

MINUTES

PUBLIC WORKS & VETERANS SERVICES COMMITTEE

December 12, 2018

A meeting of the Public Works & Veterans Services Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Ross Kagawa, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, December 12, 2018, at 8:30 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Luke A. Evslin
Honorable KipuKai Kualii
Honorable Ross Kagawa
Honorable Arthur Brun, Ex-Officio Member (*present at 9:16 a.m.*)
Honorable Arryl Kaneshiro, Ex-Officio Member

There being no objections, the Committee recessed at 8:30 a.m. to convene in the Planning Committee

The meeting was called back to order at 9: 16 a.m., and proceeded as follows:

Minutes of the November 21, 2018 Public Works / Parks & Recreation Committee Meeting.

Upon motion duly made by Councilmember Kualii, seconded by Councilmember Chock, and unanimously carried, the Minutes of the November 21, 2018 Public Works / Parks & Recreation Committee Meeting was approved.

There being no objections, Bill No. 2612 was taken out of order.

The Committee proceeded on its agenda item as follows:

Bill No. 2612

A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE (This item was deferred to January 30, 2019.)

Committee Chair Kagawa: Before we take the motion, I just want to explain the status. We have been working on this for a while. If this Council does not act on this Plumbing Code, the State's will automatically kick in, and I believe that is around April and none of the other islands have acted on it up to this point. Doug has always been the first to bring it forward and again, he has done that and it is really a service to this Council that he does that because we get to look at it deeper and put in local amendments that we feel are appropriate to the State's adoption. We want to thank Doug for all of his years of doing that and being a leader on that task

force. But regarding the Plumbing Code, we have had issues brought up from the Plumbers and Fitters Union Local 675 (Plumbers Union) that they may want certain amendments put in that protects their workers. They said there are health and safety concerns as well with the current version as adopted by the State. However, there was a recent election in the Plumbers Union and the current leadership has lost. Now, what happens is in early January, we will find out the direction of the leadership and whether they still want to push their amendments to Kaua'i. If not, we will just be simply adopting the version as-is because there is no other objections. If that is okay, are there any questions, Members? Go ahead.

Councilmember Chock: Committee Chair Kagawa, just to confirm, is the Administration's stance on this item to support this current version?

Committee Chair Kagawa: Yes, of course.

Councilmember Chock: Okay. Thank you.

Committee Chair Kagawa: And if Doug...I am not sure if we had any...did we have any amendments from the Administration? Sometimes we have amendments proposed by the Administration, but we have none to this point. But sometimes, they even propose changes that they feel will help make it stronger. We have until January 30th. So by January 30th, we will either have the Plumbers Union and Laborers International Union of North America Local 368 Hawai'i (Laborers Union) discussing their arguments against each other, and the Laborers Union support the current version. So they support the Building Division. The laborers and the general contractors strongly support their version. They said there are no health and safety concerns, they are not taking away jobs from the plumbers, and under the last leadership, the plumbers felt that was inaccurate. So we will see on January 30th whether we have two (2) sides in disagreement or whether we have harmony and pass it on January 30th. So that is the status. Administration, are you folks okay? Did you want to say anything? Go ahead, Councilmember Cowden.

Councilmember Cowden: I am in my learning process on really understanding septic, I have been approached by two (2) different entities in the community that seem to have fresh ways of wanting to be dealing with septic, and one is an anaerobic and one is an aerobic system. Is that something that is influenced by this or not?

Committee Chair Kagawa: We will do that at a later date.

Councilmember Cowden: Okay.

Committee Chair Kagawa: My suggestion is that Councilmember Cowden work with Aida and the Engineering Division if it is appropriate to propose any amendments that you want.

Councilmember Cowden: Yes. I just want to make sure that if there are new systems, that they are able to somehow fall within this, if it is appropriate. So, I can make a private appointment?

Committee Chair Kagawa: Yes.

Councilmember Cowden: Okay.

Committee Chair Kagawa: Work with Aida and of course, work with the Administration to address your concerns. If we are going to defer, then we do not want to create too much minutes for the...and then we can discuss your amendments in detail on the 30th as well because we still have time. We will have from the end of January. We will still have two (2) or three (3) months, but of course we do not want to take that long. We want to take care of it, I would say, within at least two (2) meetings. On January 30th, we will find out. Go ahead.

