.

COUNCILMEMBER KAMA: You sell these water tanks?

MR. YOUNG: I'm a water tank contractor, yes.

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COUNCILMEMBER KAMA: Okay, okay. And have you or do you have these tanks on island already or have you put them on certain places that have water tanks?

MR. YOUNG: Yes. So, we stock the tanks that are less than 15,000 gallons, but when people want a 30,000 gallon, or they want to increase their capacity, because 15,000 may not be enough, then we have to go through engineering and permitting and things like that. So, we don't stock the 30,000 gallon tanks on Maui yet for the very reason that they're special order. But given this, if we can install these tanks for people without having to incur this additional time, energy, and expense, then we'll...then we will begin to inventory them on the island.

COUNCILMEMBER KAMA: So, have you installed any here on Maui?

MR. YOUNG: Oh, yes.

COUNCILMEMBER KAMA: Okay.

MR. YOUNG: We've installed hundreds and hundreds.

COUNCILMEMBER KAMA: Oh, okay.

MR. YOUNG: Maui Water Tanks has been around for 49 years starting with my father, Lafayette Young.

COUNCILMEMBER KAMA: Okay.

MR. YOUNG: So, we've done large volume tanks and municipal tanks and this is more aligned for a ranch and residential. If any project requires a fire suppression code or anything like that, that would require permitting. Any other agencies that need to be involved would need to go through permitting, but this is purely for a ranch and residential. Out in the country areas that are serviced beyond the county line, this really helps everybody out from Kaupō to Ke'anae.

COUNCILMEMBER KAMA: Chair, I'm sorry but I'm thinking of what I think in my mind a water tank should look like, but I'm not sure about how high off the ground it is or anything like that. So, and I know I can only ask questions to clarify his testimony, but I don't want to beleaguer this either, but could you make Mr. Young a resource too? I have a lot of questions about this tank.

CHAIR COOK: Sir, are you available as a resource?

MR. YOUNG: Certainly.

CHAIR COOK: I was going to ask my clarifying questions and answer those, but by all means, I think he'd be a valid resource --

COUNCILMEMBER KAMA: Okay.

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CHAIR COOK: -- and could...I think he's already stated his credentials. Is everybody in agreement?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

COUNCILMEMBER KAMA: Yep. Thank you.

CHAIR COOK: Okay, thank you. If you could be available, we'll call you up at an appropriate time. Thank you, sir.

MR. YOUNG: Thank you.

CHAIR COOK: Staff, next testifier.

MS. TANCK: Chair, I see that Councilmember Paltin had her hand up.

CHAIR COOK: Councilmember...I don't see her. Hi, okay.

COUNCILMEMBER PALTIN: Can you see me?

CHAIR COOK: Yes.

COUNCILMEMBER PALTIN: I can wait to ask my questions of Mr. Young during discussion as long as you don't cut us off before we answer all our questions.

CHAIR COOK: If I cut you off, you can give me the sign that I crossed the line and I'll cooperate.

COUNCILMEMBER PALTIN: Okay.

CHAIR COOK: I want everybody to...I want us all to be able to have our opportunity to speak and if I do that, generally it's because of the lag time on remote and not intentional.

MS. TANCK: Chair, the next individual signed up to testify is Steve Allen, to be followed by Jonathan Helton.

CHAIR COOK: Mr. Allen.

MR. ALLEN: Good morning, Council, and today I'm not representing myself. I'm representing the company, so I'm in the uniform. Really, really, appreciate you guys, Tom, putting this Bill forward 146. It's been a long time coming. I sure hope it gets approved. As a licensed plumbing...plumber and plumbing contractor, I've been working under the UPC Code my entire career, which is just right short of 50 years. The UPC Code became official in 1945 in Los Angeles and it's been a safe and healthy plumbing based on science and physics ever since. Let me assure you, the word "cap" with "maximum capacity" is the correct...instead of "maximum capacity" it's "maximum choice." My understanding is the Water Department recommends this. The old rule of a cap has

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been in place since 1995...a long time. The use of cap was never based on UPC Plumbing Code and it's time to place the water allowances and consumption and not fixture count. The owner's wants and needs combined with the plumber's knowledge should dictate fixture counts related to water meter capacity. The present 31-fixture unit for a five-eighths meter restricts building additions to a house or adding ADUs, which presently appears to be the driver behind this proposed ordinance. A two-bathroom house, single kitchen, with a washing machine creates 15.5 units excluding hose bibs. A one-bathroom, one-kitchen, with a washing machine ADU, totals 10.5...without any hose bibs. That's only 26 units. Add three hose bibs for the two houses, now you're at 30.5, which is under the 31 units under the current use of the allowance on the meter at five-eighths. Using the existing method if you're using three hose bibs, you'd be at 41.5, way past the allowance. Please understand this is all based on maximum capacity. Reality is three showers, three toilets, two kitchen sinks, two washing machines, and three hose bibs are never going to be on all drying at the same time regardless. With that said, I've never understood Maui County Water Department's five-eighths water meter to begin with. The Code book starts at 3/4 inch meters. I understand the financial impact of an additional 3/4 inch meter versus the five-eighths. I understand probably it was about some reason that I'm not going to get into. But if you started with 3/4 inch meters you would need 41 units to start with. You would never have to worry about the draw which is the negativity supposedly created by the Water Department on the possible damage to the water meter draw. So, there needs to be the play. Truly, Tom, I really appreciate you proposing this, and Gabe, I really saw your name bring it into the floor. I thank the Council for the many difficult issues you guys face and presented with this Bill 146. I'm hoping it progresses for more housing. Water allowances and appropriate fees will need to be pursued with this change, but they need to be anyway. So, that's where it should be based at...my feeling. I encourage you as a body to dive into cesspool, septic conversion issues facing us. There are many reforms that are actually needed to facilitate this task. And it's going to take the government bodies like yourself to change it over the department's, so . . .(timer sounds). . . and that's my three minutes from myself.

COUNCILMEMBER KAMA: Mr. Allen.

CHAIR COOK: Member Kama, question for the...clarifying questions for the testifier?

COUNCILMEMBER KAMA: Yes, I just want to know if his testimony is...did you submit that in writing, or is that the only copy of your testimony?

MR. ALLEN: I left a single copy at the desk.

COUNCILMEMBER KAMA: Okay. So, we're going to get copies of that.

MR. ALLEN: And I left...and I left the page for the UPC water sizing, not that I expect you to do the math on it, but it is there based on the calculations I utilized here, and it's on that sheet of paper.

COUNCILMEMBER KAMA: Okay. Chair, could we get those copies, please, this morning so

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that when we're in this discussion, I'd like to...I didn't understand a whole lot of what you said about the three-digit, two-digit, whatever, so I want to read it so that I can understand that.

MR. ALLEN: I tried to make it simple to read.

COUNCILMEMBER KAMA: I know, but...

CHAIR COOK: Staff, could you get a copy from the desk and distribute it to the Members?

MR. PASCUAL: Yes, Chair.

CHAIR COOK: Okay.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Allen. That's all.

CHAIR COOK: Thank you. I think that you will be pleased with today's meeting and the proposals from the Water Department and I thank you for your testimony.

MR. ALLEN: Yeah, all good.

MR. PASCUAL: Chair, Member Paltin did have her hand up.

CHAIR COOK: My apology. Member Paltin, clarifying questions for our testifier. Wait, Steve. Steve, Member Paltin has a question for you.

MR. ALLEN: Oh. Yes, yes.

COUNCILMEMBER PALTIN: Hi. Can you clarify what is a hose bib?

MR. ALLEN: Oh, that's the...if you think about what you put your hose to, that's a hose bib. You know, when you're going to wash your car or you're going to spray your kid down because they're making too much noise, you connect your hose to it, that's a hose bib.

COUNCILMEMBER PALTIN: So, like a spigot?

MR. ALLEN: You know, personally myself, I want a hose bib on every corner of my house. It doesn't mean I'm running four hoses. But I don't...and you know, I like to put a high-pressure bib and a low-pressure bib on houses too. So, you need multiple bibs for multiple reasons.

COUNCILMEMBER PALTIN: Oh, okay. And then the part that you had said about a five-eighths meter...a five-eighths water meter versus a three-quarter water meter, I didn't understand that.

MR. ALLEN: The current water meter distribution for a normal residence is a five-eighths water meter supplied by the County Water Department. What I was saying is that when I

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open up my Code book, which I have to work under the size all the piping we do for all the plumbing in every building, it doesn't even list the five-eighths meter to start with. It starts at three-quarter and works its way up from there. I have never quite understood, you know, I've been working here since 1981, and from the time I opened up my book and saw the five-eighths meter not existing I always just thought, why did they start there to begin with? The Code book doesn't start there. I don't know why, but the reality is is that the UPC Code Book, which all the State of Hawai'i runs under and most of the United States does, starts at a 3/4 inch water meter. Consequently, the relationship to that would be that it's an additional ten fixture units to start with, which eliminates the negativity of damaging the water meter which has always been the position of the limitation on 31 units.

COUNCILMEMBER PALTIN: Thank you, that was pretty comprehensive. The last question I had was you mentioned that a three-quarters water meter would be more expensive than a five-eighths water meter and I didn't understand why. If you could clarify?

MR. ALLEN: I missed...what did I say about the difference between the five-eighths and three-quarter?

COUNCILMEMBER PALTIN: That there is more cost involved in a three-quarter.

MR. ALLEN: If I was buying the meter, the cost is minuscule. But when you apply for water meters with the Building Department, County Water, it's significantly different. I don't understand that. Are the wholesale price...the price of the water meter is insignificant in relationship to five-eighths versus three-quarter. But the allocation of the 3/4 inch water meter by the Water Department as a stage up to the one inch and inch and a half and two inch, are astronomically different in relation...relatively speaking.

COUNCILMEMBER PALTIN: Okay. I think I get it. So, like if you buy it from the store, there's not much cost, but when you apply for the County there's a big cost difference basically.

MR. ALLEN: That is correct. And yet the position has always been that the five-eighths meter can be damaged and they don't want to allow overdrawing of it, which was always been the pretense for the five-eighths or the 31 units. In this change that you have proposed, what you're doing is you're saying let's allow for a greater draw because of the ADUs and the way they rate the hose bibs is really the difference. The hose bib difference is significant. At three is 5.5 under the UPC Code and it's 16 under the current process. That difference is the ADU, you know, because the ADU is 10.5 with a toilet, shower, lavatory, and washing machine, and kitchen sink. The difference on 16 units to 5.5 is right there at the ADU. You get rid of the hose bib...just hose bib allowance alone and you have an ADU allowance.

CHAIR COOK: So, you'll be able to share this information as well, because you're going to be a...have we designated him as a resource person, correct? Okay.

COUNCILMEMBER PALTIN: I don't think we did, but I'd love that.

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CHAIR COOK: Okay. Are you available to be a resource person if called upon?

MR. ALLEN: I'm available to assist you in any manner you need.

CHAIR COOK: Okay. And then, many of these issues...we often will have testimony before the presentation. Sometimes we will wait for testimony until after the presentation. Many of the questions and concerns and issues are going to be addressed during this presentation. So, I welcome you as resource people to contribute during that...during this discussion.

MR. ALLEN: So, to be clear you would like me to stay to assist?

CHAIR COOK: Please.

MR. ALLEN: Not a problem.

CHAIR COOK: Okay.

MR. ALLEN: And then if I could make one comment on your position with the catchment?

CHAIR COOK: You'll be able to during that time.

MR. ALLEN: Yeah, I'd love to have a position because we all know its collection transmission is the issue.

CHAIR COOK: Okay. Thank you very much.

MR. ALLEN: Thank you.

COUNCILMEMBER PALTIN: Oh, Chair --

MR. PASCUAL: Chair.

COUNCILMEMBER PALTIN: Chair, wouldn't he get an opportunity to testify on the second item because his testimony so far was only on the first item, so if he did want to testify on the catchment, he didn't...he wasn't afforded an opportunity.

CHAIR COOK: He could and then also as a resource person we could have a more in-depth conversation. If you choose for him to give testimony on that now, I will allow it. If he was willing to be a resource person, he could also answer questions and be part of the conversation on that issue as well. Is that --

COUNCILMEMBER PALTIN: Oh, it's not my choice, it's his choice if he wants to testify on the second item.

MR. ALLEN: I didn't come here for that, but I'm...I'm certainly positive on allowing more collection.

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MR. PASCUAL: Chair. Chair Lee had her hand raised.

