

Rules and Regulations

These Rules and Regulations have been adopted pursuant to the authority expressed in Section 7-105(j) of the Revised Charter of the City and County of Honolulu; and, in accordance with procedures established and prescribed in Hawaii Revised Statutes, Chapter 91.

These Rules and Regulations represent a compilation, recodification and general amendment to those previously existing rules and regulations governing the Board of Water Supply.

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Definitions

For the purpose of these Rules and Regulations, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used herein are defined as follows:

"APPROVED RECYCLED WATER USE SITE" refers to an area approved by the Department on which recycled water is applied.

"BOARD" shall mean the policy-making body, consisting of seven members, of the Board of Water Supply.

"MANAGER" shall mean the Manager and Chief Engineer of the Board of Water Supply or his authorized representative.

"BOARD OF LAND AND NATURAL RESOURCES" shall mean the policy-making body, consisting of six members, of the State Department of Land and Natural Resources.

"CESSPOOL" refers to an excavation in the ground which receives domestic sewage and/or discharges of a drainage system or part thereof, so designed as to retain the organic matter and solids discharging therein, but permit the liquids to seep through the bottom or sides.

"CHIEF ENGINEER" shall mean the Director and Chief Engineer of the Department of Public Works, City and County of Honolulu.

"CITY" shall mean the City and County of Honolulu.

"CONSERVATION DISTRICT" refers to those lands within the City and County of Honolulu bounded by the Conservation District line as established under the provisions of Act 187, S.L.H. 1961, and Act 205, S.L.H. 1963 and subsequent amendments thereto.

"CONSUMER" shall mean the person, firm, corporation, association, governmental department, or other legal entity whose name appears on the records of the Board of Water Supply as the party responsible and liable for receiving water service.

"CROSS-CONNECTION" shall mean any actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices, through which or because of which "backflow" can or may occur, are considered to be cross-connections.

"DAILY RECORDS" means information and data collected during a defined and consistently observed 24-hour time period such as 6:00 am to 5:59 am.

"DEPARTMENT" shall mean the governmental unit known as the "Board of Water Supply."

"DESIGNATED GROUNDWATER CONTROL AREA" means an area in which the State's Board of Land and Natural Resources finds that the groundwater must be regulated and protected for its best utilization, conservation, and protection in order to prevent threat of exhaustion, depletion, waste, pollution, or deterioration by salt encroachment or an area in which the Board of Land and Natural Resources finds that the groundwater must be regulated and protected in order to protect the groundwater resources from exhaustion, depletion, waste, pollution, or deterioration by salt encroachment.

"DEVELOPER" shall mean an owner or other person or legal entity with written authorization from the owner who intends to improve or to construct improvements upon his property. The term shall also mean a subdivider.

"DEVELOPMENT" shall mean the improvement of, or construction of improvements on, a lot. The term shall include subdivisions, planned development projects, cluster developments, site development plans and condominium projects.

Planned development projects, cluster developments and site development plans shall be as defined under the Comprehensive Zoning Code (CZC) of the City and County of Honolulu.

"DIRECTOR" shall mean the Director of Land Utilization of the Land Utilization Department, City and County of Honolulu.

"DISPOSAL WELL" refers to any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed into the ground for the diversion, injection, or disposal of wastewaters or other liquid wastes into any underground formation, except for shallow excavations in soil formations used for the disposal of irrigation tail water.

"DOH GUIDELINES" refers to Hawaii Department of Health's *Guidelines for the Treatment and Use of Recycled Water*.

"DOMESTIC USE" or "DOMESTIC WATER" refers to water meeting the requirements of P.L. 93-523 the "Safe Drinking Water Act" and all amendments thereto.

"HEAD LEVEL" means the groundwater elevation in feet at designated monitoring points in relation to sea level or as calculated by reference to bulkhead pressure measurements.

"INDIVIDUAL HOUSEHOLD AEROBIC TREATMENT UNIT" refers to a watertight receptacle which receives the discharge of domestic sewage, and is constructed so as to retain solids, digest organic matter through a period of detention and aeration, and allows the aerated effluent to discharge outside the tank into a subsurface disposal field or seepage pit.

"IRRIGATION TAIL WATER" refers to water remaining after irrigation of agricultural lands which the user intends to dispose of.

"MAIN" or "MAIN PIPE" shall mean the supply or distribution pipe to which service laterals are connected.

"NO PASS ZONE" means areas in which the installation of waste disposal facilities, which may contaminate groundwater resources used or expected to be used for domestic water supplies, shall be prohibited.

"NONPOTABLE WATER" shall mean water that does not meet State Department of Health drinking water standards.

"OWNER" imports the plural as well as the singular, and includes both the person, permittee operator, firm, partnership, association, estate, corporation or other legal entity that:

- a. Owns the land on which the well is or will be located.
- b. Operates the well under a lease, license or other similar form of agreement.

"PERMITTED USE" refers to the use or uses of land as permitted and defined under Regulation No. 4, Department of Land and Natural Resources, State of Hawaii.

"PESTICIDES" refer to toxic chemicals used to control insects, other pests and unwanted vegetation.

"PONDING" means retention of piped recycled water on the surface of ground or man-made surface for a period of 2 hours following the cessation of an approved recycled water use activity.

"PREVIOUS 12-MONTH MONTHLY AVERAGE" means the recorded consumption for billing during the last complete 12-month billing period prior to the declaration of a low water condition by the Board divided by twelve (12). Once the previous 12-month monthly average has been established for each consumer, it shall remain in effect, unchanged, for the duration of the declared low water condition or conditions.

"PRIVATE WATER SYSTEM" shall mean mains, valves, hydrants, pumps, tanks, and all appurtenances beyond the master meter which are necessary to provide water and fire

protection, and which shall be owned, operated, and maintained by the Association or other legal entity.

"PRIVATE WELL" means any well that is not owned by the Department.

"PROJECT WATER SYSTEM" shall mean the water system, to and within any development, including mains, valves, hydrants, laterals, pumps, tanks, reservoirs and all appurtenances necessary to provide water and fire protection for such development and, where necessary, sources of supply.

"PUBLIC WATER SYSTEM" shall mean the water system owned and operated by the Department.

"RECYCLED WATER" refers to oxidized wastewater that is filtered and disinfected to achieve bacterial concentrations consistent with DOH Guidelines for R-1 Water.

"REFUSE DISPOSAL DUMPS" refer to any specific land site where solid wastes or refuse of any type, except rocks, soil and agricultural leaf trash, are deposited, and where the site is not thereafter managed as a sanitary landfill.

