

DAVID Y. IGE
GOVERNOR OF HAWAII

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PACIFIC RIM LAND, INC.
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JONATHAN STARR

W. ROY HARDY
ACTING DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

February 26, 2015

6-4927-003.cwc.docx

Ms. Blanca Lafolette
CMBY 2011 Investment, LLC
P.O. Box 220
Kihei, HI 96753

Dear Ms. Lafolette:



Certificate of Well Construction Completion for Well Nos. 6-4927-002 & 003 (TMK (2) 3-8-008:019)
Kahului, Island of Maui

We are pleased to inform you that the Well Construction work permitted for the CMBY-1&2 (Well Nos. 6-4927-002 & 003) is complete and acceptable and welcome you as a new member to the community of well owners and ground water users in Hawaii.

To protect Hawaii's natural ground water resources for the benefit of all, the following requirements apply to the use of your well:

1. Before this well can be pumped on a regular basis, a certificate of pump installation completion must be obtained.
2. If the well is not in use it must be properly capped.
3. If the well is to be abandoned then the landowner must cause a licensed contractor to apply for a well abandonment permit in accordance with §13-168-12(f), HAR, prior to any well sealing or plugging work.
4. In the event that the well operator and/or landowner changes, the Commission shall be notified prior to the change.
5. In the event the benchmark in the concrete base of the well is altered in any way, an updated version of the Well Elevation page of the Well Completion Report Part I shall be submitted to the Commission. If a licensed surveyor had estimated the original benchmark elevation then a licensed surveyor must establish the new benchmark elevation. The Well Elevation portion of the Well Completion Report Part I can be obtained by contacting Commission staff or at our website at www.hawaii.gov/dlnr/cwrn/info_permits.htm.
6. Well owners are required to report water use and other data, even when pumpage is "zero" -- HAR §13-168-7. Convenient on-line reporting and personal access to your own historic information is available at <http://cwrn.dlnr.hawaii.gov/cwrmpublic/login.aspx>, which requires that you provide an email from the person or entity responsible for well use reporting. Please contact Mr. Robert Chenet at (808) 587-0243 to set up an account for this easy-to-use alternative to manual reporting. Alternatively, data can be submitted on hardcopy forms available at <http://files.hawaii.gov/dlnr/cwrn/forms/GWUR-MON.pdf> and mailed to the Commission.
7. The landowner shall cause the well operator to maintain the appropriate devices or means for measuring and reporting water levels, chlorides or conductivity, and/or temperature, as may be required by the Commission.

Ms. Blanca Lafolette

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February 26, 2015

Ground water in Hawaii is a public trust. Adverse effects at one well may affect other water resources. Any violation of the above conditions or any other provision of the Hawaii Administrative Rules may be subject to fines of up to \$5,000 per day. You must do your part in using this shared resource. We prefer to work with you in meeting the goal of protecting our ground water resources together.

If you have any questions, please contact Charley Ice of the Commission staff at 587-0218 or toll-free at 984-2400 (Maui), extension 70218.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Roy Hardy". The signature is written in a cursive, flowing style.

W. ROY HARDY
Acting Deputy Director

CI:ss

c: Beylik Drilling & Pump Service, Inc.

DAVID Y. IGE
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
SAFE DRINKING WATER BRANCH
919 ALA MOANA BLVD., ROOM 308
HONOLULU, HI 96814-4920

In reply, please refer to:
File: SDWB
Puua01.docx

November 30, 2016

Mr. Ryan Churchill
CMBY 2011 Investment, LLC
PO Box 220
Kihei, HI 96753
[via ryanc@pacificrimland.com only]

Dear Mr. Churchill:

**SUBJECT: PUAA SUBDIVISION
PUUNENE, HAWAII
PRECONSTRUCTION CAPACITY APPROVAL AND APPROVAL TO
CONSTRUCT**

The State's procedures for construction and approval to use a new community or non-transient non-community water system are provided in the Hawaii Administrative Rules (HAR), Sections 11-20-29, "Use of new sources of raw water for public systems" and 11-20-30, "New and modified public water systems."