CHAIR COOK: Okay, Chair Lee, questions...clarifying questions?

COUNCILMEMBER LEE: Yes, I have...I have a clarifying question because at the rate we're going, by the time we get to ask all of our questions it's going to be a couple of hours from now and I may not be able to stay. So, I just wanted to ask Steve, you talked about the difference between the five-eighths meter and a three-quarter meter and you said there's a big difference in costs. So are you saying you don't know the difference in the cost and that's something that we need to ask the Water Department later?

MR. ALLEN: You know, I guess I should have written it down because it's very, very visible on the website and your guys' information on water meter allowances and if I remember correctly it was almost a 5,000...you know what, it was under the Grass Roots Institute's article back in March and I can pull that up online, because they had the cost structures on five-eighths, three-quarter, and one inch. I think it was a \$5,000 difference between a five-eighths and a three-quarter.

COUNCILMEMBER LEE: Okay.

MR. ALLEN: But I can look that back up.

COUNCILMEMBER LEE: Okay. Okay. Well, thank you Steve. That was my clarifying question. Thank you.

CHAIR COOK: Thank you. Staff, do we have additional testifiers?

MS. TANCK: Chair, the next and last individual signed up to testify is Jonathan Helton and Mr. Helton if you could identify what agenda item you are testifying on.

MR. HELTON: Hopefully I have the mic on, can you hear me okay? I shall be testifying on Bill 146 and to identify myself, I'm Jonathan Helton and I've worked with the Grass Roots Institute of Hawai'i. So, really good timing I guess. And I am the co-author of the brief that Mr. Allen was referencing, so I will reference some of those numbers a little bit later. But the Grass Roots Institute of Hawai'i support Bill 146. The fixture unit count that the Department of Water Supply currently uses, I've not been updated since 1995. And there's been a lot of technological integration in terms of water efficiency of appliances since '95, and the current tax bill reflects that. So, for example, you have 31 fixture units that are allowed currently on a five-eighths meter and you can buy 11 additional ones at cost. So, if you needed those 11 additional units, that total cost would be about \$4,200 dollars to buy all of them. And which would be the case if you were going to put in, perhaps a second ADU. But what I'm going to touch on in my testimony now, and perhaps Department of Water Supply can share some details on this in their presentation, is we've had some discussions with the IAPMO which is the International Association of Plumbing and Mechanical Officers. They're the people who put together the UPC, the Uniform Plumbing Code. And as an organization, they've come up with a

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tool called the Water Demand Calculator that they have included from an independent STEM of the past three Uniform Plumbing Codes. So, it started in 2018. What this calculator was meant to do was to be a new methodology for calculating water demand. So, right now a lot of states across the country, and in Hawai'i, use the Hunter's Curve which was developed in the 1940s. And that has how we calculate fixture units. But the people at IAPMO updated and they said, hey, we've got all this data. We've got all these technological advances since then, so they created a tool that is free to use that I'm sure the Department of Water Supply, and they're already is familiar with this tool, and that it might be something that they could use to estimate the daily water usage under this Bill. I had been in contact with the folks at IAPMO and I hope that they'd be able to be here today to testify. It doesn't look like they are, so I'm happy to answer any questions that you guys might have for me but I can also put you in touch with our contacts there if this is a conversation that needs more detail. And the last thing I'll say is looking at the different terms of a five-eighths meter and a three-fourths. In the 2025 budget, the charge for a five-eighths meter was \$12,060 and the charge for a 3/4 inch meter was \$18,884. So, it's about a \$6,000 difference . . . *(timer sounds)* . . . if you needed to upgrade your water meter or buy a second one.

CHAIR COOK: Thank you for your testimony. Members, any clarifying questions for the testifier? Member Kama.

COUNCILMEMBER KAMA: Thank you for being here, Mr. Helton. So, my question is the prices that you quoted for the water meter, those are...those are Maui...that came out of our County budget?

MR. HELTON: That's correct.

COUNCILMEMBER KAMA: So, could I ask him what it would cost on the outside? Do you know if there's a cost...what the cost would be if you went outside and bought a water meter?

MR. HELTON: I don't know the answer to that question. I'm sure that Mr. Allen would probably know that better than I would.

COUNCILMEMBER KAMA: Okay. Thank you. Thank you, Chair.

CHAIR COOK: Member Paltin, clarifying questions?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Helton. I didn't catch that IAPMO, can you clarify what you meant?

MR. HELTON: Yes. So, IAPMO is the International Association of Plumbing and Mechanical Officials. They're the people who write the Uniform Plumbing Code. And so they've developed this Water Demand Calculator which I've provided a link to in my written testimony. And that's a tool that's free to use and you can download it and use it in itself.

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COUNCILMEMBER PALTIN: Thank you so much.

CHAIR COOK: Staff?

MS. TANCK: Chair Lee has her hand up, Chair.

CHAIR COOK: Sorry. I'm having a hard time seeing all the...Chair Lee, clarifying questions for our testifier?

MR. PASCUAL: Chair Lee, I apologize, you're muted.

COUNCILMEMBER LEE: The prices that you quoted for the five-eighths and the three-fourths meters, is that only if you're a new homeowner and you...and you have...and you normally choose one or the other. But are the prices different if you upgrade from a five-eighths to a three-fourths?

MR. HELTON: I don't have the FY25 budget pulled up, like I said, what I had in the report. I don't know the answer to that question. I would assume that you would have to pay the full \$18,000 charge.

COUNCILMEMBER LEE: Okay, thank you.

CHAIR COOK: Staff, additional testifiers.

MS. TANCK: Chair, the next and last individual currently signed up to testify is Johan Lall. Mr. Lall, if you don't mind identifying what agenda item you're testifying on.

MR. LALL: Aloha. Johan Lall testifying on Bill 180. I wasn't going to testify. I don't think this is controversial or anything, but I did look up what a 30,000-gallon tank looks like and I saw that it seems like usually those are installed on like a concrete pad. So, if I understand this correctly, the idea is to exempt up to that size from having to get building permits, but maybe there could be a caveat or something that have to be like a non-ground-altering installation because I don't think the intent is to, you know, create more environmental impacts or anything like that just to increase the size. But I think it does make sense to capture more water because usually we have, you know, healthy eco-systems that function as a good watershed and we've lost a lot of that, so if we can capture more water upstream and, you know, it might have some impact on flooding and reduce the risk where we are downstream, so I think it does make sense. Also, we're entering an era of like more drought and things like that so the more water people can capture and use for ag or whatever the better, so in general, I support it. Mahalo.

CHAIR COOK: Thank you for your testimony. Members, any clarifying questions? Staff, any further --

MR. PASCUAL: Chair, Member Paltin has her hand raised.

CHAIR COOK: I sincerely apologize, Ms. Paltin for not seeing you consistently. It's not

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intentional.

COUNCILMEMBER PALTIN: I understand. Mr. Lall, do you know the square footage of a concrete pad needed for a 30,000 gallon? I cannot hear.

MS. TANCK: Mr. Lall, I apologize, you're muted.

MR. LALL: No, but just from the pictures I found by like Google searching, I would say maybe like 50 square feet and I know there's like a lot of exemptions so maybe it would be within whatever those exemptions are.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR COOK: Thank you for your testimony. Staff, any additional testifiers?

MS. TANCK: Chair, there's no one signed up to testify at this time. We'll do a last call...three, two, one. Chair, there's no one signed up to testify at this time.

CHAIR COOK: Members, if there is no objections, I will close oral testimony at the beginning of the meeting.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

***. . . CLOSE PUBLIC TESTIMONY AT BEGINNING OF THE MEETING . . .***

CHAIR COOK: As a reminder, we will continue to take testimony after opening remarks after each item. We'll move on to our first item.

**BILLS AND RESOLUTIONS FOR REFERRAL TO THE COUNCIL CHAIR FOR THE 2025-2027 COUNCIL TERM**

CHAIR COOK: Members, the first posted item are a number of bills pending before the Committee for your consideration to refer to the Council Chair for the term beginning January 2, 2025, in accordance with Rule 22 of the Rules of the Council. These items are currently listed on the Committee's Master Agenda which, if not referred, will be considered filed...filed at the end of this term. The items being proposed for referral are WAI-6, Bill 75 (2022), WAI-12, Bill 90 (2024), WAI-27, Bill 110 (2024), and WAI-29, Bill 129 (2024). As a reminder, requests can be made to remove items from the discretionary referral list, but at this point, no items can be added. Please also keep in mind that any filed items can be reinduced...reintroduced in the next Council term. Motion to...

MR. PASCUAL: Chair, I apologize, we still need to take testimony for this item.

CHAIR COOK: Okay. At this time I'd like to open public testimony for this item. Staff, do we have testifiers regarding this?

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**. . . OPEN PUBLIC TESTIMONY FOR END OF TERM REFERRALS . . .**

MS. TANCK: Chair, at this time there is no one signed up to take testimony...there's no one signed up to testify for this item. If you'd like to testify, please raise your hand on Teams or make your way down to the podium. Chair, seeing nobody is signed up to testify at this time we'll do a last call, three, two, one. Chair, seeing nobody to testify.

CHAIR COOK: Members, seeing that there are no more individuals wishing to testify, without objection I will now close oral testimony on this item.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**. . . CLOSE PUBLIC TESTIMONY FOR END OF TERM REFERRALS . . .**

CHAIR COOK: Members, I'm proposing two rounds of three minutes per Member, any objections?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR COOK: Do we need any discussion?

VICE-CHAIR SUGIMURA: No discussion. Call for the question.

CHAIR COOK: Seeing no further discussion, we'll move on to decision-making. Now the Chair would like to entertain a motion to recommend the bills and resolutions noted under this item be referred to the Council Chair for the term beginning January 2, 2025, in accordance with Rule 22 of the Rules of the Council.

VICE-CHAIR SUGIMURA: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR COOK: So, moved by Member Sugimura, seconded by Member Kama to recommend the bills and resolutions noted on under the referral of the Council Chair for the term beginning January 2, 2025. Members, are there any discussion?

VICE-CHAIR SUGIMURA: No.

CHAIR COOK: Seeing no further discussion, all those in favor, raise your hand and say "aye."

**COUNCILMEMBERS VOICED AYE.**

COUNCILMEMBER JOHNSON: I'm sorry, Chair. I think...did we do Bill 90 yet, or did you...I'm sorry. I just had a bit of discussion for that undergoing power line bill. Did we go past it already?

VICE-CHAIR SUGIMURA: I mean we're...go ahead.

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COUNCILMEMBER JOHNSON: Just a one-minute comment if you'll allow it Chair.

CHAIR COOK: I'll allow it.

COUNCILMEMBER JOHNSON: Okay, thank you. I just want to emphasize the importance of Bill 90. When we looked at the priorities in rebuilding Lāhainā it was 85 percent of the people polled said that they wanted to quote unquote "move utilities underground", so let's just make that a priority, that's all my point was. Thank you, Chair.

VICE-CHAIR SUGIMURA: Your mic.

MR. PASCUAL: Chair, Member Paltin has her hand up.

CHAIR COOK: Member Paltin, discussion?

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to mention that in going to the...After the Fire Summit and meeting with all sorts of folks from all sorts of jurisdictions that have had mega fires like us, it's not always feasible to underground all of the lines and so it is important to prioritize where lines will be undergrounded to allow for evacuation routes and so on and so forth. And that there isn't any one silver bullet that will prevent mega fires from happening even if 100 percent of all County...all the...across the County is undergrounded, we shouldn't feel that this will never happen again. There are a number of things that should be happening and are moving towards happening, but I think it's important to say that should all power lines be ungrounded at a cost of seven billion plus, whatever, that it doesn't mean that this wouldn't happen again and that people should always be vigilant and pursue all of the methodologies that we have such as, you know, updating the fire code, vegetation management, good campfire management, cooking fire management, and all of the things. So, that's my comment for discussion is that people shouldn't assume that undergrounding all the power lines would make this never happen again. Thank you.

CHAIR COOK: Thank you. So, we're all in agreement that we're going to...okay. Take the vote?

MR. PASCUAL: Chair, it seems like there was unanimous consent for the sign-up, so you could do a voice vote.

CHAIR COOK: Okay.

MR. PASCUAL: So, all those in favor of the motion, raise your hand and say "aye".

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

MR. PASCUAL: Chair, you have seven "ayes", zero "noes", two excused, Members Rawlins-Fernandez and Sinenci. Motion passes.