"RESTRICTED WATERSHED" ("RW") shall refer to those areas defined by the State of Hawaii Department of Land and Natural Resources Regulation No. 4, dated October 2, 1964, and any subsequent legal revisions of said definition; such areas being delineated on maps on file at the Office of the Department of Land and Natural Resources and the Office of the Lieutenant Governor, State of Hawaii.

"SANITARY LANDFILL" refers to a method of disposing of refuse on land by confining the refuse to the smallest practical area, reducing the refuse to the smallest practical volume, and covering the refuse with a layer of earth at the conclusion of each day's operation.

"SEPTIC TANK" refers to a water-tight receptacle which receives the discharge of domestic sewage, designed and constructed so as to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge outside the tank into a subsurface disposal field or one or more seepage pits.

"SERVICE LATERAL" shall mean the main tap, pipes, fittings, valves and appurtenances from the main to, and including, the meter box and consumer's shut-off valve.

"SERVICE LIMIT" shall mean the maximum elevation to which adequate water service is available. The service limit shall be that elevation which is 100 feet below the spillway elevation of the supplying reservoir for the area.

"SEWAGE DISPOSAL SYSTEM" refers to an individual household treatment unit such as a cesspool, septic tank, or individual household aerobic treatment unit, with the effluent discharging into subsurface disposal fields or into one or more seepage pits.

"SEWAGE TREATMENT PLANTS" refer to man-made structures which subject wastewater to treatment by physical, chemical, or biological processes, or to a combination of such processes, for the purpose of removing or altering objectionable constituents, rendering it less offensive or dangerous to humans or other forms of life, and includes the reclamation of such wastewater at a level of quality suitable for reuse in some beneficial way.

"STABILIZATION POND" refers to a pond designed for the treatment of sewage by natural biological processes, with or without the addition of supplemental aeration or chemicals.

"STATE" shall mean the State of Hawaii, except where reference is clearly to another State, Territory, or possession of the United States.

"SUBDIVIDER" shall mean a person, firm, corporation, partnership, association, trust or other entity, or any combination thereof, who is the owner of the land to be subdivided or consolidated, or the duly authorized agent or lessee of the owner.

"SUBDIVISION" shall mean the division of land into two or more lots, parcels, sites, or other divisions of land, including designation of easements, for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to or interest in, any or all of such lots, parcels, sites, easements or other division. The term shall include resubdivision, and, when appropriate to the context, shall relate to the land subdivided.

"TEST BORINGS" refer to holes drilled for geologic-hydrologic exploration and not originally intended as water producing wells.

"USER" means any person, firm, corporation, association or agency receiving recycled water service.

"USER SUPERVISOR" refers to a person who is responsible for the day-to-day management and operations and maintenance of recycled water on the approved use site.

"WASTAGE OF WATER" is defined as causing, or permitting, the water in any well to reach any porous substratum, or to flow from the well upon any land, or directly into any stream, or other natural water course or channel, or into the sea or any bay, lake or pond, or into any street, road, or highway, unless to be used for beneficial purposes; provided, that this section shall not be so construed as to prevent the beneficial use of water by direct flow, or from storage reservoirs served by wells for irrigation, domestic and other useful purposes, except for driving machinery; provided, that water may be used for driving machinery, in case it is utilized afterwards for irrigation or other useful purposes.

"WASTEWATER" refers to water discharged after it has been used in some beneficial way, and which the user intends to dispose of in some manner. This definition excludes irrigation tail water to be disposed of as provided under the definition of "Disposal Well."

"WATER SYSTEM FACILITIES CHARGE" shall mean the fee to be paid by developers and consumers as their share of the cost of developing water system facilities.

"WATER RESOURCES" refer to all waters on or below the ground surface, regardless of quality.

"WELL" is defined to be, but not limited to, any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed into the ground for the location, exploration, diversion, or acquisition of any groundwater by natural pressure or artificial means; provided, that if and whenever groundwater is encountered in an excavation, for whatever purposes made, such excavation shall be considered a well and subject to these Rules and Regulations.

"WATER SERVICE" shall mean the complete installation of pipes, fittings, appurtenances and meter necessary to provide service to a consumer. This term also refers to the delivery of water to consumers.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 472, 1979; am BWS Res. 475, 1980; am BWS Res. No. 502, 1982; am BWS Res. No. 528, 1985; am BWS Res. No. 598, 1991; am BWS Res. No. 610, 1992; am BWS Res. No. 722, 2001]

CHAPTER I: WATER AND WATER SYSTEM REQUIREMENTS FOR DEVELOPMENTS

Sec. 1-101 Availability of Water

1. General Requirements

a. Extensions from and connections to the public water system will be approved by the Department where pressure conditions permit; provided, that the water meters are within the service limit except as provided for in Sec. 2-217, Elevation Agreement, and the Department has sufficient pressure and water supply available for domestic use and fire protection and can assume new or additional service without detriment to those presently being served.

b. The developer will be required to pay for and install, in accordance with these Rules and Regulations and the Standards of the Department, adequate water system facilities for the development.

2. Main Extension. If the Department's facilities in the area are inadequate, or where facilities are not readily available to serve a development, the developer must extend a water main from the nearest adequate facility. The water main so constructed, connecting the project water system to the nearest adequate public water system, is termed a main extension.

3. Water Supply to Areas Where No Public Water Supply Exists. In areas where there is no public water supply available to serve the development, plans and specifications for providing water sources, including wells, tunnels, shafts, pumps, buildings, mains and other appurtenant structures and devices, shall be in conformance with the Standards of the Department, and shall be approved by the Manager in their entirety prior to construction.

4. Availability of Water for Subdivision Applications. The Department will inform the Director as to the availability of water for subdivision applications referred to the Department.

5. Availability of Water for Proposed Developments. The Department may issue water commitments to proposed developments as follows:

a. Areas with Adequate Water Supply. The Department may issue advance water commitments to proposed developments in areas where the water system has adequate supplies to assume new or additional services.

b. Areas with Limited Additional Water Supply. The Department may restrict the issuance of advance water commitments to proposed developments in areas where the water system has limited additional supplies to assume new or additional services.

c. Areas with No Additional Water Supply. The Department shall not issue water commitments to proposed developments in areas where the water system has no additional supplies to assume new or additional services. The only exception shall be the issuance of a single 5/8-inch meter to proposed developments on existing single vacant lots.

The Department may establish guidelines for issuance of water commitments as indicated in Section 1-101, 5. a. and b.

6. Availability of water for large landscaped areas such as golf courses, parks, schools, cemeteries, and highways. If a suitable nonpotable water supply is available, the Department shall require the use of nonpotable water for irrigation of large landscaped areas.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 468, 1979; am BWS Res. No. 472, 1979; am BWS Res. No. 485, 1981; am BWS Res. No. 530, 1985; am BWS Res. No. 598, 1991; am BWS Res. No. 610, 1992]

Sec. 1-102 Water System Facilities Charges

Water system facilities charges shall be levied against all new developments requiring water supplies from the Department's system or additional water supplies from the existing services. Developers shall pay the water system facilities charges before water services are made available to the developments. A schedule of such charges is included in the Department's Schedule of Rates and Charges for the Furnishing of Water and Water Service.

