

# NOTICE OF PUBLIC HEARING

## COUNTY OF KAUA'I

The Board of Water Supply of the County of Kaua'i ("Board") will hold a public hearing and receive public testimony and comments from all interested persons regarding the following item:

PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS OF  
THE BOARD OF WATER SUPPLY, COUNTY OF KAUA'I, STATE OF HAWAII

Administrative rule material to be repealed is bracketed. **New material is underscored.**  
Deleted material is **stricken**.

The Department of water is recommending the following rule changes:

### **PART 2 – WATER SERVICE CONNECTIONS**

#### **SECTION II - GENERAL CONDITIONS**

1. Any prospective consumer may obtain water service provided all of the following conditions are met:

- a. In the event that Water Service limits Areas are established by the Department, that the premises are within ~~these limits~~ a Water Service Area.

A "Water Service Area" is defined as an area that is serviced by existing water system facilities. A Water Service Area is generally limited to areas that have appropriate planning and zoning approvals in place. Water service is generally available within a Water Service Area unless system infrastructure improvements are needed to provide adequate water supply without detrimentally affecting existing consumers. As identified in Water Plan 2020, water systems and the Water Service Area can be used for purposes of planning and can be applied to guide service and development of future water service.

Consistent with the Kaua'i General Plan and for the purposes of Water Plan 2020, the Department takes a conservative approach in defining service areas of the existing water systems, in effect, limiting them to areas that have appropriate planning and zoning approvals in place. Land use policies area established and governed by the County. The Department seeks to coordinate development effort with the County and private developers seeking to connect to Department-operated water systems.

If the premises are not located within a Water Service Area, then the Department may grant an exemption to this section pursuant to procedures adopted by the Department. and as long as the prospective consumer provides the necessary source, storage and transmission facilities required for the prospective consumer's anticipated use.

- b. The Department has a sufficient water system developed for domestic use and, if required by the Department, a sufficient water system for fire

protection. In order to determine the sufficiency of the water system, the Department may require the prospective consumer to estimate the amount of water to be used.

- c. The consumer agrees to design, construct, and install any component of the water system required by the Department in compliance with (1) all applicable statutes, ordinances, rules, and regulations of the State of Hawai'i and the County of Kaua'i, and (2) the 2002 Water System Standards ("Standards") developed by Hawai'i's four county departments of water, ~~as amended by the Department's 2005 Amendments ("2005 Amendments") to the Standards~~ as it may be subsequently amended. The Standards and the ~~2005 Amendments~~ (as amended) are hereby incorporated by reference into the Department's rules. The Manager and Chief Engineer may, for good cause shown, permit departure from the Standards ~~or 2005 Amendments, or both~~ (as amended).
- d. The consumer agrees to abide by these rules and regulations.
- e. All applicable charges have been paid.

The Department of Water is recommending the following rule changes:

**PART 5 – FACILITY RESERVE CHARGE**  
**SECTION III - APPLICABILITY**

1. The Facilities Reserve Charge shall be assessed against all new developments and subdivisions requiring supply of water from the County of Kaua'i, Department of Water, and existing developments requiring new or additional supply of water from the Department's system. The Facilities Reserve Charge must be paid before water services are made available to the new or existing development.
2. The Facilities Reserve Charge shall be paid by all Applicants for new or additional water service, including but not limited to the following:
  - a. All irrigation services and/or meters.
  - b. Additional buildings to be connected to existing services where additional demands are indicated. The charges shall be based on the meter sizes required if the buildings were metered separately.
  - c. Additional dwellings connected to existing services and meters under the categories of single family and multi-family residential units. The charges will be based on the established schedule of charges for the respective categories.
  - d. Changes in service that require an increase in meter size.

- e. Where an FRC was paid but a water meter was never installed to serve the subject property, the applicant shall pay the Facilities Reserve Charge in accordance with Part 5, Section IV (4) of these Rules.
3. The Facilities Reserve Charge shall apply to all Applicants for water service as follows:
- a. For each parcel created by subdivision, including the first lot created; and for every new single family residential dwelling unit not yet metered and a Facilities Reserve Charge has not yet been paid, the applicable Facilities Reserve Charge shall be \$14,115.00.
  - b. The Facilities Reserve Charge for multi-family and/or resort development will be the cost of the approved meter size or the cost of \$9,880.00 per unit or hotel room, whichever number is larger.
  - c. The Facilities Reserve Charge for conversion of legally existing single-family units to a multi-family two dwelling unit structure, as provided by law, will be assessed at 50% of the Facilities Reserve Charge for multi-family units, per unit.
  - d. For projects developed by the County of Kaua'i Housing Agency or in partnership with the County of Kaua'i Housing Agency, and certified by the County of Kaua'i Housing Agency as affordable housing (defined by Kaua'i County Ordinance 7 A-1.3, the Facilities Reserve Charge shall be \$4,940.00 per unit.)
  - e. For all other uses, the Facilities Reserve Charge shall be determined by the size of the meter, as shown below. Meter sizes shall be determined by the Department and not by the Developer or Applicant.

Meter Size	Amount
5/8"	\$ 14,115.00
3/4"	\$ 21,170.00
1"	\$ 35,290.00
1 1/2"	\$ 70,580.00
2"	\$ 112,920.00
3"	\$ 225,840.00
4"	\$ 352,880.00
6"	\$ 705,750.00
8"	\$ 1,129,200.00

Facilities Reserve Charges are periodically adjusted by the Department. These adjustments may increase or decrease existing Facilities Reserve Charge amounts. Where adjustments to Facilities Reserve Charges result in decreases of such

charges, no refund will be made of the difference between the higher, pre-existing charges and the lower, adjusted charges.

The Public hearing will be held at the following location, date and time given below:

**Wednesday, July 26, 2017  
5:00 p.m.  
The Board of Water Supply,  
Department of Water County of Kaua'i, Board Room  
4398 Pua Loke Street, Lihue**

A copy of the proposed recommendation will be mailed to any interested person who requests a copy and pays the required fees for the copy and the postage. Requests may be made by calling the Manager and Chief Engineer at (808) 245-5406, or by submitting facsimile requests to (808) 245-5813. Requests may be made up to and including the date of the public hearing. The rules proposed to be amended may also be reviewed in person at the Department of Water from Monday through Friday, 8 am to 4:15 p.m.

All interested persons may submit data, views, arguments, or other testimony orally or in writing, or both, concerning the proposed rule amendments. Data, views, arguments, or other testimony may be submitted any time up to and including the date of the public hearing, or at the public hearing itself. Data, views, arguments, or testimony may be submitted by e-mail to [eineumiller@kauaiwater.org](mailto:eineumiller@kauaiwater.org), by facsimile to (808) 245-5813 or by U.S. mail to the Manager and Chief Engineer, whose address is Kaua'i Department of Water, P.O. Box 1706, Lihue, Kaua'i, Hawai'i 96766.

**Special Accommodations for persons with disabilities are available upon request five (5) days prior to the meeting date. Please call the Department of Water, County of Kaua'i, at 245-5406 or drop by at 4398 Pua Loke Street, Lihue, Kaua'i. Our mailing address is PO Box 1706, Lihue, HI 96766.**

BY ORDER OF THE BOARD: Sherman Shiraishi, Chairperson

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