

DEPARTMENT OF WATER SUPPLY

COUNTY OF MAUI

Adoption of Title 16, Chapter 201

County of Maui Administrative Rules

1. Title 16, Chapter 201, County of Maui Administrative Rules, entitled “Rules Relating to Water Service”, is adopted to read as follows:

“COUNTY OF MAUI ADMINISTRATIVE RULES

TITLE MC-16

DEPARTMENT OF WATER SUPPLY

SUBTITLE 02

DEPARTMENT OF WATER SUPPLY

CHAPTER 201

RULES RELATING TO WATER SERVICE

§16-201-01	Purpose
§16-201-02	Scope
§16-201-03	Definitions
§16-201-04	Limitations
§16-201-05	Daily water usage
§16-201-06	Special conditions for water service

§16-201-01 Purpose. The purpose of these rules is to provide uniform handling of applications for water service. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.01.020)

§16-201-02 Scope. All areas provided water service from the department's water system, except the upcountry system, shall be within the scope of these rules. These rules shall apply to all requests for new or additional water service from a department water system, including subdivision water service. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.01.020)

§16-201-03 Definitions. For purposes of these rules, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases are defined as follows:

“Applicant” means any person or entity applying for new or additional water service, including subdivision water service.

"Large quantities of water" means:

(a) In a department potable water system where the estimated three year forecast for water usage is within 98 percent to 100 percent of the department's maximum reliable capacity, an applicant's request for water service from the department for new or additional uses is more than 1,200 gallons per day.

(b) In a department potable water system where the estimated three year forecast for water usage is within 93 percent to 97.9 percent of the department's maximum reliable capacity, an applicant's request for water service from the department for new or additional uses is more than 3,000 gallons per day.

(c) In a department potable water system where the estimated three year forecast for water usage is within 88 percent to 92.9 percent of the department's maximum reliable capacity, an applicant's request for water service from the department for new or additional uses is more than 5,400 gallons per day.

(d) In a department potable water system where the estimated three year forecast for water usage is below 88 percent of the department's maximum reliable capacity, an applicant's request for water service from the department for new or additional uses is more than 120,000 gallons per day.

(e) The projected water usage for any new agricultural consumer is more than 10,000 gallons per day.

(f) The projected water usage is for a consumer for agricultural purposes on lands historically served by a non-potable water source or which can be reasonably served by an available alternate non-potable source, including but not limited to constructing a well, connecting to R-1 water, and using ditch, stream, or brackish water. Whether a non-potable source can reasonably serve such lands will be determined by the director in the director's sole discretion.

(g) Exceptions. The following projects shall not be considered projects using large quantities of water, provided that the water system has adequate capacity to meet the project's water needs:

(1) Residential development projects with 100 percent affordable housing units, as defined in section 2.86.140, Maui County Code, which are located within the service area of the department's central or west Maui water system.

(2) Residential workforce housing units developed by a qualified housing provider pursuant to chapter 2.96, Maui County Code, which are located within the service area of the department's central or west Maui water system.

- (3) County, state, or federal public facility projects, as defined in section 19.04.040, Maui County Code, which are located within the service area of the department's central or west Maui water system.

"Maximum reliable capacity" means the volume of water that the department determines can be reliably produced on an ongoing basis in any given department water system. Such value shall be based on engineering principles and shall take into account various uncertainties, including but not limited to, mechanical failures, human error, and weather events. Transmission and storage infrastructure are not evaluated for this determination.

"Project" means any development, including subdivisions, individual building permit activities, new water meter requests, or water meter upgrade requests.

"Special conditions" means the development and dedication to the department of water source, transmission and/or distribution pipelines, and/or storage infrastructure capable of supporting 100 percent of a project's water needs. An applicant shall be responsible to construct and install any such infrastructure improvements in accordance with the department's Water System Standards (2002), as amended, before any water meter is installed. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.04.010)

§16-201-04 Limitations.

(a) A parcel created as a result of a subdivision that received or reserved the maximum amount of water currently allowable, under these rules, in accordance with the department's current three-year forecast and percentage of maximum reliable capacity, shall not qualify for new or additional water service for a period of three years from the date of final subdivision approval for the first subdivision created within said three year period.