The Department may negotiate water system facilities charges other than those in the schedule when it is determined that the schedule is inappropriate. The Department may also negotiate agreements with developers for payment of the actual costs of the installation of the necessary water system facilities or require the installation of the facilities by the developer in lieu of payment of water system facilities charges.

Water system facilities charges will not be levied on developments where the developer installs at his cost, a complete water system including source and transmission and daily storage facilities.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am and renum BWS Res. No. 468, 1979; am BWS Res. No. 472, 1979; am BWS Res. No. 528, 1985]

Sec. 1-103 Increase in Size of Water Mains

1. Increase in Size of Water Main Extensions for Service to Other Areas. Whenever the Department finds it is necessary that the water mains proposed to deliver water to a development should be of a greater capacity, in order to supply water and fire protection to other property, the Department will require the installation of a larger size main.

2. Increase in Size of Water Mains Within Developments for Benefit of Other Areas. Whenever, in order to provide for existing or future services beyond the boundaries of a development, the Department finds that the mains to be installed within the

development should be of greater capacity than would otherwise be required, the Department will require the installations of larger size mains.

3. Reimbursement of Additional Costs of Mains. When the developer is required to install a larger size main, for the reasons set forth in the preceding paragraphs, the department will reimburse the developer as soon as practicable after acceptance by the Department of the completed work for the additional cost of the installation over and above the cost of the mains that would have been required; provided, however, that in no case shall reimbursement be made of any portion of the cost of an 8-inch or lesser size main; provided that reimbursement will not be made where such larger main or mains will serve only those areas under the same ownership as the development under consideration.

After the installation has been completed and accepted by the Department, the developer shall furnish the Department with itemized costs incurred by him in the installation of the said larger mains. The eligibility for reimbursement of each item shall be left to the discretion of the Department.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 1-104 Sizes of Mains, Hydrant Spacing, Fire Protection

1. Sizes of Mains. Any development within the City and County of Honolulu shall provide water mains designed to deliver water in adequate quantities and pressures for domestic use and fire fighting.
2. Hydrant Spacing. The Department will determine the spacing and location of all hydrants. All fire hydrants required for adequate fire protection will normally be located within the development.
3. Fire Protection. The standards for fire protection, insofar as water supply is concerned, will be determined by the Department.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 1-105 Laterals, Dead-Ends, Alterations to Public Water System Contours

1. Laterals. Where water main construction is necessary, the developer shall provide each lot in a subdivision with a service lateral. As an alternate, one service lateral may be installed for each two lots.
2. Dead-Ends. Where water mains would result in dead-ends, interconnections may be required by the Department.
3. Alterations to Public Water System. All work and materials in connection with the change in location or grade of any part of the existing public water system made necessary by the development shall be at the expense of the developer.

4. Contours. When required by the Department, contours or elevations shall be furnished by the developer, based upon City and County datum.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 1-106 Construction Plans

1. Preparation of Plans. All construction plans shall be prepared by a registered engineer. Preliminary and final maps of developments to be reviewed by the Department shall fully conform to the definitions and requirements of the Rules and Regulations of the Planning Commission of the City.
2. Information to be shown on Construction Plans. The construction plans, insofar as the water system is concerned, shall show the following on standard size sheets measuring 22" x 36":
 - a. Name of development, name of developer, name of engineer, and location of development.
 - b. Date, North arrow, scale, tax key.
 - c. The proposed water system, complete in both plan and profile, reflecting the inter-relationship with street lines, lot lines, curb grades, sewers and drains, both existing and proposed, as well as any other features, natural or artificial.
 - d. Plan views drawn to a scale of one inch equals 40 feet or one inch equals 20 feet. Profile views drawn to a vertical scale of one inch equals 4 feet or larger. Manhole, fire hydrant, lateral and other details drawn to a scale of one half inch equals one foot or larger.
 - e. The designation, including alignment and width, of all easements for parts of the water system which will not be in street areas to be dedicated to the public.
 - f. A general layout map showing the entire development on one sheet with locations of lots and streets within the development and its vicinity, together with existing and proposed water systems.
 - g. A small key location inset or vicinity map showing the proposed development in relationship to streets and water mains in the area.
 - h. In cases in which the owner or developer also owns areas contiguous to the proposed development, or separated therefrom by a street, a sketch of the future street and lot pattern and the water system proposed to serve such contiguous areas shall be furnished for study with the construction plans.
 - i. All plans shall have the approval block at the lower right hand corner of the drawings except when the approval signature is on the title sheet.
3. Service Limit. Whenever a lot or lots within a development are at or near the service limit, the contour line of the service limit shall be shown on the construction drawings and subdivision map. A reasonable buildable area below the service limit shall be provided for the lot or lots in the development.
4. Approval of Plans. No construction of a water system, or any portions thereof, shall be undertaken prior to approval of the final construction plans by the Manager, the Director,

the Chief Engineer, and the State Department of Health. After said approval, the developer shall transmit three sets of all final construction plans to the Department.

5. Delays in Construction. If any period exceeding two years, or such extension as may be granted, passes without substantial progress in the construction of the water facilities, after approval of plans by the Department, the plans thereof shall be resubmitted to the Department for review and for making such changes as of Standards or amendments to these Rules and Regulations.

6. Filing of Tracings. Upon completion of the construction of a development, the developer must submit to the Department for filing, as-built construction plan tracings of the water system.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 562, 1988]

Sec. 1-107 Materials and Construction Standards, Installation of Water Service, Inspection of Work

1. Materials and Construction Standards. All materials, design and construction procedures, and workmanship, with respect to any project water system, or any portion thereof, shall be in accordance with the requirements and standards of the department and with the requirements of the State Department of Health and all other applicable legal authority. The Manager shall determine the capacity and location of any of the component parts of the water system.

2. Installation of Water Service. No water service will be approved, except a service for construction purposes, until the project water system has been completed and accepted by the Department. Private water systems installed above the service limit will not be accepted by the Department.