The procedures to authorize construction of a new water system include the following: (1) a satisfactory demonstration of the preconstruction technical, managerial, and financial capacity; (2) a satisfactory preliminary engineering report indicating that the new water source is acceptable; and (3) Department of Health (DOH) review and approval of the water system construction plans.

We reviewed your application for construction of a new water system and are pleased to inform you that construction of the Puua Water Association water system infrastructure may begin, based on the following:

1. The preconstruction technical, managerial, and financial capacity demonstration is satisfactory;
2. The preliminary engineering report is satisfactory; and
3. The DOH approved the construction plans.

Mr. Ryan Churchill
November 30, 2016
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To prevent delays in providing the approval to use the water system, the water provider should provide, during construction, adequate start-up technical, managerial, and financial capacity as specified in Enclosure (2) to our capacity instruction, "Startup Capacity Evaluation for New Community and New Nontransient Noncommunity Water Systems."

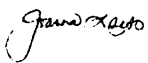
After the water system infrastructure is constructed, the following items must be satisfactorily completed before DOH approval to use the water system can be provided:

1. The start-up technical, managerial, and financial capacity demonstration must be adequate; and
2. A sanitary survey of the water system must be conducted and all noted deficiencies corrected.

The new water source approval will be granted concurrently with the approval to use the new water system.

If there are any questions, please call Mr. Alain Carey of the SDWB Engineering Section at (808) 586-4258.

Sincerely,



JOANNA L. SETO, P.E., CHIEF
Safe Drinking Water Branch

AC:cw

c: Mr. Harold Edwards, President, ITC Water Management, Inc.
[via harold@itcwater.com only]

**STARTUP CAPACITY EVALUATION FOR NEW COMMUNITY
AND NEW NONTRANSIENT NONCOMMUNITY WATER SYSTEMS
(REV. January 2012)**

Proposed Name of Water System

Date

Signature of Person Approving the
Information Submitted

1. DIRECTIONS

**A. A SATISFACTORY STARTUP CAPACITY EVALUATION IS
MANDATORY BEFORE APPROVAL TO OPERATE THE NEW PUBLIC
WATER SYSTEM CAN BE PROVIDED.**

- (1) This startup capacity evaluation is based on the capacity attributes in the Hawaii Administrative Rules, Title 11, Chapter 20, Rules Relating To Public Water Systems; Section 29.5, Capacity demonstration and evaluation.
- (2) This start-up capacity evaluation is based on the assumption that the owner/developer will build the water system and turn over ownership of the water system and all of its assets to the homeowners association, to another entity, or retain ownership. In any case, the owner of the water system will in turn: (1) contract a water system operations company to manage and operate the water system, and (2) contract a financial management company to assist in the financial management of the water system.
- (3) If the owner/developer, homeowners association, or other entity that owns the water system, will manage and operate the water system without contracting professional assistance, then the capacity evaluation procedure will need to be modified on a case by case basis.

2. TECHNICAL CAPACITY EVALUATION

- A. Technical capacity refers to the physical infrastructure of the water system, including but not limited to the adequacy of the water source(s), treatment, storage, and distribution systems; and the ability of system personnel to adequately operate and maintain the system and to otherwise implement technical knowledge.

Technical capacity is demonstrated by the following attributes:

(1) CLEAR SYSTEM DESCRIPTION

- a. The water system will be constructed to engineering plans and specifications prepared by a licensed professional engineer and approved by the DOH. The engineering plans and specifications include but are not limited to, the water sources and infrastructure facilities such as the piping, pumps, treatment facility, and storage tanks, and the interconnection with another water system, if any.

This attribute was evaluated as satisfactory to begin construction of the water system as part of the pre-construction capacity evaluation.

- b. The water system construction should meet the applicable island's County water system construction and materials standards.

This attribute was evaluated as satisfactory to begin construction of the water system as part of the pre-construction capacity evaluation.

- c. A licensed professional engineer shall be assigned to monitor construction and provide a post construction certification that the water system infrastructure has been constructed in accordance with the DOH approved engineering plans and specifications. After construction, the licensed professional engineer's certification and a copy of the record drawings of the as-built water system shall be provided to the DOH.

The engineer assignment was provided prior to start of construction of the water system as part of the pre-construction capacity evaluation.