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**VOTE:        AYES:    Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Kama, Lee, Paltin, and U‘u-Hodgins.**

**NOES:        None.**

**ABSTAIN:    None.**

**ABSENT:     None.**

**EXC.:        Councilmembers Rawlins-Fernandez and Sinenci.**

**MOTION CARRIED.**

**ACTION:      Recommending REFERRAL of bills to the Council Chair for the term beginning January 2, 2025.**

CHAIR COOK: Okay, so thank you, Members. This item will move on for full Council’s consideration.

**WAI-33        BILL 146 (2024), AMENDING THE WATER CODE ON THE METHODOLOGY FOR CALCULATING DOMESTIC WATER DEMAND**

CHAIR COOK: Let’s move on to our next item, WAI-33. Members, WAI-33 relates to Bill 146 (2024), entitled “A BILL FOR AN ORDINANCE AMENDING THE WATER CODE ON THE METHODOLOGY FOR CALCULATING DOMESTIC WATER DEMAND”. Bill 146’s purpose is to require the Department of Water Supply to use methods based on projected gallons per day usage, rather than water fixture counts in calculating the domestic water demand and development impact fees. Before this meeting, we reached out to the Department to request their written comments and feedback on Bill 146. Their response can be found in attachment number 3 on Granicus. At this time, Councilmember Johnson, would you like to provide any opening comments or background information on Bill 146?

COUNCILMEMBER JOHNSON: Certainly. Thank you for the opportunity, Chair. Members, for decades we have been using an outdated water allocation methodology based on the Hunter Curve that has been widely debunked by engineers and plumbing associations. This outdated methodology limits how many fixtures like showers, sinks, washing machines, et cetera a homeowner can have per water meter. With Bills like 103 and 104 and the Ohana Assistance Grant Program, that attempt to help our housing emergency by increasing density and residential area, this Bill is crucial. Currently, the fixture count limits our residents’ ability to build ohanas and farmers’ ability to build

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ag labor dwellings and farmer dwellings. Now is the time to reduce arbitrary barriers and step into 2025 with solutions to our housing crisis. I worked on this Bill with the Ag Working Group, and have had favorable responses from the Department of Water Supply. Members, this is one way...Members, this is one way in the permitting process that we can make a positive change that will help our local residents. I look forward to the discussion. Mahalo, Chair.

CHAIR COOK: Thank you, Councilmember Johnson. Mr. Jensen, would you like to provide any opening remarks in the Department of Water Supply?

MR. JENSEN: Mahalo, Chair. Yes, I have a few comments. I think the first testifier had mentioned that she had reached out to my boss, Director Stufflebean, about the potential to change this kind of legacy methodology and that he was receptive to that and that's consistent with my experience. I've been with the Department since...since March and seeing how it works, seeing how our development fee is tied to meter size. Yeah, it's a little unusual, so the Department is receptive to moving in this direction. Director Stufflebean and I have been discussing this. I'm sure everyone on the Council is already aware that we're doing a deep dive into our Water Code and this is...this is part of that even though it's not really the...it's not necessarily in the Code, but this has been part of just this gambit of things we've been looking at to modernize and change procedures. So, this Bill does give us a little bit of a kick in the rear end to move this along, and that's probably a good thing.

COUNCILMEMBER JOHNSON: Great.

MR. JENSEN: I did want to clarify there was a lot of questions about the cost of a meter, so the numbers we've been discussing, the 12,000 for the five-eighths and the 18,000 for the three-quarter, that's a development impact fee. That's not the cost of the meter per se and I would say that it is unusual that a development impact fee be tied to meter size, it's often tied to use. So, we've been looking at ways to restructure this to detach the impact fee and the mechanics of permit issuance to detach that from meter size and get it more associated with use. So, some of the things we've been looking at is to instead of the development fee being based on meter size, it's based on, hey, the fee could be this much for your primary dwelling and then if you want to build a second dwelling it's this much. And if you build an ohana it's this much, so that those impact fees are assessed as you increase that use. Because, yeah, frankly the...you really can't project the impact of a development very clearly on meter size alone. It gives you an idea of what you...of what impact is possible, but you can leave a 3/4 inch meter on all day and use vastly more water than you can if you, you know, have a two-inch meter and use it intermittently. So, the Department supports this Bill and, you know, we've been actively looking at how to restructure all of this, so we welcome the conversation. Thank you.

COUNCILMEMBER JOHNSON: Great.

CHAIR COOK: Thank you, Mr. Jensen.

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MR. JENSEN: I'm sorry, can I...one of the things that we did ask though is that if adopted the bill be effective July 1st and the reason for that is that that would align with adopting a new fee structure instead of having to bring forth a budget amendment during this fiscal year. Thank you.

CHAIR COOK: Thank you, Mr. Jensen. We will address that as well. Before we begin our discussion, let's see if anyone else...Staff, do we have any testifiers?

**. . . OPEN PUBLIC TESTIMONY FOR WAI-33 . . .**

MS. TANCK: Chair, there is no one signed up to testify at this time. We'll do a last call. Three, two, one. Chair, there's no one signed up to testify at this time.

CHAIR COOK: Members, seeing that there are no more individuals wishing to testify, without objection, I will now close oral testimony on WAI-33.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**. . . CLOSE PUBLIC TESTIMONY FOR WAI-33 . . .**

CHAIR COOK: Members, I'm proposing two rounds of three minutes per Member. Any objections?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR COOK: And Members, would we now like to bring down our resource people and allow them to participate? Staff, could you assist in arranging them to be able to come down onto the floor? And we'll take a five-minute recess while we're reorganizing. We'll be back at...

MR. PASCUAL: Chair, I believe we would still need to have discussion because we just closed public testimony.

CHAIR COOK: Okay, so before that...

MR. PASCUAL: Yes, Chair.

CHAIR COOK: Okay, thank you for the correction. You were on pause for a minute. So, Members, seeing that there are no more individuals wishing to testify, I will now close testimony on the item. I'm proposing two rounds of three minutes per person. Any objections, Members?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR COOK: Okay. We'll start with Councilmember Vice-Chair Sugimura.

VICE-CHAIR SUGIMURA: I'll start the discussion and then you can take your five-minute

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break and bring everybody down. So, I'm really glad to hear the Department and --

CHAIR COOK: Could you please move the microphone closer so we can hear you?

VICE-CHAIR SUGIMURA: Oh, sorry. Okay, I'm glad to hear Mr. Jensen's comments on behalf of the Department. I will say that we have been noticing Director Stufflebean has been open to new ideas and looking at ways of improving the County, so I appreciate that. So, you were saying Mr. Jensen, that the Department is going to look at use; can you explain that a little bit? And how does this Bill help that or are you going to be proposing more?

MR. JENSEN: Well, so...thank you for the question. So, we're looking at different ways that the impact fee can be reasonably assessed --

VICE-CHAIR SUGIMURA: Right.

MR. JENSEN: And there's...so, we're looking at other municipalities, City and County of Honolulu, areas on the mainland that we're familiar with, and there's a lot of different ways that it can be done. Some municipalities just charge based on fixtures. There's no...but there's no linkage between the fixture and the meter size. So it's just okay, there's a certain amount of money, it's a straight fee, that's what you pay. The meter size is based on the plumbing calculations and there's no hold up with issuing a meter. That tends to be the mechanical hold-up that we had is this...when we change meter size. That's one methodology. Other...other places charge based on a single-family home is projected to use approximately this much water per day and that creates this type of taxation on our system. So what does it cost, you know, through our capital improvement program to develop the source transmission and storage to provide that daily usage for that, you know, single-family home. And then you do your best to try to assess, okay, what is that home's fair share of the cost of that...of the infrastructure needed to serve that little bit of development. And then you'd do the same exercise for what does a single...what does a second dwelling look like? What does an ohana look like? And then also what does a thousand square feet of office look like? And then same thing for commercial, for industrial like. So it's just a shift of a use based, because you know, our guidelines are use based. Single-family home uses 600 gallons a day is the projection. Some use half of that, some use significantly more than that. But that is...that is the projection. So, that's what the numbers...that's what the impact fee would really be based on is this assumption. Because you've got to start somewhere with this assumption of the daily use. And then, cities that charge based on use typically have a charge that is okay, here's...to buy the meter. So there would be a meter fee, it's not the development fee, it's simply the cost of getting that meter set and then there's that separate development fee. So, it's just a change in the fee structure. Not to say that this is the route we're going. There are a few different ways that we can address this, but that's one of them.

VICE-CHAIR SUGIMURA: Motion, then you can go into recess. So, tied to that then, sounds like the Department is looking at a comprehensive review. Does this Bill help get you there? Because I'm just thinking that this is great based upon the testimony. We have,

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you know, Mr. Allen from Allen's Plumbing. I mean all this expertise, and I would hate for us to do something and then we end up oh, we gotta change come July 1. So, is this what...I loved your answers to the questions. . . .(timer sounds). . .

MR. JENSEN: So, the way that I read the Bill it's really looking for the Department to get away from its current methodology. The way the Bill helps us change is it kind of kicks us in the butt a little bit to get it done by July 1<sup>st</sup>. Because I can say that we've been moving in this direction, you know, that we've been looking at it, but it does establish it as a priority. And that's probably the main way it's going to help us get there is this really puts it on the front burner for us.

VICE-CHAIR SUGIMURA: Okay, great. Okay.

CHAIR COOK: So, Staff?

MR. PASCUAL: Chair, may we request a five-minute recess so that way we can bring our resource personnel down to the floor?

CHAIR COOK: We will now take a five-minute recess until 10:07 a.m. . . .(gavel). . .

**RECESS: 10:02 a.m.**

**RECONVENE: 10:10 a.m.**

CHAIR COOK: . . . (gavel) . . . Welcome back. Members I am proposing two rounds of three minutes per member to any of our resource personnel, any objections? Okay, we're going to continue with Councilmember Kama, you have questions? And I ask everybody please keep your mic close to your mouth so that I...everybody can hear online and in person. Thank you.

COUNCILMEMBER KAMA: You can come and sit down, Mr. Allen.

MR. ALLEN: Oh.

COUNCILMEMBER KAMA: You're going to be here for quite some time.

CHAIR COOK: I would like to state that Mr. Jensen has an Upcountry appointment, so at 11:30 is his hard stop that we'll be excusing him, so just --

COUNCILMEMBER KAMA: Okay, who else has...we should know then who else has to leave, with our resources too?

CHAIR COOK: Does anybody else has a time limit on they need to leave? Mr. Jensen from the Department of Water Supply has another appointment, so he will be leaving this meeting at 11:30. And does anybody else have a time restriction?

MR. ALLEN: I need to leave about the same as Water Department.

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CHAIR COOK: Okay.

COUNCILMEMBER KAMA: Oh, no.

MR. PASCUAL: Chair, I apologize could we recess again for five minutes? We've lost internet connectivity.

CHAIR COOK: Okay, due to lack of connectivity, we will take an additional five-minute recess and we'll return at 10:17, technology allowing. . . .(gavel). . .

**RECESS: 10:12 a.m.**

**RECONVENE: 10:17 a.m.**

CHAIR COOK: . . .(gavel). . . Okay, the WAI Committee will now be reconvened. It's 10:17 a.m. Members, since Chair Lee has to leave early, I would ask for your willingness for her to be the next to ask questions. Chair Lee, do you have...would you have questions for our resource people?

COUNCILMEMBER LEE: Yes, for the Water Department, I just...I'm hoping that we're going to pass these bills and the question then becomes how soon can you implement them?

COUNCILMEMBER KAMA: Good question.

CHAIR COOK: Mr. Jensen?

MR. JENSEN: That is...that is a good question. We do have more work to do to vet what methodology will work best for our circumstance. But the good news is that we won't be reinventing the wheel so there's a lot of great examples out there for the different ways that development fees are estimated and assessed and charged and we've...

COUNCILMEMBER LEE: Okay, can you just give me an estimate like six months, nine months?

MR. JENSEN: Yeah, I think our goal will be with the new budget to adopt a new schedule with the new budget.

COUNCILMEMBER LEE: Wonderful. So, this...in the next three months. That's when we get the budget, in March.

MR. JENSEN: Oh, um...yeah, yeah, March...March is fast.

COUNCILMEMBER LEE: Okay, very good. I'll hold you to that. Thank you very much. That's all the questions that I have.

CHAIR COOK: Okay.

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COUNCILMEMBER LEE: Thank you.

CHAIR COOK: You are now noticed. So, Chair Lee, does that complete your questions? Okay.