3. Inspection of Work. The Manager, or any employee representing him, shall have free access at all times to all installations made for the development and shall be given any assistance requested as well as every facility, information, and means of thoroughly inspecting the work to be done and the materials used or to be used.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 610, 1992]

Sec. 1-108 Ownership of Installed Water System

As a condition precedent to connecting the project water system to the public water system, the developer shall convey the water system, except when a private water system is proposed, to the Department and said system thereafter will be maintained and operated as a part of the public water system; provided, however, that the Department may refuse to operate and maintain facilities installed without the Department's prior approval. Prior to the commencement of water service, and as a prerequisite to such service, the developer shall deliver to the Department perpetual easements for all portions of the water system installed in other than publicly owned property. The developer shall also convey, without cost to the Department, fee simple title to all sites on which are located tanks, reservoirs, sources of supply, and pumps constructed by the developer and

connected to the public water system together with easements for access, water pipeline, and other necessary utility purposes.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 472, 1979; am BWS Res. No. 610, 1992]

Sec. 1-109 Modification of Requirements

When conditions pertaining to any development are such that the public may be properly served with water and fire protection without full and strict compliance with these Rules and Regulations, or where the development site or layout is such that the public interest will be adequately protected, such modification thereof as is reasonably necessary or expedient, and not contrary to law or the intent and purpose of these Rules and Regulations, may be made by the Department.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 1-110 Construction Agreement and Bond

To secure approval prior to construction of the required improvements, insofar as the construction of the project water system is concerned, and excepting private water systems, the developer shall enter into an agreement with the City and the Department to make, install and complete all of the required improvements within a specified time and file with the Director a surety bond or other security, as hereinafter specified, to assure the City and the Department the actual construction and installation of the improvements and utilities shown on the approved construction plans.

The agreement shall specify, insofar as the project water system is concerned, and excepting private water systems, that the developer will complete the same to the satisfaction of the Manager, and shall provide that if the developer shall fail to so complete such work within the time specified, or such extension as may be mutually agreed upon, the Department may complete the same and recover the full cost and expense thereof from the developer.

The bond or other security to be filed with the Director with the aforesaid agreement shall be one of the following (provided, that in all instances where a surety bond is filed, it shall be executed by the developer, as principal, and by a surety company authorized to transact a surety business in the State, as surety):

1. A surety bond in a sum equal to the cost of the work required to be done as estimated by the Manager; payable to the City and the Department, and conditioned upon the faithful performance of all work required to be done by the developer, and upon the further condition that should the developer fail to complete all work required to be done within a specified time, the Department may cause all work which is not finished to be completed, and the parties executing the bond shall be firmly bound for the payment of all costs therefor; or
2. Where the developer has entered into a contract with a reputable contractor, and has filed with the Director all three of the following: (a) a certified copy of his said contract and specifications, (b) a certified copy of the performance bond of his contractor, and (c) a surety bond in a sum equal to at least 50 percent of the cost of all work required to be done by the developer as estimated by the Manager and payable and conditioned as above set forth; or
3. The developer shall make a deposit of money with the Director, or a responsible escrow agent designated by the Director as agent of the city and the Department, in an amount equal to the cost of the construction of said improvements as estimated by the Manager. Under this arrangement, the agreement may provide for approved progress payments to be made to the contractor for materials used and services and labor performed out of said deposit as the work progresses; provided, that said progress payments shall at no time exceed the value of the completed portion of said improvements; or
4. In lieu of said surety bond or deposit in escrow mentioned in paragraphs numbered 1, 2 and 3 above, the developer may deposit with the Director bonds or other negotiable

securities acceptable to the Manager in the amount provided by paragraphs numbered 1, 2 or 3 respectively, of this Section.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 610, 1992]

Sec. 1-111 Repair and Replacement of Improvements

The developer shall enter into an agreement with the City and the Department and shall file with the Director, a surety bond to insure the repair and replacement of subdivision improvements excluding private water systems, for a period of one year from the date of acceptance by the City of the dedication. The amount of the surety bond shall be ten percent of the cost of construction as estimated by the Chief Engineer, Director of Recreation and Manager.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 610, 1992]

Sec. 1-112 Use of Nonpotable Water Required for Large Landscaped Areas

1. If the Department determines that a suitable nonpotable water supply is available, the Department shall require existing services to use nonpotable water for irrigation of large landscaped areas such as golf courses, parks, schools, cemeteries, and highways.
2. Upon such notification by the Department, the existing service holder(s) has no more than five (5) years to complete the conversion to nonpotable irrigation as may be required by the Department unless otherwise approved by the Manager. Failure to comply with these requirements may result in discontinuation of water service and/or penalties as authorized in section 2-205, 2b, and Section 5-501 of these Rules and Regulations.

[Eff 12/1/1991; BWS Res. No. 598, 1991]

Sec. 1-113 Review of Construction Plans and Building Permit Applications

1. General Requirements. The applicant, the Owner¹ (in situations where the applicant is not the owner), and the architect and/or engineer shall ultimately be responsible for producing complete plans and specifications which comply with the following requirements as applicable: Section 1-106, Construction Plans of the Department's Rules & Regulations, Water System Standards; the latest checklist for construction plans and building permit application submittals to meet fire protection requirements and water service for domestic use; water allocation requirements; and approved master plans.

If plans are determined to be incomplete, they will be returned without further review.

¹ Owner is defined as: 1) the fee simple owner; or (2) buyer of a property if a letter or authorization from the seller is submitted; or (3) lessee/tenant if a letter of authorization from the fee owner is submitted.

Notwithstanding approval, the applicant or the Owner (in situations where the applicant is not the owner) is responsible for all costs incurred during the construction of the project to comply with current Water System Standards or costs caused by a defect of reason, error, omission or negligence on part of the architect/engineer.

2. Maximum Time Limits. First reviews of building permit applications and plans and plan review of construction drawings and specifications for non-City projects submitted to the Department for approval shall be completed within the maximum time limits specified below.

PERMITS *Maximum Time Limit

Category I

Excavation Clearance	1 full working day
Test Boring	
Driveway construction	
Swimming pool/spas	

Category II

One (1) single-family dwelling on a vacant lot	2 full working days
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Category III

Non-residential development	6 full working days
Second single-family dwelling	
Ohana dwelling	
Multi-family high/low-rise development	
Addition/renovation to all existing residential development	
Variance for surface encroachment	

* All projects shall be evaluated for complexity upon submission of the building permit applications and plans and maximum time limits may not apply under conditions noted below.

PLANS REVIEW FOR NON-CITY PROJECTS Maximum Time Limit

Category I

On-Site Fire Hydrants, Offsite Utility and Water System Improvements for One-Lot Developments	8 working days*
New 3" and Larger Meters for One-Lot Developments	
Projects under Ordinance 2412 requirements	

Category II

New Utility Lines or other improvements that require water system adjustments	10 working days
Subdivision Water System Improvements for two to 50-lot developments, including On-site and Off-site fire hydrants	

Any other projects with valuation for water system improvements below \$49,999

Category III

Water System Improvements for 51 to 500 lots

16 working days

Transmission Mains (up to one mile/5,280 linear feet)

Exploratory Wells

And any projects with valuation for water system improvements between \$50,000 to \$999,999

Category IV

Water System Improvements for more than 500 lots

20 working days

Reservoirs and other Infrastructure improvements

Booster & Pump Stations

New Wells

Transmission Mains (more than one mile long)

And any other projects with valuation for water system improvements between \$1,000,000 to \$9, 999,999

* Applications affecting property that is subject to a zoning variance, or that fall within a potential slide area, special district or shoreline setback area shall be evaluated for complexity upon submission of construction plans and may be placed within a higher category. The applicant shall verify with the Department of Planning and Permitting if the project is subject to these requirements.