(b) A parcel created as a result of a subdivision that did not receive or reserve the maximum amount of water currently allowable, under these rules, in accordance with the department's current three-year forecast and percentage of maximum reliable capacity, may qualify for new or additional water service, up to the balance of the amount of water currently allowed but not received or reserved by the subdivision and its resulting parcels.

(c) A parcel that received the maximum amount of water currently allowable, under these rules, in accordance with the department's current three-year forecast and percentage of maximum reliable capacity, shall not qualify for new or additional water service for a period of three years from the date of the last water meter installation.

(d) A parcel that reserved the maximum amount of water currently allowable, under these rules, in accordance with the department's current three-year forecast and percentage of maximum reliable capacity, shall not qualify for new or additional water service for a period of three years from the date of the department's approval of the water meter reservation.

(e) A parcel that did not receive or reserve the maximum amount of water currently allowable, under these rules, in accordance with the

department's current three-year forecast and percentage of maximum reliable capacity, may qualify for new or additional water service, up to the balance of the amount of water currently allowed but not received and reserved by said parcel. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.01.020, MCC §14.04.010)

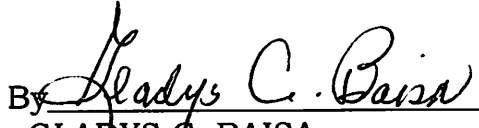
§16-201-05 Daily water usage. Calculations of daily water usage shall be based on the department's Water System Standards (2002), as amended, provided, however, for large lot subdivisions, as defined in section 18.16.270, Maui County Code, daily water usage may be based on the minimum requirement for one dwelling per lot. [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.01.020, MCC §14.04.010)

§16-201-06 Special conditions for water service. Where an extension of mains is necessary, where large quantities of water are required, or where a substantial investment by the department is necessary to provide water service to a project, an applicant will be informed by the department as to any special conditions and/or additional charges to be imposed for the water service, such that water can be delivered in adequate quantities and pressures for domestic and irrigation uses under peak conditions, and for fire protection.” [Eff 01/29/18] (Auth: HRS §91-2, HRS §91-3, MCC §14.01.030) (Imp: MCC §14.04.010)


2. Chapter 201, “Rules Relating to Water Service”, shall take effect ten days after filing with the Office of the County Clerk.

2016-1070
2018-01-29 Chapter 201 (Effective Date)


Adopted this 18th day of January, 2018, at Wailuku, Maui,
Hawaii.

By 
GLADYS C. BAISA
Deputy Director
Department of Water Supply

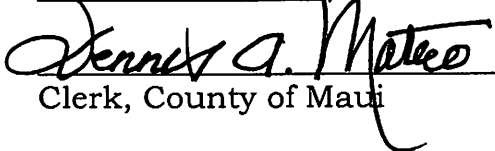
Approved this 18 day of
January, 2018.


ALAN M. ARAKAWA
Mayor, County of Maui

APPROVED AS TO FORM
AND LEGALITY:


JENNIFER M.P.E. OANA
Deputy Corporation Counsel
County of Maui

Received this 19th day of
January, 2018.


Dennis A. Mateo
Clerk, County of Maui



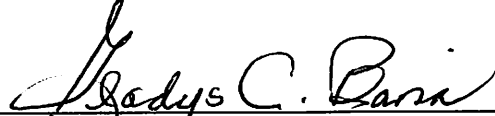
CERTIFICATION

I, GLADYS C. BAISA, Deputy Director of the Department of Water Supply, County of Maui, do hereby certify:

1. That the foregoing is a full, true, and correct copy of the rules drafted, in Ramseyer format, pursuant to the requirements of Section 91-4.1, Hawaii Revised Statutes, which were adopted on the 18th day of January, 2018, following a public hearing that closed on May 31, 2017, and filed with the Office of the County Clerk.

2. That the notice of public hearing on the foregoing rules was published in The Maui News on the 28th day of April, 2017.

COUNTY OF MAUI



GLADYS C. BAISA
Deputy Director
Department of Water Supply