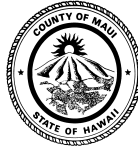


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October 28, 2025

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

Dear Mr. Stufflebean:

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

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

May I please request your response to the following:

1. Sections 6 and 7 of the bill amend Sections 19.500.090 and 19.530.030, Maui County Code, respectively.
 - a. Has your Department considered whether these amendments trigger the requirement of planning commission review under Section 8-8.4 of the Revised Charter of the County of Maui (1983), as amended? Although the term "land use ordinance" remains undefined, generally Code Title 19 amendments have required planning commission review. Please explain.
 - b. Would the Department have any objection to dealing with the proposed amendments to Code Section 19.500.090 through a new section in Chapter 14.06B and integrating the proposed

amendment to Section 19.530.030 into the violations and penalties provisions in the new chapter?

2. The Board of Water Supply reviewed a prior draft of the bill to amend Code Chapter 14.06A in March 2025.
 - a. Please advise whether your Department considered this review as required under the Charter or conducted as a courtesy.
 - b. Please provide the Board's comments on the bill that the Committee should consider.
3. The terms "commercial facilities" and "commercial establishments" are used in different sections of the bill. Do the terms mean different things? If not, please identify the term that you would like to have used consistently throughout the bill, and if helpful, define the term.
4. Do hotels, motels, and resorts fall under the term "commercial facilities" and are they intended to be subject to the outdoor water use restrictions in Section 14.06B.090? Please explain.
5. "Water theft" is a new term that is defined but not used in the bill. If you would like to retain the term, please use it in the bill. Otherwise, please advise if the term may be removed, along with the terms "LEED" and "WaterSense."
6. Proposed Section 14.06B.100 provides a non-exhaustive list of actions that may be considered "water waste." Should a definition for the term be moved into the definitions provision?
7. Proposed Section 14.06B.050 authorizes the Director to declare a water shortage. What objective standards or criteria will the Department use to make the determination? Would it be appropriate to codify those standards? Please explain.
8. Proposed Section 14.06B.090 governs outdoor water use. Does the entire section apply only when a water shortage is *not* in effect, or does only subsection B apply? Do the watering restrictions in subsection A and the exemptions in Subsection C apply without

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regard to a water shortage declaration? Please clarify the intended scope of each subsection.

9. Sections 14.06B.120 through 14.06B.140 refer to requirements for “new” commercial, hotel, multi-family, and public use developments. How does the Department intend to apply these provisions to projects with approved plans that are not yet completed?
10. Proposed Section 14.06B.080 references the Commission on Water Resource Management. What is the intended effect of this provision, given that CWRM has not yet adopted a water shortage plan? Please explain.
11. Page 9, Subsection 14.06B.100.(C)(2), includes a “temporary malfunction” provision. What circumstances is this meant to address, and does the Department recommend clarifying this subsection?

May I further request you transmit your response to wai.committee@mauicounty.us by **November 10, 2025**. To ensure efficient processing, please include WAI-18 in the subject line.

Should you have any questions, please contact me or the Committee staff (Keone Hurdle at ext. 7659, or Lori Tengan at ext. 7147).

Sincerely,



TOM COOK, Chair
Water and Infrastructure Committee

wai:ltr:018aws01:kjh

cc: Mayor Richard T. Bissen, Jr.