Startup Capacity Evaluation. Provide the licensed professional engineer's certification that the water system has been constructed in accordance with the DOH approved plans and specifications. Provide also a copy of the record drawings of the as-built water system.

- d. Provide a line diagram of the as-built water system including information on the elevation of major components, reservoir capacities, pumping capacities (gpm) of the system pumps, the distribution system layout with transmission line sizes and major valves, pressure reducing stations, treatment facility, booster pumping stations and, if applicable, service zones.

Startup Capacity Evaluation. Provide a copy of the line diagram with the information as specified above to the water system operator and the SDWB.

- e. Critical areas of the water system where vandals could affect the production and storage of safe drinking water, such as the water source(s), control valves, pumps, disinfection system, and storage tanks should be protected from vandalism.

Startup Capacity Evaluation. Indicate how areas of the water system which could affect the production of safe drinking water are protected from vandalism.

(2) ADEQUATE SOURCE(S) OF WATER

- a. The water source(s) provides sufficient water (gallons per day) based on the applicable island's County Water System Standards and should meet the average daily and the peak water usage demands. If sufficient water is not available to meet the County water usage standards, the owner/developer will need to commit that the water limitations per meter or household shall be specified in the Declaration of Protective Covenants, Conditions and Restrictions (CC&R) for the subdivision or project. The CC&R will formally inform all prospective buyers of the water supply limitations.

The water system has an adequate water supply or the owner/developer has committed to stipulate that water limitations will be stated in the CC&R, prior to beginning construction of the water system as part of the pre-construction capacity evaluation.

Startup Capacity Evaluation. If water limitations to each service connection are necessary, provide a copy of the

CC&R recorded in the Bureau of Conveyances of the State of Hawaii, which stipulated the water limitations to the buyer.

- b. The raw water source for the water system must be DOH approved for drinking water use. Submit the engineering report for water source approval as required by Title 11, Chapter 20, Section 29 of the Hawaii Administrative Rules. If the engineering report evaluation is deemed satisfactory, the water source can be approved for drinking water use concurrently with the DOH's approval to start-up the water system.

The engineering report was evaluated as satisfactory to begin construction of the water system as part of the pre-construction capacity evaluation.

Startup Capacity Evaluation. The DOH approval for using the new water source for drinking water is pending.

- c. The water source(s) or watershed(s) is adequately protected based on a review of existing and potential contamination hazards. A description of how a protective area will be maintained around the source(s) or watershed should be provided.

The engineering report submitted for approval of a new water source was evaluated as satisfactory as part of the pre-construction capacity evaluation.

- d. The water system has sufficient water for the future, based on the average and peak water needs of the subdivision and the Commission on Water Resource Management (CWRM) authorized pumping rate from each source, or the CC&R shall stipulate water limitations. A five-year or more projected growth rate study shall be submitted.

Prior to the start of construction, as part of the pre-construction capacity evaluation, the water available for the five-year growth projection for water usage was evaluated as satisfactory or the owner/developer committed to stipulate the water limitations in the CC&R.

Startup Capacity Evaluation. If the County Water System Standards for water service will not be met, provide a copy

of the CC&R recorded in the Bureau of Conveyances of the State of Hawaii, which stipulated the water limitations.

(3) OPERATION OF THE WATER SYSTEM

- a. Operating procedures are available for the water treatment plant operators and/or distribution system operators. The operating procedures should include a description of the water system operation, the capacity of the storage tanks, the water level set points to trigger the pump on-off signals, operation of the treatment facility, and the disinfectant levels that must be maintained in the water system.

Startup Capacity Evaluation. Provide a copy of the water system operating procedures.

- b. The water system's water quality microbiological monitoring plan has been reviewed and is satisfactory to the SDWB.

Startup Capacity Evaluation. The water system's microbiological monitoring plan establishing the sample locations for the system must be reviewed and approved by the SDWB's representative on the island. Provide a copy of the water system's microbiological monitoring plan to the SDWB.

- c. The water system's implementation plans for the Phase II and V Rules, and the Lead and Copper Rule were reviewed and are satisfactory.

Startup Capacity Evaluation. Provide a copy of the water system's Phase II and V, and the Lead and Copper Rule implementation plans.