The maximum time limits shall begin upon receipt of the application and shall stop when the applicant is called for pick-up except under the following conditions:

Additional Plans. The Department may request the submission of additional sets of plans in order to accommodate the maximum time limit requirements. The Maximum Time Limit requirement starts on the day when the Department receives the required number of plans for review. Maximum time limits shall be extended by one day for each day the additional sets are due for up to three (3) working days.

If additional plan sets are not received within this period, all plan submittals then in receipt by the Department shall be returned without review.

Extensions. Extensions from the maximum time limit may be granted in the event of a national disaster, state emergency, or union strike, which would prevent the Department from reviewing permits or plans, or when adequately justified by the Department and mutually acceptable to the Department, the applicant, and/or owner.

Inapplicability. Maximum time limits shall not apply:

Where submittals fail to meet basic adequacy requirements noted in Section 1-113.1 above; or

Where the project is required to install/improve off-site facilities that are determined to be non-existent/inadequate, respectively, to accommodate the project; or

Where plans need to be coordinated with other City agencies; or

Where submittals are withdrawn by the applicant prior to completion of the review; or

Where the scope of work on subsequent submittals differs from the first submittal of plans; or

Where the area of the development is under moratorium by the Board; or

Where the applicant failed to obtain necessary discretionary permits or approvals (water allocations, and approved water master plans).

Second Review. Maximum time limits for a second review shall be one-half of the maximum time limits specified above. Plans that are not approved after the second submittal shall be subject to the provisions of Section 1-113.4.

3. Automatic Approval. Failure to complete review within the maximum time limits and applicable conditions as specified above shall result in automatic approval in accordance with the requirements of Chapter 91, Hawaii Revised Statutes. Automatic approval shall not be construed to be an approval of any violation of applicable codes, regulations, ordinances, standards, or waiver/inapplicability of any applicable charges.

4. Resubmittal of Plans. For plans that require more than one review, subsequent plan reviews shall be limited to revisions unless the scope of work is revised in which case plans will be subject to first plan review.

Applicants with plans not approved after a second plan review, may either:

Submit an Automatic Approval Form. A licensed architect or engineer may, on behalf of the applicant, submit an Automatic Approval form (provided by the Department) attesting that the remaining revisions have been addressed along with revised plans (not applicable only to Category IV, Plan Review projects). If it is found that plans are given the automatic approval without the necessary corrections in compliance with comments on second plan review, the Department will notify the applicant to take appropriate corrective measures at no cost to the Department. The Department may restrict the type of projects eligible for Automatic Approval based on the complexity of the scope of work; or

Request a Plan Approval by Appointment. The applicant may schedule an appointment with the plan reviewer(s) to discuss remaining comments. The applicant, the Owner (in situations where the applicant is not the owner), and the architect and/or engineer (for stamped plans) shall attend the appointment to discuss comments and resolve issues on the plans. Subsequent to the appointment, revised plans may be submitted and will be subject to the maximum time limits established for the first plan review, as established in Section 1-113.2.

[Eff 1/1/2000; BWS Res. No. 699, 2000]

CHAPTER II: WATER SERVICE TO CONSUMERS

Sec. 2-201 Application for Water Service

1. Any prospective consumer adjacent to a distributing main, where pressure conditions permit except as provided for in Sec. 2-217, Elevation Agreement may obtain water service; provided, that the Department has a sufficient water supply developed and available for domestic use and fire protection to take on new or additional service without detriment to those already served.
2. Each prospective consumer may be required to sign an application form for water service.
3. The consumer shall be responsible for payment of all charges for water service at the designated location. Charges will begin when the water service is established, and will continue until due notification from the consumer, or until discontinued by the Department for failure of the consumer to comply with these Rules and Regulations.
4. When an application for water service is made by a consumer who was responsible for and failed to pay bills previously rendered by the Department, regardless of location and within the statutory period of limitations, the Department may refuse to furnish water service to such applicant until the outstanding bills are paid.
5. A consumer taking possession of a property and using water without having made application for the transfer of water service shall be held liable for the water delivered from the date of the last recorded meter reading. If proper application for transfer is not made, and if accumulated bills for water service are not paid upon presentation, the water service may be discontinued five business days after written notice is given to the consumer.
6. The Department may require a deposit from any consumer or prospective consumer to guarantee payment of bills for service are other obligations to the Department.
 - a. The amount of the deposit may be the maximum estimated charge for service for two consecutive billing periods, or as may reasonably be required by the Department in cases involving service for short periods or special occasions, but shall be not less than \$10.00.
 - b. No interest on these deposits shall be accrued, or paid, to the consumer.
 - c. The deposit shall be retained as long as it is necessary to ensure payment of obligations to the Department.
 - d. If the deposit has not been returned by the time the consumer discontinues service or pays all outstanding obligations, the deposit shall be returned less all unpaid or outstanding charges.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 472, 1979; am BWS Res. No. 530, 1985; am BWS Res. No. 659, 1996]

Sec. 2-202 Installation of Water Service

1. Installation. Water service will be installed at the expense of the applicant. The Department will determine the size and location of all water services and the number of houses, buildings or dwelling units to be served by a single service.
2. Installation Charge. Installation charges shall be based on the cost of installation as established by the Department. Said charges shall be available for inspection at the offices of the Department.
3. Water System Facilities Charge. In addition to the installation cost, a water system facilities charge shall be levied against all new water service connections to the system or connections requiring additional water supplies from existing water services. A schedule of such charges is included in the Department's Schedule of Rates and Charges for the Furnishing of Water and Water Service. The charge shall be paid by the applicant prior to installation of water service.