COUNCILMEMBER LEE: Yes, thank you very much.

CHAIR COOK: Member Kama?

COUNCILMEMBER KAMA: So, now that Chair Lee talked about budget, so Mr. Jensen, how will this...the implementation of this bill impact your budget?

MR. JENSEN: Can you clarify the...the...is your question around additional cost for the Department or...because I think --

COUNCILMEMBER KAMA: So, when you folks did your budget last year and you all submitted your budget to the Mayor, right, and that was kind of like months ago, right? But now that we're talking about implementing some new, and I don't know you may have been working on it before that, but now we're talking about implementing this Bill. So my question is, how does this impact the budget and will you be coming to us at this go around to the Council, this go around with the Budget Amendment?

MR. JENSEN: Yeah, it will ...it will change our rate structures --

COUNCILMEMBER KAMA: Right.

MR. JENSEN: But it won't change our A, B, or C Budgets.

COUNCILMEMBER KAMA: Okay. Okay. So, by changing the rate structure, does that mean and I'm looking at this Bill as decreasing some of those rate structure costs which would probably make housing a lot more cheaper? I'm hoping that's the direction that this Bill is taking us in, am I right?

MR. JENSEN: I don't know that that would be the case. The development fee is based on the cost to provide the source transmission and storage necessary for...to fulfill new development, so it could go either way. If the number of rate of potential new ratepayers can dilute that cost enough, --

COUNCILMEMBER KAMA: It would be cheaper.

MR. JENSEN: -- then it could be cheaper.

COUNCILMEMBER KAMA: But if there's not enough rate payers, --

MR. JENSEN: It could be more, yes.

COUNCILMEMBER KAMA: So, how is...how is that determined and who determines the source

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of transmission and the storage fees?

MR. JENSEN: So, that typically --

COUNCILMEMBER KAMA: Based on what?

MR. JENSEN: That typically happens through analyzing the cost of our source transmission and storage projects that are not replacement projects but they're new. So, any replacement project is paid for with unrestricted funds through rates. But the new...new wells, even the water treatment plant upgrades, new tanks to provide additional storage and then new transmission lines, those costs get estimated based on the cost...the current costs of construction, and then we divide that cost by the potential for development to determine what that fee is for the different magnitudes of use from a single-family home . . .*(timer sounds)*. . . to, you know, a certain amount of office space.

COUNCILMEMBER KAMA: Not enough time, Chair. Thank you.

CHAIR COOK: You will have another...you will have another opportunity. Member Paltin.

COUNCILMEMBER PALTIN: Thank you. To whoever can answer the question. Does the UPC get updated every so often and does this body have to approve it, like how like the NFPA and the IVC, and all those things?

CHAIR COOK: Steve, would you have an answer for that? You're talking about the Universal Plumbing Code?

COUNCILMEMBER PALTIN: Yep.

MR. ALLEN: I'm...I thought we were talking to the Water Department here.

CHAIR COOK: Is it the Plumbing Code part of Department of Water Supply or Public Works?

MR. JENSEN: Yeah, it's Building Department, so it is Public Works. Yeah.

MR. ALLEN: So, the question is --

CHAIR COOK: How often is the Universal Plumbing Code changed?

MR. ALLEN: Oh, every three years there's an update so continuing education is every three years for the UPC Code.

COUNCILMEMBER PALTIN: Okay. And I don't know that we ever adopted a UPC Code. Is the County Council have to adopt the UPC?

MR. ALLEN: The UPC Code has been in force, to my knowledge, here since 1981 when I moved here. It was already in place.

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COUNCILMEMBER PALTIN: And it hasn't changed locally?

MR. ALLEN: Yes, yes. It's been on Maui County's Plumbing Department since...I don't know the original timing put in here, but I've been utilizing it since 1981.

COUNCILMEMBER PALTIN: Without changes since 1981?

MR. ROWE: Chair, if I could address this question.

CHAIR COOK: Thank you, Mr. Rowe.

MR. ROWE: So, the Plumbing Code is found in Chapter 16.20C and it looks like the last time...the most recent edition that has been adopted by the Council was in 2018.

COUNCILMEMBER PALTIN: Oh, okay, so I never did adopt a UPC then. The next question I had was, you know, I'm all good with this and I'm glad you're open to finding other ways. I want to know how will we, like the Council, as well as the community, will know ultimately what your decision is in how to do...how you're going to do it instead of a fixture count and if we have any opportunity for feedback on it...I know it's a tight timeline, Chair Lee was getting kind of tricky with you because although we ultimately implement the budget in July 1st, we receive it like March...around spring breakish, my husband's birthday, March 26ish, Kuhio Day. So at that point, you would have to have it in final form to get to us . . .(timer sounds). . . and then I guess we would amend it. So, how will we get input into what you ultimately decide?

CHAIR COOK: Mr. Jensen?

MR. JENSEN: Yeah, the timing is tricky. The...I don't know that a first run will be ready in March. We may have to take an iterative approach, where we adopt something that...that will work and serve the purpose of detaching the development fee from meter size and then just temporarily correlate the current impact fee amounts to uses. And then through a second iteration, develop something more robust that we can spend more time to really nail down the costs that would feed into a development fee analysis. But it would...it will come forward in the budget and there will probably be elements or, you know, additional elements of this in our broader amendment to Title 14. But, yeah, the kind of the rush it will be challenging to incorporate, you know, everyone's feedback on something that's complicated. So, we might need to start with something simpler and then come back with something more comprehensive. I'm just, yeah, trying to think out loud to answer that question. Thank you.

CHAIR COOK: Did Corp. Counsel have a comment, Mr. Rowe?

MR. ROWE: Yes. Sorry, I just wanted to correct my earlier statement. It's the 2018 edition of the Plumbing Code that we adopted, but it looks like that was adopted in 2022. I just wanted to clarify. I'm trying to give you accurate information.

COUNCILMEMBER PALTIN: Thank you.

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CHAIR COOK: Okay.

COUNCILMEMBER PALTIN: I love accurate information. I just hope that we're not jumping from the frying pan into the fire. I don't want you guys to propose something worse than what we have now and then we're like "we just said to change it and we changed it and that you guys don't like it, that's your problem" or something.

CHAIR COOK: Mr. Jensen.

MR. JENSEN: No, I appreciate that. That's why I was saying that it could make sense to bring forward something simpler. It might also be prudent. I know that we want to move this forward quickly or, you know, diligently, but it might be prudent to expect to do this through a budget amendment during the next fiscal year rather than try to cram something at March. So, if we were to move forward with that expectation that could work also. Yes. Tough...tough question to answer.

COUNCILMEMBER PALTIN: Thank you. You might want to converse with the Budget Director about that because...but whatever. I think...did my bell ring?

CHAIR COOK: Yes.

COUNCILMEMBER PALTIN: Oh, okay. Thanks.

CHAIR COOK: Member Johnson, questions for the resources?

COUNCILMEMBER JOHNSON: Thank you, Chair my questions have been answered and I have full support.

CHAIR COOK: And Councilmember Rawlins-Fernandez is excused for today. Council Chair, do you have another question before I go to Member U'u-Hodgins?

COUNCILMEMBER LEE: No, I'm just baffled at why this hasn't been considered and discussed in the Water Department before now. I mean this is not rocket science. This is basic...basic information and a basic change to make things better for the consumer. And so I am...I'm sorry that it comes across so complicated. But, that's all I have to say. Thank you.

CHAIR COOK: Thank you, Chair. Member U'u-Hodgins?

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. I would like to commend the Water Department for being flexible. For a very long time, our Water Department was very stuck in its ways and we used to kind of joke that the Water Department had a black box of answers and you would ask them something and they would go back to their black box of answers and come back to you with some answer and you had no idea how they got there. So, I really appreciate this Administration's Water Department being flexible and open to suggestions for change. That being said, I am hesitant to force them

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too quickly, because my concern is like what happened with MAPPS. When I needed to do building permits and MAPPS came online, it basically shut everything down for a really long time and it took a long time to transition. So, I'm an advocate of doing things once and doing it right the first time before we put ourselves into an issue that takes too long to get out of. So, with that being said, for Mr. Jensen, what kind of training do you folks plan to do after you figure out whatever methodology works best for you after you leave the fixture counts in the dust?

CHAIR COOK: Mr. Jensen?

MR. JENSEN: I'm sorry, can you repeat the question please, was it regarding training?

COUNCILMEMBER U'U-HODGINS: What kind of training do you plan to have for your plans review staff after your methodology is adopted. However...whatever methodology you have so that we have a smooth transition...as people review plans.

MR. JENSEN: Yeah, I think the plan review itself will...will remain the same. We would review for...well, depending on whether or not we continue to have a meter sizing worksheet. If that...if that document simply becomes the tool to size the meter, but we are no longer concerned about the meter size resulting in the impact fee, then it would just be a reconciliation that the number of fixtures proposed correlate with the meter size proposed and it's good to go.

COUNCILMEMBER U'U-HODGINS: Okay.

MR. JENSEN: Then the...the impact fee then simply becomes based on the use. So, if it's a primary dwelling or if it's a primary dwelling less than a certain square footage or more than a certain square footage, there's a...you know, it's just depending on what works for Maui. There could be a lot of different thresholds that are based on what a reasonable projection of daily usage would be. But, from a plan review standpoint, I think the review itself would remain the same. . . .(timer sounds). . . It's the...it's the paperwork around the development fee that becomes simplified.

COUNCILMEMBER U'U-HODGINS: Okay, and we had some confusion with the development fee that's assessed. Say I have a five-inch water meter and I need to convert into a four or a 3/4 inch, I just pay that difference, right?

MR. JENSEN: Correct. It's an increment...it's an increment to your impact so you'll only pay the difference.

COUNCILMEMBER U'U-HODGINS: Right. Thanks.

CHAIR COOK: Thank you. Thank you, Member U'u-Hodgins, the alarm bell rang. Since Member Sinenci's not here, Chair's question for Mr. Jensen. Would it possibly...because not...okay, this is basically as you quoted, kicking the butt...kicking the Department in the butt to move forward and not be...to move off of the existing methodology. Is it possible to adopt like City and County of Honolulu or something that is palatable that

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could be adopted...that can be modified? We can modify it in the future, I'm just not even asking for a commitment, but an encouragement that the Department come up with something that is simpler for the Department to review, simpler for the people to get approvals on...we still have source issues. Anyway, would that be a possibility?

MR. JENSEN: Thank you, Chair. So, the question is, is it possible to adopt City and County's structure?

CHAIR COOK: Or something that would be palatable with the understanding that it is going to potentially change because all of the...all of the data and refinement hasn't been able to be accomplished in that short a period of time.

MR. JENSEN: Yes. I think so. Being that was where I was coming from talking about maybe this would make sense to be a two-step process, where step one is really the critical part, which is to detach the impact fee from meter size and have it be based on use. And then, yeah, allowing more...so, it could improve. That would be a way to in the short term, improve the mechanics of approval while giving us some more time to really get into the weeds on analyzing our CIP for projects that are paid for with restricted funds and really develop, you know, go through a proper development fee analysis and study.

CHAIR COOK: So, in summary for my question passing this Bill today is enabling the Department to move forward on it, but not tying your hands to any particular commitment. We're saying passing this Bill today is beneficial to the Department and the community.

MR. JENSEN: I think so, yes.

CHAIR COOK: Thank you. Second round of questions, anybody?

VICE-CHAIR SUGIMURA: I'm fine.

CHAIR COOK: Does anybody have any questions for our resource people? Okay, Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, Mr. Allen, the legislation says 14.04.035, Domestic Water Demand, that what the Department is going to be doing is estimating water demand and assess development impact fees. So basically that's what they have to do. Have you ever thought about when you assess how much water usage by different size families, do you have a sense of what that might be?

MR. ALLEN: Yes, I do and I've always been very concerned about the fact that there is not a tiered water bill system for consumption. You know, I'm not trying to run a municipality here, but you know, let's just deal with three homes in a row. You've got two people that are very conservative and another guy puts a 100-gallon bathtub and uses it every day, and the other person is watering their yard. I mean, I respect water as a precious resource and I think it should be treated as such when it bills back to the consumer.

