

Bernard P. Carvalho, Jr.
Mayor



Larry Dill, P.E.
County Engineer

Gary K. Heu
Managing Director

Lyle Tabata
Deputy County Engineer

DEPARTMENT OF PUBLIC WORKS
County of Kauai, State of Hawaii
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March 19, 2013

The Honorable Chris Lee, Chair
And Members of the Committee on Energy & Environmental Protection
Hawaii House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Subject: Senate Bill No. 16, SD 2, Relating to Energy Resources

Dear Chair Lee and Members:

The County of Kauai Building Division, Department of Public Works continues to oppose Senate Bill No. 16, SD2 and have not seen any testimony or proposed amendments that changes our concerns.. This bill would require the counties to receive and process waiver applications for installation of solar water heating systems.

The Building Division does not have the expertise or professional qualifications to manage the transferred responsibilities of approving solar water heating system waivers. To properly implement this added regulatory requirement would require additional personnel. While the bill allows for establishments of fees to help cover such work for waivers, any reasonable fee amount collected would not be adequate for hiring the required personnel.

Thank you for the opportunity to submit this testimony in opposition to SB 16 HD2.

Sincerely,

Douglas Haigh, P.E.
Building Division Chief

Post-it® Fax Note	7671	Date	3.20.13	# of pages	1
To	Rep. Thielen	From	Doug Haigh		
Co./Dept.	EEP	Co.	CoK Public Works		
Phone #		Phone #			
Fax #	586-6481	Fax #	241-5127		

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March 20, 2013

TESTIMONY OF JOANN A. YUKIMURA
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
SB 16, SD 2, RELATING TO ENERGY RESOURCES
House Committee on Energy & Environmental Protection
March 21, 2013
8:35 a.m.
Conference Room 325

Dear Chair Lee and Members of the House Committee on Energy & Environmental Protection:

Thank you for your attention to the amendments that I submitted for the March 19, 2013 (Tuesday) public hearing. Attached please find one other amendment, which I believe is self-explanatory. The words are in red on page three (3). Perhaps your staff can find more professional wording, but please include the concept that if a county chooses to modify the waivers, the modifications must be consistent with the main purpose of the original law of requiring a solar water heater on new single-family homes, except for rare and well-justified circumstances.

Thank you again for the opportunity to submit additional comments and testimony. If you need to reach me, please feel free to call me at (808) 652-3988.

Sincerely,

JOANN A. YUKIMURA
Councilmember, Kauai County Council

JY:SS
Attachment

A BILL FOR AN ACT

Draft 03-20-13: Amendments reflecting county concerns
RELATING TO ENERGY RESOURCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that county permitting agencies, rather than the state energy resources coordinator, should have the responsibility to process solar water heating system waiver applications since the county permitting agencies are closer to the particular conditions of the various geographic and climate peculiarities of their respective counties and since waiver applications can logically become part of the building permit process.

The purpose of this Act is to:

- (1) Require the appropriate county permitting agency to receive and process applications for waivers for the solar water heating system requirement for building permits;
- (2) [Require] Allow each [respective] county [council] to establish procedures and [standards] criteria by which its respective county permitting agency approves,

approves with conditions, or disapproves waivers^[+],
provided that if the respective county council chooses
not to modify the criteria, the waivers in this
section shall apply; and

- (3) Clarify existing application procedures.

SECTION 2. Section 196-6.5, Hawaii Revised Statutes, is amended by amending the title and subsections (a), (b), (c), and (d) to read as follows:

"§196-6.5 Solar water heater system required for new single-family residential or duplex construction. (a) On or after January 1, 2010, no building permit shall be issued for a new single-family dwelling or duplex that does not include a solar water heater system that meets the standards established pursuant to section 269-44, unless the ~~[coordinator]~~ appropriate county permitting agency approves a ~~[variance.]~~ waiver. A ~~[variance]~~ waiver application shall ~~[only]~~ be accepted if ~~[submitted by an architect or mechanical engineer licensed under chapter 464, who attests]~~ the application demonstrates to the satisfaction of the county permitting agency that it meets criteria established by county ordinance, or if none, then it meets the following criteria:

- (1) Installation is impracticable due to poor solar resource;

- (2) Installation is cost-prohibitive based upon a life cycle cost-benefit analysis that incorporates the average residential utility bill and the cost of the new solar water heater system with a life cycle that does not exceed fifteen years;
- (3) A renewable energy technology system, as defined in section 235-12.5, is substituted for use as the primary energy source for heating water; or
- (4) A demand water heater device [~~approved by Underwriters Laboratories, Inc.,~~] is installed; provided that at least one other gas appliance is installed in the dwelling. For the purposes of this paragraph, "demand water heater" means a gas-tankless instantaneous water heater that provides hot water only as it is needed. The demand water heater shall be approved by a North American certification organization such as the Canadian Standards Association International; the Air-Conditioning, Heating, and Refrigeration Institute; or the Gas Appliance Manufacturers Association.

(b) A request for a [~~variance~~] waiver shall be submitted to the [~~coordinator~~] appropriate county permitting agency in accordance with its procedures on an application prescribed by the [~~coordinator~~] county permitting agency and shall include a

description of the location of the property and justification for the approval of a [variance] waiver using the criteria established by county ordinance which shall be consistent with the main purpose of Act 204(2008) and HRS 196-6.5, or if none, by the criteria in subsection a. ~~A variance shall be deemed approved if not denied within thirty working days after receipt of the variance application. The coordinator shall publicize:~~

- ~~(1) All applications for a variance within seven days after receipt of the variance application; and~~
- ~~(2) The disposition of all applications for a variance within seven days of the determination of the variance application.]~~ [by the counties. Each county council shall establish procedures and standards by which its]The appropriate county permitting agency may approve, approve with conditions, or disapprove an application for a waiver, including deadlines for the county permitting agency to act on the application; provided that the county permitting agency shall approve, approve with conditions, or disapprove the application only in accordance with [standards and procedures] criteria established by this section or as modified by the respective [its] county council by ordinance.

(c) ~~[The director of business, economic development, and tourism may adopt rules pursuant to chapter 91 to impose and collect fees to cover the costs of administering variances under this section. The fees, if any, shall be deposited into the energy security special fund established under section 201-12.8.]~~ Each county permitting agency may adopt rules pursuant to chapter 91 to implement this section and to impose and collect fees to cover the costs of processing applications for waivers under this section. Any appeal of a waiver decision by the appropriate permitting agency shall be processed according to the appeals process for building permits in that county.

(d) Nothing in this section shall preclude any county from ~~[establishing procedures and standards required to implement this section.]~~ adopting ordinances to promote use of solar water heating."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, ~~[2050]~~ 2013; provided that the energy resources coordinator shall retain the coordinator's power to approve variances pursuant to section 196-6.5, Hawaii Revised Statutes, as that law existed on the day before the effective date of this Act, until the mayor of the respective county notifies the governor that the

respective county ~~[has adopted ordinances]~~ is ready to implement this Act ~~[+]~~ or December 30, 2013, whichever is sooner.

Report Title:

Energy Resources; Solar Water Heating; County Waiver Approvals

Description:

Requires appropriate county permitting agency to receive and process application for waivers for installation of solar water heating systems. Requires county councils to establish procedures and standards by which their respective county permitting agencies approve, disapprove, or approve with conditions. Clarifies existing application procedures. Effective 07/01/50. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.