

PUBLIC HEARING
BOARD OF WATER SUPPLY
Thursday, May 8, 2008

The Board of Water Supply, County of Kauai, had a public hearing at its office in Lihue on Thursday, May 8, 2008. Chairperson Oyama called the hearing to order at 10:10 a.m.; and on roll call, the following answered present:

BOARD: Mr. Roy Oyama, Chairperson
Mr. Dee Crowell
Mr. Leland Kahawai
Mr. Steven Kyono
Mr. Randall Nishimura

Absent & excused: Mr. Ian Costa
Mr. Donald Fujimoto

STAFF present: Ms. Wynne Ushigome
Mr. Paul Ganaden
Mr. William Eddy
Mr. Keith Fujimoto
Mr. Bruce Inouye
Mr. Edward Doi
Mr. Dustin Moises
Ms. Faith Shiramizu
Ms. Amy Esaki
Deputy County Attorney Mona Clark

Absent & excused: Mr. Gregg Fujikawa

Chairperson Oyama stated that this Public Hearing was for the purpose of receiving written and oral testimony and comments from interested persons regarding the proposed rule amendment to the Rules and Regulations of the County of Kaua'i, Department of Water ("DOW") and Water System Standards 2002 of the Board of Water Supply, County of Kauai, State of Hawai'i.

Waterworks Legal Advisor Amy Esaki read the rules of procedure that applied to this hearing. The secretary also read the following Public Hearing notice:

NOTICE OF PUBLIC HEARING

The Board of Water Supply of the County of Kauai ("Board") will hold a public hearing at its Board Room located on the second floor of the Kauai County Department of Water's Microbiology Lab Building, 4398 Pua Loke Street, Lihue, Kauai, Hawaii, on Thursday, May 8, 2008 at 10:00 a.m., or soon thereafter, for purposes of hearing and receiving public testimony and comments from all interested persons regarding the following item:

PROPOSED AMENDMENTS TO THE RULES AND
REGULATIONS AND WATER SYSTEM STANDARDS 2002
OF THE BOARD OF WATER SUPPLY, COUNTY OF KAUAI,
STATE OF HAWAII

- I. Amendment to the Department's administrative rules and regulations. This amendment amends the definition for "Water Transmission Main or Main" in Paragraph 4a of Part 4, Section VII" by substituting the reference to Section 2(a)(4) to 2d.
- II. Amendment to the Department's administrative rules and regulations. This amendment amends subparagraph 3b in Part 4, Section VII by clarifying that the facilities reserve charge of \$4,600.00 in a multifamily residential development and/or resort development applies to each unit or hotel room.
- III. Amendment to the Annotations to Table 100-19A of the 2002 Water System Standards. The Kauai County Department of Water current Administrative Rules require compliance with the 2002 Water System Standards ("Standards") adopted by Hawaii's four county departments of water. The Standards govern the design and construction of water system facilities under the jurisdiction of the water departments of the various counties in the State of Hawaii. This administrative rule extends the application of Paragraph (ii) of Annotation (f) to the Annotations to Table 100-19A, which currently is scheduled to sunset, deleting the July 1, 2008 sunset date.

A copy of the proposed rule amendments 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 Water Manager's Office at (808) 245-5408, or by submitting facsimile requests to (808) 246-8628. Requests may also be made up to and including the date of the public hearing.

The proposed rule amendments may be reviewed in person between the hours of 7:45 a.m. to 4:30 p.m., Mondays through Fridays (excluding State of Hawaii holidays), at the Water Manager's Office 4398 Pua Loke Street, Lihue, Kauai, Hawaii. Proposed rule amendments may be reviewed any time up to and including the date of the public hearing.

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 to 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 rmiura@kauaiwater.org, by facsimile to (808) 246-8628 or by U.S. mail to the Water Manager's Office, whose address is Kauai Department of Water, 4398 Pua Loke Street, Lihue, Kauai, Hawaii 96766.

The Board may impose a time limit for each person presenting testimony at the hearing. Should you have any questions, please do not hesitate to call the Water Manager's Office at (808) 245-5408. The Water Manager's facsimile number is (808) 246-8628.

BY ORDER OF THE BOARD: Roy Oyama, Chairperson

Acting Manager Ushigome gave a summary of the proposed rule amendments, which were made in concurrence with Fire Chief Bob Westerman:

- Instead of may [reject] the applicant's fire mitigation measures, the Fire Chief now may **approve** the sufficiency of the applicant's measures no later than one hundred twenty (120) day from the date that the Chief has determined, in writing, that the applicant has submitted a complete written analysis to him. ***Previously, if "no action" was taken within the 120-day time frame, the applicant would receive an automatic approval.***
 - The basis for the Chief's approval of an applicant's proposed mitigation measures has been clarified; an applicant's measures may be **approved** [rejected] if they are [in]sufficient relative to the structures to be built on the lot, or the uses which will occur in conjunction with the proposed structures.
 - In assessing the sufficiency of an applicant's measures, the Chief may also consider the impact of any potential on-site fire on surrounding off-site structures and uses.
 - A "sunset" provision was previously added to the alternative methodology section of the rule amendment which repeals the alternative methodology on July 1, 2008. Such a provision ensured that there is an "automatic review" and assessment of the appropriateness of this alternative methodology after a trial period of several years. ***The proposed action is to delete in its entirety the sunset provision which stated, [This paragraph of (ii) only of annotation (f) shall be repealed on July 1, 2008.]***
- The next revision corrects a cross-referencing inconsistency in Paragraph 4a of Part 4, Section VII of the Department's Rules and Regulations. Under the definition paragraph of "Water transmission main" or "main" reference is made to Paragraph 2.a.(4), instead the referenced paragraph should be **2.d of Section II of Part 2.**
- The third amendment to the Department's administrative rules amends Subparagraph 3.b in Part 4, Section VII adds language to clarify that the facilities reserve charge of \$4,600.00 in a multi-family residential development and/or resort development includes each unit **or hotel room.**

It was noted that the proposed rule amendments were submitted to our Small Business Advisory Committee, as well as the Small Business Regulatory Review

Board (SBRRB) and at their March 19, 2008 Board Meeting unanimously recommended that the DOW proceed to public hearing.

There was no one in attendance to testify on the proposed rule amendments.

It was noted that the results of this Public Hearing will be forwarded to the SBRRB for their next meeting on Wednesday, May 28, 2008. Chair Oyama announced that the Board will make its decision regarding the adoption of this rule amendment at its June 5, 2008 Board Meeting.

ADJOURNMENT

There being no testifiers present, Chair Oyama closed the public hearing at 10:20 a.m.

Respectfully submitted,

Rona Miura, Secretary

APPROVED:

Wynne M. Ushigome
Acting Manager and Chief Engineer

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