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We all deal with sewage fees here in the municipality which people with septic and so don't. But I'm really at a loss for if we're trying to promote conservation why we don't reward that those do and penalize those that don't. And so if I was to be challenging the Water Department's assessment, I'd simply say okay, currently you have a...you collect \$100.00 from everybody total and it costs you \$90.00, so you have ten percent reserve, you have \$10.00 in reserve, if that's what it cost you to operate and you're assessment fee...you know where...you know where your consumption is now. Challenge the conservation to raise more money so that we can...and, you know, I respect the Water Department, they're out there doing everything they can to do to deliver potable water that meets federal specs and they've got broken water mains all over with old infrastructure. I think it's terrible and I think the people that abuse consumption should be charged for it so we have a better modern system, and then these guys are progressive and wanting to do this water meter thing...one thing the Water Department has never come up here today, but the Water Department knows this real well. Three years ago, they started a program they changed...they've spent over \$5 million changing water meters to regular read out, but they changed the exact same ones. That was a lot of money for five-eighths meters and that was back then. Now if a person wanted to have a 3/4 inch meter now, and say there was no charge other than the labor and the material, but the assessment came through consumption, I think it's a wash. So, yes I absolutely am a firm believer in charging for consumption and rewarding conservation.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR COOK: Member...Mr. Jensen, any comment on conservation rates?

MR. JENSEN: I mean that is more of a fiscal thing, but we do have a tiered rate structure. I do think that at the upper ends of that structure, those rates can still be changed to create a little more pressure to conserve. I think some of our...I'm not sure if our ag rate is tiered, but I know for residential multi-family and general which includes commercial and resorts, we do have a tiered structure that has been increasing particularly at the upper...at the upper tiers. I think we have maybe three or four tiers, but yeah, I'm not super familiar with our rate structure.

MR. ALLEN: You know, and to answer your question though, there is mathematics on what a consumer should use on the knowledge basis with showers and toilets. So, if you set a hundred gallons a day for just absolute basic use per person, I mean you're not too far off...200 gallons is being pretty abusive and so, you know, positively speaking about the Water Department, I'd love to have a little bit of an answer to this question. The investment into the radio technology on the meters was certainly, I'm sure, well spent. But there had to be a plan on recovery for lack of...or say adding precision to billing, and I don't know if that was one year or ten years, but you know, you're three years into it already and I would think that at a certain point, you're even. And once again we started on consumption again...okay, this is our investment and to technology and to management. So, yeah, I'm just absolutely an advocate for tiered billing and not meter sizing which we're discussing here.

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CHAIR COOK: So, I'm going to propose if you can put those questions in writing for us...the Committee, some of the concerns, some of the questions that we can propose to the Department --

MR. ALLEN: Sure.

CHAIR COOK: -- and the various Departments would be able to give some answers to. Okay. Okay, Members...Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I'm kind of...I think I agree with Member U'u-Hodgins if I understand her correctly. I think it shouldn't be done twice, I think it should be done once and done right. And I would appreciate you guys working your ass off...oh sorry, oops...okoles off until March 25th, but if it can't be done, I think we should just amend this and do it right the first time to amend it to like July 2026 or something, because, you know, having an interim simple one and then changing it I think will be more trouble than its worth. I don't know how everyone else feels about it, but it's like you're going to have to say this is it and then people are like going to do whatever, and then it's like oh, now this is it, so that would be my preference. Like I'm okay with passing this Bill, giving you guys a good fair shot at it and if it can be done, let's do it. But I don't want to pass anything half okole on it or, you know, I think it should be done correctly. You guys have hopefully at least two more years before there could possibly have an opportunity of regime change or whatever and I think it should be done right. And yes, grateful for this Administration for being the first to step up and come into the digital era or whatever you call it. But I also would like to be kept informed because I don't want something junk. Like there has been some things that came up that maybe people thought was a good idea and then the community heard about it, and they're all outraged, free market, whatever venture, and so I just I would like to be involved. I would like to be... have it done correctly and I guess I don't know if that's a question if it's something you're amenable to Mr. Jenner --

CHAIR COOK: Jensen.

COUNCILMEMBER PALTIN: Is that your name? Jensen, sorry.

MR. JENSEN: Thank you, Councilmember. I'm used to you referring to me as Mr. Water Department, so...

COUNCILMEMBER PALTIN: I'm making progress.

MR. JENSEN: I am not...I'm not going to argue with more time...certainly not. I think the main thing is I want to express that the Department is on board with this and moving in this direction. And we've been, you know, we've been having internal conversations to move in this direction and it's good to see that there's this alignment also, you know, between us as executives . . . *(timer sounds)*. . . and the Council's legislation that there is a shared goal here. But, you know, more time would be good because we do...we do have some process to go through with, you know, this water model we're establishing and how it's going to really impact how we look at capital projects and how we really do

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a proper development fee study. So, I will not argue with more time, but I want to make sure everyone understands that we do want to move this forward. Thank you.

COUNCILMEMBER PALTIN: Thank you, Water Department guy, Mr. Jensen. I'll try very hard to remember that...not Jenner, not Water Department guy, Mr. Jensen. Thank you, Chair.

CHAIR COOK: Thank you, and then Members, further questions. I do want to remind you we do have one more item, so is it...Member Sugimura?

VICE-CHAIR SUGIMURA: If I could, so based upon this discussion, I know that you have an ASF when we get to it, but before we get to that, I wanted to know then if we could add to this, if we pass this bill today could we add that the Department will update the Council based upon what Member U'u-Hodgins and Paltin have said that we would get like an updated report on a...not monthly, but like every year or something or have half a year or some kind of report that is amenable to the body...a quarterly report or I don't know if quarterly is maybe too fast, but --

CHAIR COOK: We...as far as the Chair's response, we could include that. The WAI...the Water Department has been very proactive in their communication and I feel that that will occur. We don't necessarily have to put it into this legislation right now to enable us to --

VICE-CHAIR SUGIMURA: Okay.

CHAIR COOK: -- move this forward. I think that that is...I don't want to be over general, it is accepted --

VICE-CHAIR SUGIMURA: So, you'll...you'll call us again.

CHAIR COOK: -- it's going to happen, okay. Does anybody else have any other comments before --

VICE-CHAIR SUGIMURA: Call for the question.

CHAIR COOK: I'd like to entertain a motion --

MR. PASCUAL: Chair, I apologize. Chair Lee has her hand up.

CHAIR COOK: Chair Lee.

VICE-CHAIR SUGIMURA: Oh, sorry.

CHAIR COOK: Acknowledging you.

COUNCILMEMBER LEE: Yes, I have one more question to Mr. Jensen. It appears that a lot of things aren't able to get done in not only your Department, but every Department,

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because the inordinate amount of vacancies we have. Is that the problem that you are facing in your Department?

CHAIR COOK: Mr. Jensen?

MR. JENSEN: Yeah, thank you for the question. So, staffing levels, they do continue to be a struggle, but I will say that in the Engineering Division of Water Supply we have, including myself, I think 26 employees. We...when I came on board in March I believe we had about eight vacancies. We've gone plus three since then, so we're at five vacancies now. I feel like from a staffing standpoint, we're moving in the right direction. We do have a handful of licensed engineered vacancies that we're now trying to fill, but yeah, when we get more butts in the seats that definitely is helping and we are feeling the benefits of getting caught up on staffing.

COUNCILMEMBER LEE: Okay, so I'm suggesting to you that you consider outsourcing this work and maybe other projects. Your new people can oversee these projects as opposed to actually work the project because it's taking too long. Everything is taking too long for every Department and I believe outsourcing is the answer and you have the support of the Council, so there's no reason why you wouldn't want to move in that direction. Thank you, Chair, and thank you, Mr. Jensen.

CHAIR COOK: Thank you. Members, if there is no further discussion I'd like to move on to decision making. Now, the Chair would like to entertain a motion to recommend passage of Bill 146 (2024) on first reading.

COUNCILMEMBER JOHNSON: So moved.

VICE-CHAIR SUGIMURA: Second.

CHAIR COOK: So moved by Member Johnson, seconded by Member Sugimura to recommend passage of Bill 146 (2024) on first reading. Members, any discussion before I move on to my Amendment Summary Form?

VICE-CHAIR SUGIMURA: Proceed.

CHAIR COOK: Seeing none. Members, your Chair would like to entertain a motion to substitute Bill 146 (2024) with the attached proposed CD1 version, incorporating the amendments referenced in the ASF's description.

VICE-CHAIR SUGIMURA: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR COOK: Moved by Member Sugimura, seconded by Member Kama to substitute Bill 146 with the proposed attached CD1 version. Members, this ASF would address Water Supply's comments and their response. It would replace the word "cap" with the phrase "maximum capacity of" and require the Department to establish the maximum capacity

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of domestic water usage. Further, it would change the bill's effective date to July 1, 2025. Any discussion? Member Sugimura.

VICE-CHAIR SUGIMURA: Thank you very much for this and of course the Department, but I wonder if we can change the effective date to be July 1, 2026 based upon the discussions that we had during deliberations. So, I want to amend your ASF to be ordinance takes effect on July 1, 2026.

CHAIR COOK: Okay. Is there a second?

COUNCILMEMBER KAMA: I'll second that.

CHAIR COOK: Second from Member Kama. Any comments from the Department?

MR. JENSEN: No, we do appreciate the extra time to get this done. Thank you.

CHAIR COOK: And then would you...along with that would you be willing to give up dates along the way, not necessarily a schedule, but communicate to the Council and the public the process.

MR. JENSEN: Yes, certainly and I think that could be with, you know, maybe a quarterly request from WAI --

CHAIR COOK: Okay.

MR. JENSEN: -- to say, hey, how's it going, but I think we will probably be reporting updates on that progress through our standard monthly reporting. Thank you.

CHAIR COOK: Okay. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I wouldn't...I mean I understand that moving it up a bit and, you know, of course the Department supports time, but could we do January 1st instead of a full year, I mean --

VICE-CHAIR SUGIMURA: Oh, because of the fiscal changes is what they said, right? Budget...tied to the budget...oh, sorry.

CHAIR COOK: Yeah, I believe if the Department could clarify that the July 1, 2025 or July 1, 2026 is based on when the rates and fees would become transferred.

MR. JENSEN: Yeah, so the original bill effective date of was it April 1, 2025, that was definitely felt like a rush --

COUNCILMEMBER JOHNSON: Okay.

MR. JENSEN: -- so we requested July 1, 2025 to align with the budget and not having to put forth an amendment. July...I mean January 1, 2026 --

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COUNCILMEMBER JOHNSON: Yes.

MR. JENSEN: -- is probably okay for us, it just comes with the understanding that it'll be addressed through a budget amendment as long as everyone is okay with that.

COUNCILMEMBER JOHNSON: Okay.

MR. JENSEN: I think that we could make that timing work.

COUNCILMEMBER JOHNSON: I would only suggest that because we have many moving parts in this...in this discussion and one of them being the Ohana Assistance Program that this would affect and a whole town burned down as we know. We want to get these homes and farm labor dwellings sooner rather than later and if the Department is amenable to January 1, 2026 I would support that even though it might require a little bit extra in the Budget Amendment, at least we can get that ball rolling for those homes. The Ohana Assistance Program if I recall, no money has been spent, is that right Chair Lee? No money has been spent yet. That's not acceptable for me.

COUNCILMEMBER LEE: Right.

COUNCILMEMBER JOHNSON: No, it's not because of this but let's get that ball rolling, right? Let's get that money out there and one of those concerns has been the fixture counts. My last point, Chair, is that Councilmember Shane Sinenci has jumped on the call and if Staff could just unmute him and put his camera on. Thank you, Chair.

MR. PASCUAL: Chair, I apologize, Member Sinenci is on and we have now enabled his camera and microphone.

CHAIR COOK: Welcome, Member Sinenci. If you could let us know where you're at and who you're with.

COUNCILMEMBER SINENCI: Mahalo, Chair, and thank you, Member Johnson. I'm here at the Luther Burbank Center for the Arts in Santa Rosa, California. And this is such an important issue, I just wanted to jump on and lend my support for the fixture counts, Chair. Thanks for having me. I'm here outside by the entrance. Everybody is inside.

CHAIR COOK: Okay, we look forward to your return. Thank you for joining us briefly and have a safe journey. So, Members is that...Member Johnson's friendly amendment acceptable?

COUNCILMEMBER LEE: Yes.

COUNCILMEMBER PALTIN: Can you repeat it?

MR. PASCUAL: Chair, I apologize, this is Staff, could Member Johnson repeat his friendly amendment?

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COUNCILMEMBER JOHNSON: My friendly amendment would be to move to January 1, 2026.

MR. PASCUAL: Thank you, Chair, and I apologize. For the quarterly report, is that also going to be mandated as part of this amendment? If so, we would also have to...