Water system facilities charges will not be levied in developments where the developer has installed at his cost a complete water system including source and transmission and daily storage facilities.
4. Consumer's Supply Pipe. The consumer shall install and connect at his expense his supply pipe to the shut-off valve or outlet installed by the Department.
5. Location of Water Service. An applicant for water service to property fronting on private roads, lanes, etc., where there is no public water system, must extend his supply pipe to the nearest public street on which a water main exists. All meters shall be installed in the public sidewalk areas wherever possible.
6. Alteration to Public Water System. All work and materials in connection with the change in location or elevation of any part of the existing public water system, made necessary by the installation of the new service connection, shall be at the expense of the applicant.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 472, 1979; am BWS Res. No. 528, 1985]

Sec. 2-203 Meter Reading and Rendering of Bills

1. All water supplied by the Department will be measured by means of suitable meters registering in gallons.
2. Meters will be read and bills rendered monthly or bimonthly as determined by the Department. Special readings may be made, when necessary, for closing accounts or other reason. If a meter cannot be read, an estimated bill will be rendered, said bill to be calculated whenever possible on prior consumption.
3. Closing bills for short periods of time from the last meter reading date will ordinarily be determined by the amount of water actually used, as indicated by the meter reading, plus a proration of the service charge. In prorating service charge, the billing period for monthly bills shall be considered to be 30 days, and bimonthly bills to be 60 days. After July 1, 1980, there shall be no proration of service charge.

4. Readings of Separate Meters Not Combined. For the purpose of computing charges, all meters serving the consumer's premises shall be considered separately, and the readings thereof shall not be combined except in cases where the Department, because of operating necessity, installs two or more meters in parallel to service the same consumer's supply pipe.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 472, 1979]

Sec. 2-204 Payment of Bills

1. All bills shall be due and payable upon presentation to the consumer. Payment shall be made at the offices of the Department or, at the Department's option, to duly authorized collectors of the Department.

2. Any bill which is not paid within 30 days after the date of the bill shall be deemed delinquent. Water service may be discontinued five business days after written notice is given to the consumer.

3. A service fee for handling a dishonored check may be made in accordance with fees established by the Department.

4. A late payment charge may be applied to any delinquent balance payable to the Department. The late payment charge shall be assessed at the rate of one percent for each month or fraction thereof against the delinquent balance, beginning 30 days after the date of the bill.

5. For the purposes of this section, 'delinquent balance' includes any loan, fee, charge, or other liquidated sum which is 30 days past due to the Department, regardless of whether there is an outstanding judgment for that sum, and whether the sum has accrued through contract, subrogation, tort, operation of law, or administrative order.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 659, 1996]

Sec. 2-205 Discontinuation of Water Service

1. Consumer About to Vacate Premises. Each consumer about to vacate any premises supplied with water by the Department shall give notice of his intention to vacate, specifying the date service should be discontinued; otherwise, the consumer shall be responsible for all water service furnished to such premises until the Department has received a notice of discontinuance. Before buildings are demolished, the Department should be notified so the water service can be closed.

2. Water service may be discontinued for any of the following reasons:

a. Nonpayment of Bills. Water service may be discontinued for nonpayment of a bill five business days after written notice is given to the consumer.

b. Noncompliance with Rules and Regulations. If the consumer fails to comply with any of these Rules and Regulations, the Department will have the right to discontinue service.

- c. Unauthorized Use of Water. The Department may refuse or discontinue water service to any premises or consumer in order to protect itself against fraud, abuse or unauthorized use of water. For unauthorized use of water a surcharge may be assessed as established by the Department.
- d. Wasteful Use of Water. Where negligent or wasteful use of water exists on any premises, the Department may discontinue service if such conditions are not corrected within five business days after giving the consumer written notice of said conditions.
- e. Service Detrimental to Others. The Department, may refuse to furnish water, and may discontinue the service to any premises, where the demands of the consumer will result in inadequate service to others.

3. Where discontinuation of water service for any of the above reasons is proposed, the Department shall, prior to the proposed shut off, give to the water consumer at least five (5) business days notice. This notice shall specify to the consumer a reason for the proposed shut off as well as inform the consumer of the right to dispute the shut off by making appropriate inquiry to the Department at an address and/or phone number which shall be provided in the notice. The notice shall further inform the consumer that (1) once water has been shut off there will be a service fee charged for reinstatement of water service, and (2) in cases where the landlord pays the water bill, the consumer may transfer service to his or her name.

4. Procedures for contesting shut off:

- a. If the consumer wishes to dispute a proposed shut off, the consumer must, within five (5) business days from the date of the notice of shut off, request a billing conference of the Customer Service Division. Once a billing conference is requested, it shall be scheduled at the earliest reasonable opportunity for the consumer and in no case more than ten (10) days from the request and the consumer shall be given the option of having the conference over the phone or in person with the Customer Service employee who will conduct the billing conference.
- b. At the billing conference the consumer shall have the right to submit evidence, present and cross examine witnesses, and bring in an interpreter, or representative to aid in presenting his case. The consumer shall have the right to see the Department's records concerning his account, and the consumer has the right to reasonable explanation by the Customer Service employee for any matter concerning the proposed shut off. The Customer Service employee conducting the billing conference shall not have previously been involved in the case, shall not be swayed or effected in any manner by other Department personnel, and shall exercise impartial judgment in deciding the merits of the consumer's case.

The Customer Service employee conducting the billing conference shall be empowered to correct any errors in the billing, and to take whatever remedial action is necessary including a stay in order to make a just and fair resolution of the matter. The Customer Service employee conducting the conference shall make a final written decision within three (3) working days of the conference.

- c. If the consumer is dissatisfied with the decision by the Customer Service employee conducting the billing conference, the consumer shall have the right within five (5) business days of receipt of the written decision to appeal the matter as follows: first,

to the head of the Collection and Credit Section; second, to the Chief of the Customer Service Division whose decision shall be the final agency decision. However, the amount due must be paid into an escrow trust account after the billing conference with the Customer Service employee and will not be postponed pending the appeal with the head of the Collection and Credit Section or with the Chief of the Customer Service Division. In conducting an appeal all upper management personnel shall exercise the same impartial judgment required of the employee conducting the billing conference.

5. Where the water consumer is a tenant, the delinquent service holder is the tenant's landlord, and a discontinuation of the tenant's water service is proposed, the following special conditions will be observed:

a. Prior to shut off, notice to the tenant shall be accomplished by delivery of notice of discontinuation of water services described in Section 2-205 (3) to the tenant in person or to the premises being serviced.

b. At the same time the tenant shall also be notified that (s)he has the right and opportunity to place water service in his/ her own name. If the tenant consumer places water service in his/her own name and the changeover in service can be accomplished without serious mechanical and financial burden, the tenant will not be held responsible for the landlord's unpaid water bills.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am and renum BWS Res. No. 462, 1978; am BWS Res. No. 659, 1996]

Sec. 2-206 Restoration of Water Service

If water service is turned off because of failure to pay a bill, or for violation of any of these Rules and Regulations, all outstanding accounts against the consumer must be paid before service is restored. For the restoration of service, a charge based on the cost of turning on the water service must be paid by the applicant. Said charge shall be as established by the Department.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 2-207 Nonregistering Meters

If a meter fails to register due to any cause except nonuse of water, an average bill may be rendered. Such average bill will be subject to equitable adjustment, taking into account all factors before, during, and after the period of said bill.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 2-208 Meter Tests and Adjustment of Bills

1. Meter Tests. Any consumer, who for any reason questions the accuracy of the meter serving his premises, may request a test of the meter. The consumer, if he so requests, will be notified as to the time of the test and may witness same.