- d. The water system shall require disinfection, flushing, and microbiological testing of the newly constructed water system. The water system's operating procedures shall also require disinfection and post-disinfection microbiological testing of areas affected by repairs or modification during operation of the water system.

The water system construction plans require disinfection, flushing and microbiological testing after construction.

Startup Capacity Evaluation. Provide a copy of the microbiological test results after construction. The disinfection test results must be satisfactory. Provide also a copy of the water system's operating procedures requiring disinfection, flushing, and microbiological testing after repairs or system modification is complete. The operating procedures must be evaluated as satisfactory.

If the water system elected to post the project with appropriate signs, e.g., "the water system is under construction and the water is not drinkable" and maintain the distribution system filled with chlorinated water after satisfactory microbiological testing following construction, the water in the distribution system must be drained and refilled after the DOH approval to operate the water system is granted. Microbiological testing should also be conducted following refilling of the distribution system.

(4) ADEQUATE MAINTENANCE PROGRAM

- a. The water system has a preventive and corrective maintenance program which identifies the maintenance action, schedules the action, and records the maintenance performed.

Startup Capacity Evaluation. Provide a copy of the water system's preventive maintenance program.

- b. The water system has a cross-connection control and backflow prevention program. The program includes maintaining a list of the installed backflow prevention devices which require periodic retesting.

Startup Capacity Evaluation. Provide a copy of the water system's cross-connection and backflow prevention program.

(5) ACTUAL PERFORMANCE

- a. The water system has demonstrated a willingness to comply with the Federal and State primary drinking water requirements and other State permitting requirements.

Startup Capacity Evaluation. The SDWB will evaluate this attribute. No input is required from the water system.

3. MANAGERIAL CAPACITY EVALUATION

- A. Managerial capacity refers to the ability of the water system to manage itself, including clear ownership, organization, and communications; and accountability, adequate management, staffing, policies, training, and information management; and effective relationships with customers and regulatory agencies.

Managerial capacity is demonstrated by the following:

(1) CLEAR IDENTIFICATION OF WATER SYSTEM OWNERSHIP

- a. Provide the name of the water system's legal owner, and the owner's address, telephone number and fax number. If the legal owner will subsequently transfer ownership to the homeowners association or another non-profit entity, the CC&R or a notarized document should so state.

The information required was provided before beginning construction of the water system as part of the pre-construction capacity evaluation.

Startup Capacity Evaluation. A copy of the CC&R recorded in the Bureau of Conveyances of the State of Hawaii, that stipulated the transfer of the water system infrastructure, land, and easements, must be provided.

- b. The owner/developer owns the water source(s) and the land the infrastructure is to be built on, or has obtained leases, easements, or right of use of the property and access agreements. If the owner/developer will not retain ownership of the water system source(s), real estate and its physical assets, but will transfer ownership to the homeowners association or another entity, then the CC&R or a notarized document should so state.

The information required was provided before construction of the water system was started as part of the pre-construction capacity evaluation.

Startup Capacity Evaluation. A copy of the CC&R recorded in the Bureau of Conveyances of the State of Hawaii which stipulated the transfer of the water system

infrastructure, land, and easements must be provided.

(2) QUALIFIED MANAGEMENT

- a. Since the water system manager is responsible for policy decisions and compliance with Federal and State drinking water regulations, the water system manager must be qualified to manage the public water system through training and/or experience. The manager is also responsible for the water system completing the compliance monitoring and reporting responsibilities. The owner/developer will need to stipulate that a professional water systems operations company will be contracted to manage and operate the water system, in the homeowners association by-laws and the CC&R.

The commitment to use a qualified water system operations company to manage and operate the new water system was provided prior to construction of the water system as part of the pre-construction capacity evaluation.

Startup Capacity Evaluation. A copy of the signed contractual agreement between the water system owner and the water system operations company, and a copy of the homeowners association by-laws and the CC&R recorded in the Bureau of Conveyances of the State of Hawaii, that stipulates that a water system operation company will manage and operate the water system, must be provided.

- b. The water system should have a policy for the manager to keep up-to-date on new or revised Federal and State regulations and on drinking water industry technical changes which could improve their water system's performance. The manager should also use the information in a timely manner.

