

December 15, 2023, Council meeting

MAUI COUNTY COUNCIL
Amendment Summary Form

Legislation: Bill 52, CD1 (2022), entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 14.02.030 AND CHAPTER 20.30, MAUI COUNTY CODE RELATING TO PROHIBITED DISCHARGE STANDARDS,” attached to ADEPT Committee Report 23-105.

Proposer: Councilmember Gabe Johnson 
Chair, Agriculture, Diversification, Environment, and Public Transportation Committee.

Description: Amends Bill 52, CD1, for clarity, accuracy, and compliance with drafting standards.

Motion: Move to amend Bill 52, CD1, as follows:

1. In the title, add a comma after “CODE” for proper punctuation.
2. In SECTION 2, at Subsection C, change “environmental protection agency” to “the Environmental Protection Agency” consistent with the Hawaii Legislative Drafting Manual, which at page 51 says: “Capitalize departments and officers of the United States government.” Change “may be exempt” to “is exempt” for clarity.
3. In SECTION 2, at Subsection D, delete the superfluous “municipal.” Change “Hawaii State R-1 water reuse standards” to “State R-1 water standards” consistent with Department of Health’s administrative rules, which at Chapter 62 says: “R-1 water’ means recycled water that has been oxidized, filtered, and disinfected to meet the corresponding standards set in this chapter.” For accuracy and concision, replace the second sentence with: “The council must appropriate enough funding to the department to ensure compliance.”

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4. In SECTION 3, replace “consumers” with “consumer’s” consistent with the Code, and add corrective definitions of “department” and “director.”

Attachment: Proposed FD1 version of Bill 52, CD1 (2022), incorporating the amendments.

adept:ltr:004aasf03:mkm

ORDINANCE NO. _____

BILL NO. 52, CD1, FD1 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.02.030 AND
CHAPTER 20.30, MAUI COUNTY CODE, RELATING
TO PROHIBITED DISCHARGE STANDARDS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 14.02.030, Maui County Code, is amended to read
as follows:

“Section 14.02.030 Application of the plan. [This] The
plan [shall serve] serves as the primary guide to the council, the
department, and all other agencies of the County:

1. In approving or recommending to other agencies the
use or commitment of the water resources in the County; [and]

2. In using public funds to develop water resources to
meet existing or projected future demands on the public water
system [as set forth in the plan.]; and

3. In the creation and approval of the County’s annual
capital improvement program to implement the recommendations
and strategies for the development of reclaimed water
infrastructure and alternative water sources.”

SECTION 2. Section 20.30.020, Maui County Code, is amended to read
as follows:

“Section 20.30.020 Scope and applicability . A. This
chapter requires improved commercial property[, as defined in this
chapter,] to connect to available reclaimed water service for
irrigation purposes, including [but not limited to] golf courses,
landscaping, and agricultural uses, except for properties used for
single-family or duplex purposes.

B. This chapter also encourages the use of reclaimed water
for construction, irrigation, and other suitable purposes through the
use of reclaimed water fill stations.

C. If the State of Hawaii department of health or [environmental protection agency] the Environmental Protection Agency prohibits any user of reclaimed water from complying with this chapter, [or any provisions hereof, said user shall be] that user is exempt [therefrom].

D. Starting January 1, 2039, wastewater effluent produced by the County must meet State R-1 water standards. The council must appropriate enough funding to the department to ensure compliance.

[D] E. This chapter applies only in “Central Maui,” “South Maui,” and “West Maui” for mandatory irrigation purposes, as defined by the entire geographic areas shown on Figure 6-2 of the Wailuku-Kahului feasibility study dated June 1991, Figure 6-2 of the South Maui water reuse feasibility study dated September 1992, and Figure 6-2 of the West Maui water reuse feasibility study dated May 1992, respectively, and other locations in Maui County for construction, irrigation, and other suitable purposes where reclaimed water fill stations are made available by the County.”

SECTION 3. Section 20.30.030, Maui County Code, is amended as follows:

1. By amending the definition of “available reclaimed water service” to read:

““Available reclaimed water service” means the existence of a reclaimed water distribution main contiguous to or within [one hundred] two hundred fifty feet of any consumer’s property line.”

2. By amending the definition of “department” to read:

““Department” means the department of [public works and waste] environmental management.”

3. By amending the definition of “director” to read:

““Director” means the director of [public works and waste] environmental management or the director's authorized representative.”

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This Ordinance takes effect on approval.

INTRODUCED BY:

Kelly T. King