2. Adjustment of Bills for Meter Inaccuracy. If, as the result of test, the meter is found to register more than two percent fast under conditions of normal operation, the Department

will refund to the consumer the overcharge based on past consumption, for a period not exceeding six months, unless it can be proved that the error was due to some cause, the date of which can be fixed. In such latter event, the overcharge shall be computed back to, but not beyond, such date.

3. Underground Leak Adjustments. The Department may grant adjustments for excessive bills resulting from leakage in underground piping. This adjustment will be one-half of the excess consumption over a normal bill and will be granted only when repairs are made within two weeks after the consumer has been notified of the underground leak. For good cause shown to the Department, an extension of time to make repairs may be granted.

4. Control and Maintenance. The consumer has sole control of the water delivered through the meter and will be responsible for maintenance and repairs to pipes and fixtures on the consumer's side of the meter.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am and renum BWS Res. No. 477, 1980]

Sec. 2-209 Conservation Measures and Interruption of Water Supply

1. The Department will exercise reasonable diligence to deliver water to the consumer and avoid shortages or interruptions in service, but will not be liable for any interruption, shortage, insufficiency of supply, or any loss or damage occasioned thereby.
2. Whenever, in the Department's opinion, special conservation measures are advisable in order to forestall water shortages the Department may restrict the use of water by any means or method of control.
3. The Department reserves the right at any and all times to shut off water from the mains without notice for the purpose of making repairs, extensions, alterations, or other reason. Consumers dependent upon a continuous supply of water shall provide emergency water storage and any check valves or other devices necessary for the protection of plumbing or fixtures against failure of pressure or supply of water in the Department's mains. Repairs or improvements will be pursued as rapidly as practicable and, insofar as practicable, at such times as will cause the least inconvenience to the consumer.
4. The Department will not be liable or responsible for any damage to person or property caused by spigots, faucets, valves and other equipment that may be open when water is turned on at the meter, either when turned on originally or when turned on after a temporary shutdown.
5. The Department shall restrict the serving of drinking water to any customer unless expressly requested at any restaurant, hotel, cafe, cafeteria, or other place where food is sold, served or offered for sale. These restrictions shall not apply to catered groups of 25 people or more. Failure to comply with these requirements may result in the imposition of a fifty dollars (\$50.00) special assessment for each violation, or in the discontinuation of water service and/or penalties as authorized in Section 2-205, 2b, and Section 5-501 of these Rules and Regulations.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 597, 1991]

Sec. 2-210 Pressure Conditions

When the pressure of the Department's supply is higher than that for which individual fixtures are designed, the consumer shall protect such fixtures by installing and maintaining pressure reducing and relief valves. The Department will not be liable for damage due to pressure conditions caused by or arising out of the failure or defective condition of such pressure regulators and relief valves or for damage that may occur through the installation, maintenance, or use of such equipment.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 2-211 Damage to Department's Property

1. Any damage to water mains, service connections, valves, fire hydrants, or other property of the Department shall be paid for by the person, persons or legal entity responsible for the damage.
2. The consumer shall be liable for any damage to a meter or other equipment or property of the Department caused by the consumer or his tenants, agents, employees, contractors, licensees or permittees, and the Department shall be promptly reimbursed by the consumer for any such damage upon presentation of a bill therefor. In the event settlement for such damage is not promptly made, the Department reserves the right to discontinue water service to such premises.
3. When a meter is found to have been damaged by hot water or steam emanating from the premises served, the consumer shall pay all costs required to repair the meter.
4. No obstruction shall be placed on or around any water meter, fire hydrant, or valve so as to render it inaccessible.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 2-212 Ingress To and Egress From Consumer's Premises

Any officer or employee of the Department shall have the right of ingress to and egress from the consumer's premises at all reasonable hours, and at any hour during an emergency, for any purpose reasonably connected with the furnishing of water or other Departmental service and the exercise of any and all rights secured to the Department by law or these Rules and Regulations. In case any such officer or employee is refused admittance to any premises, or, being admitted, shall be hindered or prevented from carrying out his duties, the Department may cause the water service to be turned off at said premises five business days after written notice is given the consumer.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 2-213 Cross-Connection Control and Backflow Prevention

1. Prohibition of Certain Connections and Installations. In order to provide proper sanitary protection to the Department's water supply, and to comply with the applicable statutes, rules and regulations of the United States Environmental Protection Agency and of the State Department of Health, as presently adopted and from time to time amended, no cross-connections with other water supplies, or other physical connections, shall exist, or be installed, located, maintained or operated, which could permit backflow of contaminated water from the consumer's premises into the Department's water supply system, except as provided below:

a. Cross-Connections with Other Water Supplies. Existing water supplies which are in active use and cross-connected to the Department's system will be allowed only under the following conditions:

(1) Where such water supplies are regularly analyzed by the Department, or other agencies satisfactory to the Department, meet the requirements of the State's Safe Drinking Water Regulations and have no cross-connections which could permit backflow of contaminated water into those water supplies.

(2) Where such water supplies do not meet the requirements of (1) above, are not normally under pressure, and are maintained solely for fire fighting purposes, and, where adequate protection against backflow to the Department's water system is provided by mechanical means, or other methods or devices, satisfactory to the Department.

b. Other Physical Connections. Other physical connections may be permitted if, in the judgment of the Department, adequate protection can be provided the water supply of the Department against backflow by the installation of mechanical, or other methods or devices, approved by the Department, and installed, maintained and operated by the consumer in a manner satisfactory to the Department at all times; provided, however, that the Department may require the consumer to eliminate or rearrange designated plumbing or piping connections or fixtures, or to install a backflow device at the meter or other location, subject to the approval of the Department, whenever (1) the consumer is engaged in the handling of dangerous or corrosive liquids or industrial or process waters, highly contaminated water or sewage, or is engaged in the medical or dental treatment of persons who might have diseases transmittable by water; or, whenever (2) in the judgment of the Department there exists a danger of backflow into the Department's mains because of the possibility of unauthorized connections being created through noncompliance or inadvertence by reason of the complexity of the system or systems; or, because of failure by the consumer to provide adequately qualified personnel and supervision for maintenance and extension of the consumer's piping system or systems; or, for any other reason or cause deemed sufficient in the Department's discretion.