Councilmember Chock: What is the deadline again, for it to kick in?

Committee Chair Kagawa: Doug? Is April the two-year deadline? Go ahead. The rules are suspended.

There being no objections, the rules were suspended.

Committee Chair Kagawa: We wanted to find out when is the two-year deadline where whatever we do is moot.

DOUGLAS HAIGH, Chief of Buildings: Good morning, Doug Haigh, Department of Public Works, Building Division. Actually, we just approved the 2012 at the State Building Code last month, so the deadline is two (2) years from last month.

Committee Chair Kagawa: Oh, okay.

Mr. Haigh: It is a little embarrassing for us at the State Building Code that it has taken so long, but there were administrative issues.

Committee Chair Kagawa: So do we have a lot of time?

Mr. Haigh: Yes.

Committee Chair Kagawa: But we would like to adopt the newer Codes because they are safer and what have you.

Mr. Haigh: Yes.

Committee Chair Kagawa: And then everyone is on-board with it, it is just the jurisdictional conflict that we have going on that may not exist now. We will see. Since you are here, Councilmember Cowden, you can ask your question.

Councilmember Cowden: Alright. As I acknowledged, I am early on this learning curve of septic and sewage. There is a company in Kekaha who does these small systems that they say are approved by the Department of Health and bigger systems that has aeration in it. So I just was curious how that falls under what we have here, if people want to put that in, and then there is another group that I met from Hanalei that has an anaerobic system that has this chamber that is supposedly uses—I am learning it.

Mr. Haigh: Okay.

Councilmember Cowden: But it is a different system. I did not know if people can come in and try something, or if that needs to be in this.

Mr. Haigh: Individual wastewater systems, septic tank systems, are regulated by the Department of Health. We do not regulate septic tank systems. We regulate the piping up to the system and the Department of Health regulates the actual system itself. So any regulatory action would be by the Department of Health.

Councilmember Cowden: Okay. So if it is approved by the Department of Health...but would people who want to do it still be talking to Public Works?

Mr. Haigh: Well, it is reflected on the building permit set of plans, but the actual individual wastewater system approval and the special design for that is submitted to the Department of Health. What happens is in the building permit review process, the Department of Health makes sure that they have an approved septic tank system before they sign off on the building permit and issue the permit. Then also, at the same time, our Plumbing Code, we require that the plumbing system we regulate has to connect to either municipal sewer system or an approved individual wastewater system. So we will not do a final certification inspection or certificate of occupancy on a building if it does not have an approved individual wastewater system that is regulated by the Department of Health.

Councilmember Cowden: Okay. Alright. Thank you.

Committee Chair Kagawa: The answer is, no, we do not do any amendments to the Plumbing Code for those?

Mr. Haigh: Yes.

Committee Chair Kagawa: Thank you.

Mr. Haigh: You are welcome.

Committee Chair Kagawa: Are there any more questions for Doug?
Seeing none, thank you.

Mr. Haigh: You are welcome.

There being no objection, the meeting was called back to order, and proceeded as follows:

Committee Chair Kagawa: We have more time than we expect, but we will try to take care of it. Again, I expect to get an answer in mid-January. You will know in advance if we have the Laborers Union and Plumbing Union coming here to bring their cases forward. Again, the laborers and the general contractors feel that the current Code is appropriate and it is cost-effective. The Plumbers Union has some health and safety and jurisdictional types of issues, so that is that is the fight. With that, we need a motion.

Councilmember Chock moved to defer Bill No. 2612 to the January 30, 2019 Committee Meeting, seconded by Councilmember Kualii, and unanimously carried.

The Committee proceeded on its agenda item, as shown in the following Committee Report, which is incorporated herein by reference:

CR-PWVS 2019-01: on PWPR 2018-09

Communication (11/02/2018) from Committee Chair Kagawa, requesting the presence of the Acting County Engineer, to provide a briefing on the wastewater spill that occurred on November 1, 2018 near the northern Leho Drive intersection. **(Received for the Record.)**

There being no further business, the meeting was adjourned at 10:10 a.m.

Respectfully submitted,



Allison S. Arakaki
Council Services Assistant I

APPROVED at the Committee Meeting held on January 17, 2019:



ROSS KAGAWA
Chair, PWVS Committee