Startup Capacity Evaluation. The water system policy for the manager to keep up-to-date on new or revised drinking water regulations and to keep abreast of water system technical changes must be provided. The policy should also require the manager to use the information in a timely manner.

(3) STAFFING

- a. The water system management has established the appropriate operator certification class level for the distribution system (and the water treatment plant if applicable), and at a minimum, has assigned by names, the certified primary and backup operators.

Startup Capacity Evaluation. The operator certification class for the water system and the names of the primary and backup operators must be provided.

(4) CLEAR ORGANIZATIONAL STRUCTURE AND COMMUNICATIONS

- a. The relationship between the water system owner and the contracted professional companies (to manage and operate water system, and provide financial management services) needs to be understood. The developer/owner shall provide: (1) a chart showing the relationship or interface between the water system owner and the contracted companies, and (2) a chart showing the organizations of the companies contracted. The names of key personnel, their primary responsibilities, and telephone numbers should also be provided.

Startup Capacity Evaluation. Provide the water system organizational charts and requested information about key personnel.

- b. The water system operations company contracted has internal procedures on how to notify all customers on short notice (e.g., to boil water if a positive fecal coliform sample result is obtained).

Startup Capacity evaluation. The water system's procedures on how to notify customers about emergent actions on short notice must be provided.

(5) ADEQUATE EMERGENCY RESPONSE PLAN

- a. The water system has a written emergency response plan. The plan should include actions for plausible emergencies, abatement actions for each emergency, public notification procedures and specific responsibilities of key individuals.

Startup Capacity Evaluation. The water system's emergency response plan must be provided.

(6) ADEQUATE INTERNAL POLICIES

- a. Proposed modifications of the water system which could affect the DOH's approval of the water system must be brought to the attention of the water system manager for review and referral to the DOH as warranted.

The procedures for processing changes which could affect the DOH's approval of the construction plans during construction, were addressed before beginning construction of the water system as part of the pre-construction capacity evaluation.

Startup Capacity Evaluation. The water system's policy or operating procedure should require the water system manager to inform the DOH of significant proposed system modifications as required by HAR 11-20-30. The water system policy or operating procedure must be provided.

- b. The water system should have a standing policy for keeping the DOH informed of monitoring problems, violations, and information on problems, which could affect the delivery of drinking water in the future.

Startup Capacity Evaluation. The water system's policy or operating procedure for keeping the DOH informed of monitoring problems, violations, and problems which could affect the delivery of drinking water must be provided.

- c. The water system should have procedures for filing, record keeping, and tracking regulatory compliance of regulatory programs.

Startup Capacity Evaluation. The procedures for filing, record keeping and tracking of regulatory compliance must be provided.

(7) TRAINING

- a. The water system has an adequate operator refresher training program or has access to training classes. The training includes safety training on the hazards applicable to their jobs.

Startup Capacity Evaluation. The water system's refresher training program must be provided.

(8) EFFECTIVE EXTERNAL LINKAGES

- a. The water system has a booklet or other form of communication to inform each customer on the responsibilities of the customer and also, the responsibilities of the water system.

Startup Capacity Evaluation. The information booklet or other form of communication used to inform customers must be provided.

- b. The water system has a policy to inform customers of water quality problems in a timely manner.

Startup Capacity Evaluation. The water system policy or operating procedure to notify customers of water quality problems must be provided.

4. FINANCIAL CAPACITY EVALUATION

- A. Financial capacity refers to the financial resources of the water system, including an adequate budget, adequate fiscal controls and credit worthiness.

Financial management is demonstrated by the following:

Please identify documents considered business sensitive and annotate that the documents are the property of the water system. The State will return the documents within 30 days of completing the review.

(1) REVENUE SUFFICIENCY

- a. The water system has a five-year or ten-year business plan

or other projection which indicates sufficient revenue is generated to cover its annual operating and maintenance expenses, and repayment of loans, if any. The projected interest and inflation rates used shall be specified.

The initial five-year or ten-year business plan submitted before construction of the water system started was evaluated as satisfactory as part of the pre-construction capacity evaluation.

Startup Capacity Evaluation.

