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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

July 14, 2021

Director of Council Services
Traci N. T. Fujita, Esq.

RECEIVED
Deputy Director of Council Services
David M. Raatz, Jr., Esq.

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OFFICE OF THE
COUNTY CLERK

The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: **RESTRICTING THE SALE OR DISTRIBUTION OF
CERTAIN NONWOVEN DISPOSABLE PRODUCTS**
(PAF 21-166)

May I request the attached proposed bill, entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.43, MAUI COUNTY CODE, RESTRICTING THE SALE OR DISTRIBUTION OF CERTAIN NONWOVEN DISPOSABLE PRODUCTS," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink that reads "Tamara M. Paltin". The signature is written in a cursive, flowing style.

TAMARA PALTIN
Councilmember

paf:nas:21-166d

Enclosure

COUNTY COMMUNICATION NO. 21-357

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.43, MAUI COUNTY
CODE, RESTRICTING THE SALE OR DISTRIBUTION OF CERTAIN NONWOVEN
DISPOSABLE PRODUCTS

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

SECTION 1. The Council finds that certain nonwoven disposable products can have significant negative impacts on the environment and damage the public wastewater system. Massive buildups of wipes congeal with grease and other cooking fats that are improperly sent down drains sometimes form “fatbergs” and cause severe damage to sewer systems.

The Council further finds this problem has been exacerbated since the onset of the COVID-19 pandemic, with more personal hygiene wipes being improperly flushed, costing municipalities hundreds of thousands of dollars to clear related clogs.

The Council finds that the sale, use, and distribution of certain nonwoven disposable products must be regulated to:

- preserve the health, safety, and welfare of the County’s unique environment, and
- properly maintain the public wastewater system consistent with Section 46-1.5(23)(A) of the Hawaii Revised Statutes and Section 8-15.3(3) of the Maui County Charter.

SECTION 2: Title 20, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

“Chapter 20.43

NONWOVEN DISPOSABLE PRODUCTS

Sections:

- 20.43.010 Prohibitions.
- 20.43.020 Administration.
- 21.43.030 Penalties.

20.43.010 Prohibitions. After January 1, 2022, a person must not sell, offer for sale, or distribute for sale any nonwoven disposable product that is labeled “flushable,” “septic safe,” “sewer safe,” “clog safe,” “safe for septic systems,” “suitable for sewer systems,” “biodegradable,” or with any other statement that the product is appropriate for disposable in the County’s wastewater system. “Nonwoven disposable product” means any product constructed from nonwoven sheets, including moist toilet tissue or cloth, that is designed for, marketed for, or commonly used for personal hygiene purposes.

20.43.020 Administration. The department of environmental management must administer this chapter and may adopt administrative rules under chapter 91, Hawai‘i Revised Statutes.

20.43.030 Penalties. Violations of this chapter are subject to section 19.530.030’s penalties and enforcement procedures. Money from fines collected for violation of this chapter must be deposited into the countywide sewer capital improvement reserve fund.”

SECTION 3. Section 3.98.020, Maui County Code, is amended to read as follows:

“3.98.020 Purpose. A. The countywide sewer capital improvement reserve fund is established for the purpose of funding the replacement or expansion of infrastructure for the County’s sewer and wastewater collection system, and related improvements and debt service; [provided] except that the purpose for which the

fund may be expended may be amended by ordinance passed upon a vote of not less than seven members of the council.

B. In adopting each fiscal year's budget and capital program, any unappropriated surplus and unencumbered balances of any appropriations in any fund at the end of a fiscal year may be appropriated to the countywide sewer capital improvement reserve fund for the succeeding fiscal year or years. Any balance remaining in this fund at the end of the fiscal year [shall] must not lapse, but [shall] must remain in the fund, accumulating from year to year.

C. The revenues in this fund [shall] must not be used for any purpose except the purposes listed in subsection A of this section.

D. Money from fines collected for violations of chapter 20.43 must be deposited into the countywide sewer capital improvement reserve fund."

SECTION 4. This Ordinance takes effect upon its approval.

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