

Clarita Balala

From: Tom Croly <tcroly@maui.net>
Sent: Monday, November 21, 2016 3:21 PM
To: WR Committee
Subject: Corrected Testimony for WR20
Attachments: Testimony Water Resources Committee WR20.docx

Aloha Water Resources,
Sorry to bother again. I noticed a typo in my previous testimony if you have not yet processed it, please use the testimony attached to this email.

Tom Croly

On 11/21/16, 2:39 PM, "Tom Croly" <tcroly@maui.net> wrote:

Just a follow up to my last email.

I see that the formatting was lost when I copied my testimony into the body of the email I sent.

Please use the attachment to this, or the previous email, for my accurate testimony.

Tom Croly

On 11/21/16, 2:36 PM, "Tom Croly" <tcroly@maui.net> wrote:

Aloha Water Resources committee,
Please find attached (and copied below) my testimony for tomorrow's Water Resources meeting

Tom Croly
879-7044

Testimony for Water Resources Committee WR-20
Submitted by Thomas Croly

The proposed bill to require Backflow devices for approval of building permits is not a well-vetted proposal and is lacking specific details to allow it to be effectively administrated.

First and most important to me, is imposing this requirement specifically to Bed and Breakfast and Short term rental homes. There is **NOTHING** inherent with the code defined "residential use" of Bed and Breakfast or Short term rental, that would increase the potential for back-flow contamination of the public's water supply.

14.04.070 G 2 g should be struck from the bill. This is nothing but an overt attack on an ordinance that some people don't like. (This is exactly the type of legislation that we will see proposed by the Trump administration targeting specific groups, and Maui County should not be leading the way in this type of misuse of code)

Second, as was revealed in the last Committee meeting on this issue, back-flow prevention and or water meter sizing, should be addressed at time of the permit reviews of the initial construction of the residential dwelling or swimming pool and not as a tag along to future building permits. Such a policy only further complicates renovation building permit review and processing. And this is already so complicated that less than 30% of Maui's remodeling construction is done with permits. The permitting system is broken because of over-regulation and this is a perfect example of that over-regulation. This is a contributing factor of housing shortages on Maui.

It may be sound policy to require Back-flow preventers for any water lines used for filling swimming pools and this requirement should be addressed at the time of the swimming pools initial construction. Not just when the property owner later comes in for a building permit for an unrelated improvement.

Back-flow preventer requirement for irrigation systems should already be part of the plumbing code requirements of the irrigation system and NOT as part of the water supply line. ALL irrigation systems must have back-flow protection as part of the irrigation system to protect the potable water uses on the property and NOT, just to protect potable water contamination beyond the water meter. What this legislation proposes would potentially pose a danger for the property residents on lots where irrigation systems are present. Back-flow prevention is required between the irrigation system and the other potable water uses on the property. However, it should be noted that most residential irrigation systems use valves with built in back-flow protection. Educating the public on the need for these types of valves would be useful and code that would require back-flow prevention valves on residential irrigation systems would be a much safer alternative than what is proposed in this bill.

The proposed bill should be amended to read:

G. Building permits.

1. The department shall require the installation of backflow preventers during its review of any commercial building permit application and during any other commercial premises review by the department.
2. The department shall require the installation of backflow prevention during its review of a residential building or plumbing permit under the following circumstances:
 - a. ~~The permit is for the construction of a new pool on the premises, or the permit review reveals an existing pool on the premises.~~
 - b. ~~The permit is for the installation of an automated landscape irrigation system on the premises, or the permit review reveals an existing automated landscape irrigation system serving the premises.~~
 - c. The permit is for the construction of a new water storage tank on the premises, or the permit review reveals an existing water storage tank on the premises.
 - d. The permit review reveals an existing well on the premises.
 - e. The permit review reveals a private water system on the premises.
 - f. The permit review reveals a condominium property regime and the County water meter serves more than ~~one~~ three of the condominium property regime units.
 - g. ~~The permit review reveals an existing bed and breakfast home, transient vacation rental, short-term rental home, or other commercial business on the premises.~~
 - h. The permit review triggers the installation of on-site fire sprinklers.

Finally, there are many types of Back-flow preventers and most of these do not require any period maintenance. These types of devices installed in residential homes should not be subject to annual inspections as outlined in this bill. This just creates a paperwork nightmare and a codified inspection protocol that will go mostly ignored. It would be a better use of the water department's resources to supply, free of charge, vacuum release back-flow preventers for hose bibs at residential dwellings and by educating the public about how to prevent any conditions where hazardous backflow could be created.