The business plan shall be evaluated as satisfactory and the association by-laws shall have provisions that the association Board of Directors (or equivalent) shall have the ability to raise fees, adjust the water rates, require a special assessment, or levy service charges, etc., to ensure adequate income is generated to maintain a viable water system. The contracted financial management company shall be required to provide to the following to the association Board of Directors:

- Periodic recommendations on revising the fees, adjusting the water rates, or other actions necessary to continue to generate sufficient funds to operate and maintain a viable water system. The changes in energy costs, interest rates, and inflation rates dictate the need for the periodic reviews on whether the water system's income is adequate.
- At a minimum, a yearly financial profit and loss statement for the water system operation.

Provide a copy of the bank account established for the operation and maintenance of the water system.

- b. The water system has reserve accounts for major component emergency repairs and planned replacement of major components at the end of service life. The reserve accounts should have sufficient detail, including a listing of the major components, the actual cost to purchase and install the components, the estimated service life of the components, and the projected replacement cost of the component at the end of service life. The interest and inflation rates used to obtain the projected replacement cost

at end of service life, should also be identified.

The reserve accounts for major component emergency repairs and planned replacement of major components at end of service life information submitted prior to construction were evaluated as satisfactory as part of the pre-construction capacity evaluation.

Startup Capacity Evaluation. The reserve accounts established for major emergency repairs and planned component replacements at the end of service life must be evaluated as satisfactory. The reserve accounts submitted shall have the up-to-date figures the operational and financial management companies will rely upon.

The business plan shall be evaluated as satisfactory and the association by-laws shall have provisions that the association Board of Directors (or equivalent) shall have the ability to raise fees, adjust the water rates, require a special assessment, or levy service charges, etc., to ensure adequate income is generated to maintain a viable water system. The contracted financial management company shall be required to provide to the following to the association Board of Directors:

- Periodic reviews on whether the major component emergency repair and replacement of major components at the end of service life accounts will have sufficient funds since changing energy cost, interest rates, and inflation rates all affect the viability of the accounts.

Provide a copy of the water system's bank account for the major component emergency repairs (must be fully funded) and the bank account to accumulate funds for major components replacement at the end of service life.

(2) FINANCIAL MANAGEMENT

- a. The water system shall have a financial organization with the necessary staff for billing customers, collecting payments, paying water system expenses, preparing budgets and providing annual financial reports to the owner.

The owner/developer's commitment that the homeowners

association by-laws and CC&R will stipulate that a financial management company will be contracted to provide the financial services, was evaluated as satisfactory prior to start of construction.

Startup Capacity Evaluation. Copies of the following documents are required: (1) a copy of the signed contractual agreement between the water system owner and the financial management company, and (2), a copy of the homeowners association by-laws and the CC&R recorded in the Bureau of Conveyances of the State of Hawaii stipulating that a property management company will assist in the financial management of the water system for the owner, are required. The financial management company's responsibilities should include:

- billing for the water delivered, collection of payments, and paying the water system bills;
 - maintaining the financial records;
 - providing proposed operating budgets for the association Board of Director approval;
 - maintaining the bank accounts for the operating and maintenance account, the major component emergency repair/replacement account, and the replacement of major components at end of service life account; and
 - providing periodic budget performance reviews.
- b. The water system will have procedures to safe guard the water systems financial assets, for example: annual budgets approved by the water system owner or authorized representative, budget performance reviews, a bank account for operating and reserve funds, and profit and loss statements.

Startup Capacity Evaluation. The contractual agreement between the water system owner and the financial management company shall identify the financial management company's responsibilities are identified in paragraph (2) a. above.

- c. The water system shall maintain detailed financial records which clearly identifies the sources of income and the expenses involved in operating the public water system.

Startup Capacity Evaluation. The signed contract with the financial management company should include the responsibilities in paragraph (2) a. above.

(3) CREDIT WORTHINESS

- a. The water system owner/developer is financially healthy and credit worthy.

The credit reports or other documentation on the financial health of the water system's owner/developer was evaluated as satisfactory prior to starting construction of the water system.

5. SATISFACTORY SANITARY SURVEY

- A. A sanitary survey of the water system has been conducted and all deficiencies identified have been satisfactorily addressed.
 - (1) The owner shall notify the DOH when the system construction is completed.
 - (2) The as-built certification by the engineer and a copy of the record or as-built drawings has been submitted to the DOH.