CHAIR COOK: Yes.

MR. PASCUAL: Okay.

CHAIR COOK: Seeing no further discussion, all those in favor, please raise your hand and say "yes".

**COUNCILMEMBERS VOICED AYE.**

MR. PASCUAL: Chair, I see eight "ayes", zero "noes", one excused, Member Rawlins-Fernandez. Motion passes.

**VOTE:           AYES:   Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Kama, Lee, Paltin, Sinenci, and U'u-Hodgins.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       Councilmember Rawlins-Fernandez.**

**MOTION CARRIED.**

**ACTION:     AMEND BILL 146, CD1 (2024).**

MR. PASCUAL: You are now back to the motion to substitute.

CHAIR COOK: Okay, thank you, Members. Now we're back on the main motion to substitute. Any further discussion? Member Sugimura.

VICE-CHAIR SUGIMURA: Mr. Rowe, about signing the bill.

MR. ROWE: Yes, I was not provided with a CD1 version, but I did review it and I would have signed it if I had been provided a copy of it. Thank you.

VICE-CHAIR SUGIMURA: Okay. So, signed by Corp. Counsel for form and legality.

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CHAIR COOK: Okay, thank you. Okay, if there is no further discussion, all those in favor, raise your hand and say “aye”.

**COUNCILMEMBERS VOICED AYE.**

MR. PASCUAL: Chair, motion to substitute passes, eight “ayes”, zero “noes”, one excused, Member Rawlins-Fernandez.

**VOTE:       AYES:   Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Kama, Lee, Paltin, Sinenci, and U‘u-Hodgins.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       Councilmember Rawlins-Fernandez.**

**MOTION CARRIED.**

**ACTION:     SUBSTITUTE BILL 146, CD1 (2024).**

MR. PASCUAL: You are now back to the main motion as amended.

CHAIR COOK: Okay. All those in favor, raise your hand and say “aye”.

**COUNCILMEMBERS VOICED AYE.**

MR. PASCUAL: Chair, eight “ayes”, zero “noes”, one excused, Member Rawlins-Fernandez. Motion passes.

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**VOTE:       AYES:   Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Kama, Lee, Paltin, Sinenci, and U‘u-Hodgins.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       Councilmember Rawlins-Fernandez.**

**MOTION CARRIED.**

**ACTION:     FIRST READING OF BILL 146, CD1 (2024).**

VICE-CHAIR SUGIMURA: Yay!

CHAIR COOK: Thank you, Members and thank you, Member (sic) Jensen and thank you for our resource people. We are going to...the next one is a water tank issue if you are interested and you can stay.

VICE-CHAIR SUGIMURA: Okay.

CHAIR COOK: Chair proposes a three-minute or two-minute break for us...our resource people to shuffle and we will reconvene at 11:00.

VICE-CHAIR SUGIMURA: Okay.

CHAIR COOK: Members, do you feel that we need a break or can we just kind of go right on through the meeting until...because he’s going to be leaving. Just keep going? Okay, excellent. So, okay...11:05, we will reconvene. . . .(gavel). . .

**RECESS:       10:59 a.m.**

**RECONVENE:   11:07 a.m.**

CHAIR COOK: . . .(gavel). . . The WAI Committee is reconvened at 11:07 a.m.

**WAI-34       BILL 180 (2024), AMENDING TITLES 14 AND 16, MAUI COUNTY CODE, RELATING TO PRIVATE WATER CATCHMENT SYSTEMS**

CHAIR COOK: Members, WAI-34 relates to Bill 180 (2024), entitled “A BILL FOR AN ORDINANCE AMENDING TITLES 14 AND 16, MAUI COUNTY CODE, RELATING TO PRIVATE WATER CATCHMENT SYSTEMS.” Bill 180’s purpose is to allow for the use of

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private water catchment collections and storage tank systems up to 30,000 gallons in the agricultural and rural districts. Members, this Bill was initially introduced as Bill 153, but the Office of the County Clerk accidentally numbered two Bills as 153. So, this Bill was reintroduced, renumbered, and referred directly to the Committee as Bill 180. Just like Bill 146, we have also reached down to both the Departments of Water Supply and Public Works for their feedback. Water Supply's response is attached to number four on Granicus. Public Works has not provided a written response. Councilmember Johnson, would you like to provide any opening comments or background information on Bill 129?[sic]

COUNCILMEMBER JOHNSON: Yes, of course. Thank you, Chair, and thank you, Councilmembers for joining us on this ways to make our water resource more protected and more used as...used just as that, as a resource. So, Members our islands are suffering droughts and water shortages. We could be making water catchment and storage easier, not harder in ag and rural districts. Limiting the permitting requirement for water collection and storage tank systems not exceeding 30,000 gallons will help to reduce barriers and costly permitting processes. Again, I look forward to our discussion, but really it's just the whole idea of let's make it easier for folks to do water catchment systems without getting those big expensive permits. Mahalo, Chair.

CHAIR COOK: Thank you, Councilmember Johnson. Mr. Jensen, would you like to provide any opening comments...remarks on Bill 180?

MR. JENSEN: Thank you, Chair. Yeah, because I have to leave the meeting at 11:30, I would like to just chime in with the Department's position on water catchment. Historically, I understand that our Department has been somewhat hostile toward the use of catchment to supplement Department of Water Supply to private property, and I just wanted to clarify that that's not the Department's current position. We're supportive of this Bill and for various reasons. So it's not a Department of Water Supply thing, but the stormwater detention benefits of catchment are well documented across the country. And if catchment is actively being used year-round, not just during times of drought, but year-round to supplement usage of water from our Department, I'd be interested to see what effect that has on our moving averages of production. And we already have mechanisms in our administrative rules around backflow prevention when there is a private water storage on private property. So, there's mechanisms to protect the municipal water supply from that water from somehow co-mingling with our water. And just the one thing I would say is, in terms of catchment being used to demonstrate water supply for say an ohana, it would be important that properties that are within the kind of the boundary of the Upcountry meter list, and to enter into agreements of some sort, to not fill their catchment from their water service during those times of drought if that water catchment is being used to justify an additional house. Because I think that would...that would probably constitute going out of order on the list. That's all. Thank you.

CHAIR COOK: Thank you, Mr. Jensen. Corp. Counsel, do you have any comments on this?

MR. ROWE: No, Chair. Thank you. But I'm here for any questions.

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CHAIR COOK: Has Director Molina joined us yet, Staff?

MR. PASCUAL: Chair, Director Molina is not online. Thank you.

CHAIR COOK: Okay.

**. . . OPEN PUBLIC TESTIMONY FOR WAI-34 . . .**

CHAIR COOK: Well, we'll continue to proceed. Do we have any testifiers?

MS. TANCK: Chair, there is no one signed up to testify at this time. We'll do a last call, three, two, one. Oh, Chair there is somebody signed up to testify on TEAMS, Rob Cole, and if you'll give us one moment we'll unmute him.

CHAIR COOK: Okay, Mr. Cole.

MR. COLE: Thank you. My name is Robert Cole. I am a planner here on the island of Maui and I wanted to say I'm in support of Bill 180 and thank you, Members Johnson and Cook for bringing it to fruition. I would say that section clears really...clear in bringing the new exemption up to 30,000 gallons. My question is on Section 3 and the...Section 3 is the intent. Do we want to limit catchment to 30,000 for a single property? If not, I suggest you simply remove the section of the definition up to 30,000 gallons from the definition. Then if a landowner comes in and wants to put in two 20,000-gallon tanks for different purposes or wants to put in an engineered 40,000-gallon tank, they would be able to do that without being considered a non-conforming catchment system. Thank you.

CHAIR COOK: Department, any clarifying questions from the Members? And any comment from Mr. Jensen as far as the...how that would impact the intent of the Bill.

MR. JENSEN: No comment, Chair. I think during discussion we'll address this in more detail. Is that okay, Mr. Cole?

MR. COLE: Absolutely. Thank you for allowing me to comment.

CHAIR COOK: Staff, do we have any additional testifiers?

MS. TANCK: Chair, there is no one else signed up to testify at this time. We're going to do a last call. If you'd like to sign up to testify, please raise your hand on Teams or make your way down to the podium. Three, two, one. Chair, seeing no one signed up to testify.

CHAIR COOK: Members, seeing that there are no more individuals wishing to testify, without objections, I will now close oral testimony for WAI-34.

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**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**. . . CLOSE PUBLIC TESTIMONY FOR WAI-34 . . .**

CHAIR COOK: Members, I'm proposing two rounds of three minutes each per Member, any objections?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR COOK: And thank you, Members. I would like to open the floor for questions and discussion and since Mr. Jensen needs to leave in 15 minutes, I'd like to focus the...everybody's questions to him at first. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, in the Bill it says, "private water catchment systems are only allowed in ag and rural zone districts and are exempt from this chapter's requirement." So my only question is, what in this County is not ag or rural, because this applies to all the ag and all rural, right? So, what isn't...where does this not apply?

CHAIR COOK: We're going to address it.

COUNCILMEMBER PALTIN: Residential.

CHAIR COOK: Currently it'll be residential, but we're going to address that in our ASF.

COUNCILMEMBER KAMA: Oh, okay. That was my question.

CHAIR COOK: I'd like to welcome Mr. Molina who is now online.

COUNCILMEMBER KAMA: Oh, very nice.

CHAIR COOK: So, did that answer your question?

COUNCILMEMBER KAMA: Yeah, that did, but I also wanted to ask about the testifier who said...if I'm reading this correct it says, we're looking at 30,000-gallon water catchment tanks. So, but he was talking about two 20 gallons. Does that fit into that...into this Bill, Chair?

CHAIR COOK: That would be...I think that's two-fold. One, that's a question for the Water Department. But then this is one for Mr. Molina, part of the Public Works. The change in their rules would be currently up to a 15,000-gallon tank is exempt from permitting as long as it's the designed to be on grade without a masonry foundation. Is that correct, Mr. Molina? Director?

MR. MOLINA: Good morning. Morning, Chair. For the record Jordan Molina, Director with Public Works. Can you repeat the question, please?

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CHAIR COOK: Yes, sir. So, currently in the exemptions for permitting, one of the exemptions is water tanks up to 15,000 gallons as long as it meets a height to weight...height to width ratio and it also is set on grade without a masonry structural foundation. Is that correct?

MR. MOLINA: Yeah, that's correct. You can do up to a 15,000-gallon tank without a permit ratio of the height to diameter does not exceed one to two, and the tank must be supported directly on grade.

CHAIR COOK: Okay. And this bill modifies that and that exemption to include up to a 30,000-gallon tank onto the same height-to-width ratio and also designed...engineered and designed to be set on grade without a masonry foundation. Are you supportive of that?

MR. MOLINA: Thank you, Chair. Just some remarks regarding that. So, the building code itself has a base exemption of 5,000-gallon tanks. The County in 2020...2012 increased that to 15,000 gallons. This proposal would take that to 30,000 gallons. I guess to be...to note the concerns for Council it's just...just increasing that potential hazard of the volume of water these tanks would be holding. Also to note that no permit review means that the placement of these tanks would not be overseen by anybody to, you know, address any potential hazards that might pose to the property owner. But other than that, you know, we don't have that big of a concern with increasing it to 30,000, but we just wanted you guys to be aware of the potential risks of that. Thank you, Chair.

CHAIR COOK: Thank you, Director. Members, there's...you want to do a round two or you're...

COUNCILMEMBER KAMA: We're good to go.

CHAIR COOK: Member Sugimura?

COUNCILMEMBER PALTIN: I never got a round one.

CHAIR COOK: Who's next? Member Sugimura, you have a question?

VICE-CHAIR SUGIMURA: So, this is still round one on this, but...so based upon what Director Molina just said, that you are not opposed to the 30,000 gallon with the ratio of...the ratio of height and diameter width does not exceed one...one to two? I'm not too sure and you would know it better like how much of a problem would that be if we changed it without having somebody review the placement of it and have we had problems with it?

CHAIR COOK: Is that a question for Mr. Molina?

VICE-CHAIR SUGIMURA: Mr. Molina, yeah.

MR. MOLINA: Thank you, Chair and Member Sugimura. To my awareness, we haven't had a

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problem with exempt tanks. But it is just kind of making you aware of how the risk is changing with this exemption, so you just have more volume of water and then just that placement...kind of directly related to just that increase of volume would not be overseen by anybody. And then just to note that the requirement is also that these tanks can be supported on grade. And so, if the manufacturer specifies that it requires a constructed foundation then those bills would not be exempt under the proposed language. Thank you.

