

UPCOUNTRY PRIORITY LIST OUTLINE

COUNTY COUNCIL

BACKGROUND

- 1) In March 1993, the department determined that the existing Upcountry water system was found to have insufficient water supply developed for fire protection, domestic, and irrigation purposes to add new or additional water services without detriment to those already served.
- 2) Consequently, the department created and maintained a list of Upcountry properties, by date of application, who requested new and additional water service. In 2002, the department created Maui County Administrative Rule Title 16, Chapter 106, called the "Water Meter Issuance Rule for the Upcountry Water System". The purpose of the rule was to outline a procedure for processing applications for water service on the Priority List. In the meantime, new applicants were continually added to the List.
- 3) In 2009, this rule was codified into Maui County Code Chapter 14.13, "Water Meter Issuance Provisions for the Upcountry Water System." In the codification, a provision was added that effective January 1, 2013, the department would not accept new applications to be placed on the Priority List, therefore effectively closing the List.
- 4) On October 8, 2015, Ordinance 4255 was passed and became effective. Primarily an avenue to provide an exemption from Department of Water Supply subdivision fire protection requirements for applicants on the Priority List, it also stipulated that applicants on the List as of January 1, 2013 who declined water service offers, would be allowed to be placed back onto the List at their prior placement. Therefore, these 45 applicants shall be re-offered water service prior to the applicant listed at #1 on the Priority List. It should be noted that while Ordinance 4255 gave an exemption for Department of Water Supply fire protection requirements, it does not exempt applicants from Department of Fire and Public Safety requirements.

GENERAL PROCEDURE

- 1) As additional source becomes available, the department, per code, processes water service requests from the Priority List in their List order. Recently, two back-up wells in the H'Poko area have gone online, thus increasing the reliable capacity of the Upcountry

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system. This back-up source allowed the department to begin water service offers off the List in April 2014.

- 2) Water service offers come in the form of certified mail letters from the department to the current owner of the property on the List. The current owner and their mailing addresses are determined through Real Property Tax.
- 3) The majority of the time spent on generating letters begins here. There are three different ways properties are placed onto the List – through a building permit application, a subdivision application or proposal, or a water service request.
- 4) After determining which situation applies, all files regarding that property are gathered. Multiple files may apply – subdivision files, water service files, development files. Sometimes, in the case of subdivisions, files for other properties are examined due to their relationship to the List property.
- 5) Detailed examination of the files are important, as past allowances could dictate how the offer letters are drafted. It is important to not require the public to do more than they need to, but it is also important to follow through on past encumbrances to the property. For example, past agreements tied to the property may command that certain water system improvements be constructed now. Also, easement documents, or rather the lack of easement documents, add requirements to applicants. Further, past building permits which may or may not have been constructed dictate how letters are written, due to possible inadequate meter sizing. Finally, past decisions from Board of Water Supply hearings need to be understood and followed accordingly.
- 6) Once the files are examined, the existing water system serving the property is analyzed. Calculations based on fire protection and/or domestic use requirements are run, and the results are compared to department standards. Part of the calculation process may involve communications with plant operations employees, as they have knowledge of specific system settings and valve configurations which in turn affect the numbers. If the calculation results do not match department standards, requirements for water system improvements are added to the letters.
- 7) Letters are drafted with all applicable requirements, then sent out by certified mail, usually in batches of properties at a time. The applicants, per code, have 30 days from the day they receive the certified mail to respond to the department. Negative responses or failures to respond are treated as a refusal of water service, and the subject property is removed from the List.
- 8) During the 30-day window, the department receives multiple inquiries and requests from the applicants, relatives of the applicants, or even prospective buyers of the property. These inquiries usually lead to multiple face-to-face meetings with the public in order for them to either understand the requirements, or to contest the requirements.
- 9) At some point, meters are either accepted or refused, and the letter-drafting process begins again for the next applicants on the List. Meter acceptance means either a meter reservation or a meter installation.
- 10) Throughout the meter offer process, time is not exclusively dedicated to the Priority List letters. Daily calls, emails, subdivision and building permit reviews, meetings, and public walk-ins occur concurrently, and cannot be pushed aside to focus on just the List.

Further, if water system improvements were required for the meter acceptance, time is also spent on construction plan reviews, construction management, project close-out items, and meter issuance.