CHAIR COOK: Correct.

VICE-CHAIR SUGIMURA: Because then it has to go through the permitting process to get that approved...the grade?

MR. MOLINA: Yeah, typically there's a foundation involved and that would trigger a building permit.

VICE-CHAIR SUGIMURA: So, that would then satisfy your concern of safety? I don't know how common is it for that requirement.

MR. MOLINA: I think we understand that there are kind of off the shelf tanks up to 30,000 gallons so I don't think that will be a problem for the property owners to find.

VICE-CHAIR SUGIMURA: Okay.

MR. MOLINA: And in that case those kind of off the shelf, you know, we understand to be a little bit more robust so that failure potential is not as great...

VICE-CHAIR SUGIMURA: So, you're fine.

MR. MOLINA: ...to warrant the concern. Yeah, we have no objections to the proposal.

VICE-CHAIR SUGIMURA: Okay, we just wanted to hear that from you. I'm done.

CHAIR COOK: Okay. Member Paltin, questions for the Water Department before they leave and then for Mr. Molina from Public Works.

COUNCILMEMBER PALTIN: I didn't have any questions for the Water Department and I'm willing to yield to anyone who has questions for the Water Department, because Mr. Jensen, our water guy has to leave. But I didn't want to yield my first round.

CHAIR COOK: Okay, you're not yielding your first round and we'll move down to Mr. Johnson. Member Johnson, do you have questions for Member Jensen...Director...Engineering Superintendent Director.

COUNCILMEMBER JOHNSON: Mr. Jensen. I don't have any questions at this time for Mr. Jensen. Thank you, Chair.

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CHAIR COOK: Member U'u-Hodgins, any questions for Department of Water Supply regarding the 30,000-gallon tank?

COUNCILMEMBER U'U-HODGINS: Yeah, actually I do. So, in the Section 3, the last sentence, and I don't know if this is Water, but you tell me. It says "the County will not be responsible for monitoring the safety or quality of the water used in a private water catchment system." So, who does then, if it's not? How do we know the water is safe for consumption if that's the case?

CHAIR COOK: Member [sic] Jensen, is that the owner's responsibility?

MR. JENSEN: Yeah, it's the --

COUNCILMEMBER U'U-HODGINS: Oh, we're keep giving him all kind names today. He was Water Department guy, now he's Member Jensen, I like it.

MR. JENSEN: So, I don't --

COUNCILMEMBER PALTIN: He's very versatile.

MR. JENSEN: I don't have an answer to that question, being that it's on private property and it's...it's not...yeah, it's not subject to our water code or administrative rules. The Department of Water Supply would not be overseeing ensuring that that water is suitable for potability.

COUNCILMEMBER U'U-HODGINS: Who does it...so do we just not do it...everybody on their own now with the \$15,000...15,000-gallon tanks? I see Chair Cook shaking his head...you would know too. This is interesting to me. Thanks.

CHAIR COOK: Any other question. Okay, back to Member...okay, so if we're going to be complete...if we have completed the questions for Mr. Jensen...okay, Member Kama.

COUNCILMEMBER KAMA: So, if you own a catchment system are you or are you not allowed to also be on the County system.

MR. JENSEN: That's a good question. The answer is yes. With...with certain...certain requirements to protect against co-mingling of that water that is not from our source, we can't certify for its, you know, for it being potable. I'm actually working with Corporation Counsel now on an agreement template to allow...just to provide some rules of engagement that the County...that the Department and the landowner agree to if there is going to be a private catchment that is say, servicing a second dwelling or an ohana and how that cannot co-mingle with...with anything on site...any plumbing on site that is connected to the Department's water service. But they can both exist on the same property and serve different uses on the same property, just having...having catchment and Department of Water both feeding the plumbing of the same house is not allowed.

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COUNCILMEMBER KAMA: Okay, I get that.

VICE-CHAIR SUGIMURA: Oh, interesting.

COUNCILMEMBER KAMA: Yeah, I understand. That was my last question, Chair. Thank you.

CHAIR COOK: Okay, thank you. Any other questions for Mr. Jensen? If not, --

MR. PASCUAL: Member U'u-Hodgins did have her hand up.

CHAIR COOK: Oh, okay. Thank you for pointing that out. Member U'u-Hodgins, questions?

COUNCILMEMBER U'U-HODGINS: Thanks. I know Member Jensen/Mr. Water Department Guy/Mr. Jensen, and Caleb also, just kind of breezed through that, but I want to acknowledge that that's huge. The Water Department agreeing to that is huge for the people Upcountry and I've been working with them on that so that people can build their ADU's and they can live on their family land that they've had for generations, because for a long time for at least the last 30 years they could not. So, thank you both so much for doing that and I'm looking forward to seeing that agreement come to fruition soon so the family that we worked on with that specifically can move home. So, thank you so much.

CHAIR COOK: Thank you, Member U'u-Hodgins. Any other comments, Members, before we release our resource person? With that being said, Mr. Jensen, thank you very much for your participation in the meeting today. If...please keep in touch with the Committee with any questions or concerns and we will address this...well, we haven't passed this yet, so we'll move on. Thank you very much.

MR. JENSEN: Mahalo, Chair. Mahalo, Committee.

CHAIR COOK: Members, if you have...if you have questions, our resource...about tanks, sizes, foundations, et cetera, we do have resource people available. So, let's start with Member Paltin since I overlook her too often.

COUNCILMEMBER PALTIN: Thank you, Chair. I guess my first question would be for Mr. Young and I might be quick because I have limited time and choke questions. Is there standard sizing on tanks like is 15,000 a standard size and 30,000? Is it increments of five? What is the largest tank you've ever installed?

MR. YOUNG: Testing. They are...these entry level tanks of these smaller capacities are generally standardized in their wall height, which will be anywhere around seven feet tall. Then you increase your capacity by going to a larger diameter and again we're asking to increase the capacity from 15 to 30,000 gallons, but I will take Mr. Cole's recommendation to remove any gallon capacity threshold. But basically, these tanks are still going to be...all of these tanks that we're speaking to are still going to be installed without exceeding the two to one height to width ratio. If you were to go with a taller,

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skinnier tank that exceeded the two to one height to width ratio, then you would be required to file a building permit for that.

COUNCILMEMBER PALTIN: So, basically these are custom, there's no like standard sizing?

MR. YOUNG: They're all engineered by the manufacturers. They have...there's very entry level tanks that are manufactured on the Big Island that they use extensively there and they all have about a seven foot wall height and then they have a liner and a cover...mesh cover over the top. There's other product lines available --

COUNCILMEMBER PALTIN: Okay, thank you. My next question would be for Mr. Molina. What kind of placement are you specifically against? Like what is a bad placement...uphill from your house or, you know, those kind of things. Like could we include that in the bill like provided that it's not placed in X, Y, Z locations?

CHAIR COOK: Director?

MR. MOLINA: Thank you, Chair. Yeah, so the concern is just being down slope of that tank and making sure that you don't have necessarily critical things, i.e. your home directly in that flow path should there be a failure of that tank.

COUNCILMEMBER PALTIN: Maybe like children's play structures or something like that?

MR. MOLINA: Well, that's less concerning because they're not...I mean we're more concerned about the habitable structure, i.e. where people are going to be sleeping, right and there isn't time for them to respond should the tank fail, so that's a bigger concern.

COUNCILMEMBER PALTIN: Should we put something like that...like provided that it's not installed up slope . . .*(timer sounds)*. . . of habitable structures?

MR. MOLINA: I would say no, because you cannot generalize site conditions for every property in that way. Also, you're not going to have a review so you can put that language, but it's not really enforceable because we're not going to be reviewing these installations anyway.

COUNCILMEMBER PALTIN: I guess for liability, you know, if they come and try sue us, we'll be like, eh, it says, don't put it up slope of your house, no?

MR. MOLINA: Yeah, I mean that's Council's purview, but there could be practical reasons where there's only one place to put these tanks. And so I guess I'm not just not sure how that would play out in an enforcement scenario or a liability scenario. Thank you.

COUNCILMEMBER PALTIN: And if it's a two-story house it's not as critical because the water could go right underneath the house if there's no dwelling on the bottom though? Okay. I'm not a contractor. All right. Sorry. Go ahead.

MR. MOLINA: Oh, just for the two-story I mean yeah, it depends if the bottom floor has rooms

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or not, right?

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR COOK: Thank you, Member Paltin. Member Johnson.

COUNCILMEMBER JOHNSON: This question is for our resource, is it Mr. Young, I'm sorry?

MR. YOUNG: Yes.

COUNCILMEMBER JOHNSON: Okay. Mr. Young, you mentioned Big Island, and every time I go to Big Island I see large cisterns or, you know, water catchment tanks. Do you do business on the Big Island?

MR. YOUNG: No, I do not.

COUNCILMEMBER JOHNSON: Okay. Do you ever hear of anything from the Big Island of any kind of catastrophe in regards to this? I know just cause you're in the business of, do you hear anything?

MR. YOUNG: There can be failures due to a poor installation, but that would be whether or not it's approved or not by the County is irrelevant to the installation. You can have a failure in a 15,000-gallon tank, as well as you could in a 30,000 tank. So, that comes down to a homeowner liability type of thing. I don't believe there's any liability on the County.

COUNCILMEMBER JOHNSON: Have you ever heard of an insurance policy on these or do they...or is there homeowner's insurance that covers those, or...?

MR. YOUNG: Your homeowner's insurance policy will cover, but I don't know to what degree of, you know, yeah.

COUNCILMEMBER JOHNSON: Okay. Depending on each individual. Okay.

MR. YOUNG: Yeah, that's a --

COUNCILMEMBER JOHNSON: Okay. So, that's all my clarifying questions. Thank you, Chair.

MR. YOUNG: Thank you.

CHAIR COOK: Member Sugimura, any questions? Member U'u-Hodgins, any additional questions?

COUNCILMEMBER U'U-HODGINS: I'm good for now. Thanks, Chair.

CHAIR COOK: Member Kama.

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COUNCILMEMBER KAMA: Yes, I have lots of questions regarding this tank. So, please...unless you have a picture for me I'd be very happy. But can you describe for me what this tank looks like? What it will have to sit upon? What is the cost of this 30- [sic] gallon tank? Because that's what we're talking about. And when it comes, or do you have to order it? Or do we have it in stock over here someplace on Maui? And if not, what is that cost for the tank itself? And if we have to bring it in, that cost. And if you have to transport it from probably the harbor I guess to, I don't know, let's say Lāhainā or Upcountry, what are those costs?

MR. YOUNG: Well, each tank...so there's...I have a brochure here if you'd like. We have...there's standardized engineered tanks by a manufacturer. So they're all engineered in their regard for their structural integrity which is a cylinder, which has been holding water since the beginning of time. It's...what we're trying to do is increase capacity because we've got reduced rainfall over the years. So, the rationale behind the larger capacity is the reduced rainfall, and in rural areas like up in Kula where they get all their water all at once. You want to be able to collect it and then reallocate it out in a drought time and that alleviates the pressure on the Department of Water Supply as well. As far as the price of a tank, there's a lot of variables that go along with that. But a 30,000-gallon tank is not twice the price of two 15,000-gallon tanks. That is where over time we have installed pairs of 15,000-gallon tanks on Hāna and such, that to circumvent the permitting requirement and the engineering in the year of household. So, it's from a cost-effective point of view, it's cheaper to install a 30,000-gallon tank, and there are different manufacturers and there's different...there's entry-level tanks that are manufactured on the Big Island because the Big Island uses a lot of rain collection over there because they're not serviced by County water. So, they manufacture over there and that's an entry-level system, and then there are several tiers. There's another brand called Pioneer which we represent that's an NSF 61 rated liner of very high-quality water tank storage. And then there's a municipal grade that gets into a whole different tier and that would probably be a permitted issue because that would require a concrete foundation as you're speaking to. So, we're just looking for, you know, ranch, residential, and in urban environments everybody should collect their water off their roofs and then any water storage capacity that you have that you can then allocate out in a drought time which is when everybody uses their water, they're going to be using most water for irrigation and livestock is going to be in a drought time, and that is when the Water Department is asking for a restriction. So, to collect water and then redistribute it in a controlled environment . . . (timer sounds) . . . is going to be beneficial to all. Yes, absolutely, yes.

CHAIR COOK: It's 11:38. We do have additional time for questions if people ask...Chair has a question. The difference in a 15,000-gallon tank and a 30,000-gallon tank is in the diameter and not the height, is that correct?

MR. YOUNG: You can achieve volume in both diameter and height, but what you're...what we're proposing is not to circumvent the two-to-one ratio on these tanks I believe.

CHAIR COOK: So, would that increase the diameter of about six feet?

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MR. YOUNG: So, it increases the...yes...the capacity...the diameter would increase about seven feet or a little less than seven feet in diameter, but the overall height does not increase on the tank.

CHAIR COOK: Right.

MR. YOUNG: So, that the hydrostatic pressure remains the same at seven foot two on a wall height rather than going to a tall skinny tank. That is where you get into an engineering issue when you go into a taller skinnier tank. Although they are engineered and designed by the manufacturers to hold water and are not going to fail, that is...that's a different permitting issue. Placements of the tanks that you're speaking to, I still, as a contractor, I still will not build within setbacks. I think that might be a building issue too is to not build within your setbacks...and those are givens. Placement of a tank has to be below your roofline to be able to catch it, so that has to be critical. You can't dictate where people can place the tanks, because it has to work in the system.

CHAIR COOK: Thank you for that answer. I wanted to help clarify that so it's six to seven foot diameter bigger is twice the volume, so...as opposed to two times the initial size. So, that's why this is really a win-win for catching rainwater, catching storage, economics, it still meets the same criteria as far as the engineering, it still doesn't have a masonry foundation. So, the...us working with the Water Department and with Public Works for this particular situation unpermitted and then not putting it in a setback which would be more common sense. But similarly to some of the other legislation we've passed, if you...oh, the container bill. The only thing was an unmodified container if you contain...and that's a separate issue. But anyway, a water tank that's going to require a masonry foundation, a water tank that's going to deviate height and width will require a building permit. So, this is not wholesale not permitting of water tanks, correct?

MR. YOUNG: Yes. If there is any other agencies that need to review, like for a fire suppression issue, if you're meeting a fire suppression requirement for the Building Department with one of these tanks, then that will have had to been reviewed already to determine the permitting to go through. So, if there's any housing issues or fire suppression issues that are associated with this tank, it will have had to gone through review on its own and then that will be a stamped engineered plan set all the way through.

CHAIR COOK: So, Members with your permission I'd like to ask for final comments from Director Molina. Director Molina, do you have any comments, corrections, concerns?

MR. MOLINA: Chair, no further comments. Thank you.

CHAIR COOK: Thank you for your participation. Mr. Rowe, does Corp. Counsel have any issues?

MR. PASCUAL: Apologies, Chair. Member Paltin did have her hand up.

CHAIR COOK: Okay. Member Paltin.

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COUNCILMEMBER PALTIN: Are we on round two?

CHAIR COOK: Yeah, I was going to wrap it up so we're on round two.

COUNCILMEMBER PALTIN: Oh, okay. My question is for Director Molina about the setbacks that Mr. Young was talking about. That's just implied even without permits are reviewed that they wouldn't be allowed to use...to build it in the setbacks, or do we have to spell it out? Like if people think that oh, I don't need any permit for a 30,000-water gallon tank and they put it like, you know, up against a highway or something and didn't know or do you think that we should put provided that it's not in the setbacks? Either Mr. Rowe or Mr. Molina.

MR. MOLINA: I'll take a stab at that one. Thank you, Chair. So, as a reminder, setbacks are a zoning issue and so that would be under the jurisdiction of the Planning Director to enforce those setbacks. We have other permit exemptions in Title 16 that do not explicitly call out the setback issue because in my opinion that is very clear in the zoning code. What is or isn't allowed in the setbacks and then Planning would enforce the situation where there are encroachments in the setback. Thank you.

COUNCILMEMBER PALTIN: So, to clarify you don't think it's needed to be spelled out in the code?

MR. MOLINA: I think it's already in the code. Thank you.

COUNCILMEMBER PALTIN: Oh, okay. And then I guess for Mr. Rowe, like how he said that the code is 5,000, the building code or whatever, and we're making it 15,000, then we're making 30,000. Is there any like need for a waiver for liability from the County or no need?

MR. ROWE: I don't believe that it is going to be necessary because this does not require a County permit, so I believe that in those circumstances it would be on the responsibility of the homeowner.

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

CHAIR COOK: Okay, Members if there is no further discussion, I'd like to move on to decision making. Do we have an agreement?

COUNCILMEMBER KAMA: No.

CHAIR COOK: No, okay. Member Kama.

COUNCILMEMBER KAMA: I wanted Ms. Smith and asked her to be a resource and I wanted to ask my...so, can I ask my question?

CHAIR COOK: Oh, no please do. I don't mean to cut anybody off. By all means, we do have

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time, so continue to ask Ms. --

COUNCILMEMBER KAMA: Thank you for sitting here all this time waiting just for me to ask a question for you...to you. But, you know, so in your testimony you mentioned, and I got it right here on Bill 180, that...and it really speaks volumes of why you think this is great. So, in all your discussions that you've had with the Ag Group for the past years, and you've talked about catchment systems, have you actually ever come up with a particular system that you all had in mind that you thought that you'd all like to go out and purchase and put on your properties?

MS. SMITH: I won't know. We didn't get that far.

COUNCILMEMBER KAMA: Oh.

MS. SMITH: You know, it was like we brought in Cinco, you know, to discuss the possibilities, but everybody's situations are unique. Some people are in the Upcountry-water-meter-list area and they want to put in a tank so that they can build a house for their child. And others want to have a tank so that they can feed their cattle and water their cattle or even their area where they're gardening, or their produce is. And so, everybody has a unique situation that they have to fulfill, but without having the legislation first --

COUNCILMEMBER KAMA: Right.

MS. SMITH: -- it's kind of like cart before the horse, you know, to use an agriculture phrase. So, no we didn't have anything in mind, but you know, we'll definitely...probably all be jumping on this, you know, once we get this going.

COUNCILMEMBER KAMA: Okay. Well, that was one of my questions for you because I thought that as you guys were progressing and thinking and, you know, sometimes you dream and you just dream the ultimate right. And this is the goal of the dream to get this water tank and it's going to look like this, and it's going to be like this, and painted this color, and that's what I was thinking, so...

MS. SMITH: Well, we want a larger volume because it doesn't take up so much land.

COUNCILMEMBER KAMA: Right.

MS. SMITH: You know, it's like with the...with pie, right, you know, you can increase your volume without covering so much ground by not having to put up a whole bunch of 15,000-gallon tanks.

COUNCILMEMBER KAMA: Right.

MS. SMITH: Now you can just put up one really good capacity tank.

COUNCILMEMBER KAMA: Okay, good. But thank you, Chair. Thank you, Ms. Smith for

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being here.

CHAIR COOK: So, Members if there's no further discussion? Member Paltin, I'm making sure I'm not missing you. Ready for...okay.

COUNCILMEMBER KAMA: I'm ready.

CHAIR COOK: Seeing no further discussion we'll move on to decision making. Now the Chair would like to entertain a motion to recommend passage of Bill 180 (2024) on first reading.

COUNCILMEMBER JOHNSON: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR COOK: So moved by Member Johnson, seconded by Member Kama to recommend passage of Bill 180 (2024) on first reading. Members any discussion before I move on to my Amendment Summary Form? Members, your Chair would like to entertain a motion to substitute Bill 180 (2024) with the attached proposed CD1 version incorporating the amendments referred...referenced in the ASF's description.

VICE-CHAIR SUGIMURA: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR COOK: Motion made by Member Sugimura, seconded by Member Kama to substitute Bill 180 with the proposed attached CD1 version. Members, this ASF incorporates suggestions made by the Department of Water Supply in their written response. The proposed CD1 version would: (1) establish a new section under Chapter 14.01 for private water catchment systems; (2) revise the definition of private water catchment systems; (3) allow the use of private water catchment systems in residential districts also; (4) remove the proposed sub-section (f) under Section 14.05.020 and incorporate any other non-substantive revisions for clarity, consistency, and style. Is there any discussions? Seeing no further discussion, all those in favor, raise your hand and say "aye."

**COUNCILMEMBERS VOICED AYE.**

CHAIR COOK: Staff?

MR. PASCUAL: Chair, you have six "ayes", zero "noes", three excused, Members Lee, Rawlins-Fernandez and Sinenci. Motion passes.

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**VOTE:       AYES:   Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Kama, Paltin, and U'u-Hodgins.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       Councilmembers Lee, Rawlins-Fernandez, and Sinenci.**

**MOTION CARRIED.**

**ACTION:     SUBSTITUTE-BILL 180, CD1 (2024).**

MR. PASCUAL: You're now back to the main motion as amended.

CHAIR COOK: Thank you, Members. Now we are back to the main motion as amended. Any further discussion? Seeing no further discussion, all those in favor, raise your hand and say "aye."

MR. PASCUAL: Chair, I apologize I did see Vice-Chair Sugimura's hand up.

CHAIR COOK: Okay, I apologize.

VICE-CHAIR SUGIMURA: I just wanted to clarify because of David Cole's discussion of wanting to eliminate the up to 30,000. So we're going to leave that in the Bill. It's going to be up to, and then at the appropriate time if we need to change it, then we can.

CHAIR COOK: The bill would remain up to 30,000, but I don't believe there would be a restriction on having additional tanks to make it bigger.

VICE-CHAIR SUGIMURA: Right.

CHAIR COOK: At some point in the future that could be addressed. I think that going over 30,000-gallon tanks is going to get into a permitting issue and we're trying to find this sweet spot maximum volume, that's part of the issue of the 30,000 limit. Member Johnson?

COUNCILMEMBER JOHNSON: Okay, I'm speaking to the main motion as amended then, yes, Chair. First off, this...this amendment and I will say about adding residential is a great, you know, amendment. We, you know, we talk about water as a public trust and if I'm

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a homeowner and I have the ability to put on an increased size of water catchment tank, that's the public trust. Like yes, that's the public water, and of course I would love to have that ability to do without going to get an expensive permit. We've got climate change affecting us. We've got our green islands turning brown. We've got water restrictions on communities, and we have neighboring islands doing this very well, right? So, sometimes our own policies can get away with...getting in the way of common sense. I think the idea that having a catchment system is really a no-brainer, you know, I used to live in Okinawa Japan and I saw them all on top of their roofs and that's how they...it was really fascinating. A little island in the Pacific doing these things that we should be doing and so once again I just think, you know, this is good for our residents, this is good for our farmers, and again it goes back to our residents because when the farmers produce, we get to eat. So, once again double thumbs up if can. Mahalo, Chair.

CHAIR COOK: Thank you. If seeing no further discussion, all those in favor of the main motion as amended, raise your hand and say "aye".

**COUNCILMEMBERS VOICED AYE.**

MR. PASCUAL: Chair, six "ayes", zero "noes", three excused, Members Lee, Rawlins-Fernandez and Sinenci. Main motion passes.

**VOTE:           AYES:   Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Kama, Paltin, and U'u-Hodgins.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       Councilmembers Lee, Rawlins-Fernandez, and Sinenci.**

**MOTION CARRIED.**

**ACTION:     FIRST READING OF BILL 180, CD1 (2024).**

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CHAIR COOK: Thank you, Members. This item will move on for full Council's consideration. Before I close out since I have a captive audience, I just want to share that I lived off the grid for 35 years and raised all my children. My son has the home now and he's had the property now for going on 18 years. There are a lot of people who live on rain catchment Upcountry. To answer the question about the potability and the safety aspect of it, you've got to keep your gutters and your tank clean. When people don't, they'll provide separate drinking water, and they'll use that. So, what we are proposing is now commonly being used. This legislation is a big step forward to enable a lot of people to...more people to use it, and working in collaboration with the government is really exciting because it's been a long time coming. So, Members, this concludes today's Water and Infrastructure Committee meeting. Thank you everyone and Director Molina and Mr. Jensen for being here this morning and Mr. Rowe from Corp. Counsel being here. The time is now 11:53 a.m. This meeting is now adjourned. . . . *(gavel)*. . .

**ADJOURN: 11:53 a.m.**

APPROVED:



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TOM COOK, Chair  
Water and Infrastructure Committee

wai:min:241205:

Transcribed by: Terianne Arreola

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CERTIFICATION

I, Terianne Arreola, hereby certify that pages 1 through 56 of 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 13th day of December 2024, in Makawao, Hawai'i.



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Terianne Arreola