2. Separate Pressure System. The Department will require the installation of mechanical, or other methods or devices, on the consumer's side of the meter to prevent backflow whenever the consumer maintains a separate pressure system or a separate storage

facility; or, in any way increases the pressures of the water within his premises above the pressure furnished by the Department; or, has such equipment or arrangement of piping, storage or industrial methods or processes as might under certain conditions raise the pressure of the water within his premises above the pressure of the water in the mains of the Department. Plans for all such installations must be approved by the Department.

3. Location of Protective Devices. Any device installed for the prevention of backflow as may be required under these Rules and Regulations, shall unless the Department approves otherwise in writing, be located above ground, and in such location as to be safe from flooding or submergence in water or other liquids, properly protected from external damage, freely accessible, and with adequate working room for testing and repairing.

All such devices shall be tested at least once annually, and as often as required by the Department in those instances where successive tests indicate repeated failure. Repairs, replacement of parts, etc., shall be made whenever deemed necessary by the Department at the expense of the consumer. Making annual tests shall be the responsibility of the consumer, and shall be performed only by the consumer or such other qualified person or persons as may be acceptable to the Department. Records of all tests shall be made on forms prescribed by the Department, and a copy of each such record shall be promptly furnished to the Department. Failure of the consumer to make the proper tests and submission of records may, at the discretion of the Department, result in the Department's making the tests, needed repairs, and replacements, and charging the costs thereof to the consumer.

4. Conformance with Laws and Ordinances. The several conditions relative to installation and maintenance of cross-connections and other physical connections referred to in this Section shall be subject to the changing requirements of State and Federal health and environmental statutes, rules, regulations or other authority, and of the City and County of Honolulu Building Code.

5. Discontinuance of Water Service for Noncompliance. Failure on the part of the consumer to comply with the Department's requirements relative to cross-connections and backflow prevention will be sufficient reason for discontinuing water service until such time as the Department is satisfied the requirements have been met.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 472, 1979]

Sec. 2-214 Fire Service

1. Fire service will be furnished as a public service only where adequate provision is made to prevent diversion of water through such service for other purposes. The fire connection shall be paid for by the consumer. After the water is turned on, the Department assumes no liability for loss or damage of any kind whatsoever that may occur to the premises served, as a consequence of fluctuation in pressure or any other cause.

2. No charge will be made for water used through such service for fire protection purposes, but any water lost through leakage or used in violation of the conditions contained herein shall be paid for by the consumer at the regular schedule of water rates

and charges. The Department may disconnect and remove the said service if water is used for other than fire protection purposes or if leaks are not corrected. Whenever such disconnection is in effect, the Department shall not be in any way liable for loss or damage sustained due to the disconnection of service.

A ten-day written notice of the Department's proposed disconnection with reasons therefore will be given to the consumer before disconnection is effected by the Department.

3. Service charges will be in accordance with rates established by the Department.
 4. All fire services will be metered by a detector meter of a type approved by the Department. All services shall become the property of the Department after installation.
- [Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 472, 1979]

Sec. 2-215 Fire Hydrants

1. Use of Fire Hydrant. Any use of a fire hydrant, or tampering therewith, or the taking of water therefrom for purposes other than fire protection by persons other than authorized employees of the Fire Department or the Department is prohibited, except upon prior application to the Department.
2. Damage to Hydrant or Property. Any damage to fire hydrants, and the consequent resulting loss or damage to property, or any injury to persons arising from or out of the damage to fire hydrants shall be paid for by the person or legal entity responsible for the damage.
3. Change in Hydrant Location. The Department will, if it approves the request for a change in location of a hydrant, change such location, provided, the cost of all labor, material, equipment and all other charges are paid by the person requesting such change.
4. Maintenance of Private Hydrants. The consumer shall, at his own expense, test periodically and maintain in good and safe working condition all private hydrants under his control and not under the jurisdiction of the Department.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 2-216 Resale of Water

Unless specifically agreed upon, the consumer shall not resell any water received by him from the Department.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 2-217 Elevation Agreement

1. Where pressure conditions permit, two or more residential units may be constructed on an existing lot which is located above the service limit. The meter serving the lot shall be located within the service limit of the system. The water system within the lot, if required, shall provide for fire protection in accordance with the requirements of the Fire Department.

2. Where pressure conditions within the distributing main adjacent to the lots above the service limit is less than 40 psi, the existing vacant lots may be serviced provided only one single-family home is constructed on the lot. For existing lots that are located along the water main between a reservoir and the service limit, a maximum of two (2) single-family homes will be allowed.

3. Where pressure conditions permit, subdivisions served by a private water system will be permitted above the service limit. The master meter serving the private water system shall be located within the service limit of the system. As a condition of providing water service to subdivisions above the service limit with private water systems, the Department will require the formation of an Association, which shall be organized and managed so that it substantially conforms with the requirements of Section 514A-83.6 Hawaii Revised Statutes. The Association shall name the Department as an additional insured in its general liability insurance policy and shall be financially responsible for the operation and maintenance of the private water system.

4. Where the floor elevation of a unit is less than 70 feet below the spillway elevation of the reservoir, a receiving tank with air gap, in accordance with the Department's requirements, and a pump shall be installed. The consumer shall permit the Department to inspect the installation for compliance with departmental requirements.

5. The prospective consumers or associations shall enter into an agreement with the Department agreeing to accept such water service as the system is able to provide and to hold the Department harmless for all claims due to any inadequacy of water supply.

The Department will record the agreement at the Bureau of Conveyances.

[Eff 9/5/1979; BWS Res. No. 472, 1979; am and renum BWS Res. No. 530, 1985; am BWS Res. No. 591, 1991; am and renum BWS Res. No. 610, 1992]

CHAPTER III: PROTECTION, DEVELOPMENT AND CONSERVATION OF WATER RESOURCES

Sec. 3-301 Waste Disposal Facilities

1. All plans proposing the following waste disposal facilities must have the written approval of the Manager:
 - a. Sewage disposal systems.
 - (1) Cesspools.
 - (2) Septic tank systems.
 - (3) Individual household aerobic treatment units.
 - b. Disposal wells.
 - c. Sanitary landfills.
 - d. Refuse disposal dumps.
 - e. Sewage treatment plants.
 - f. Stabilization ponds.
 - g. Any other wastewater disposal facilities.
2. The Department may establish "No Pass Zones" which shall be delineated on "No Pass Zone" maps. These maps shall be used as guidelines in implementing this Section.
3. The Manager may at his discretion, withhold his approval, if there is any basis to expect that the operation of the proposed waste disposal facility and any wastewater therefrom may to any degree affect the quality and/or quantity of water resources used or expected to be used for domestic water.
4. If the Manager disapproves a proposal, he shall inform the applicant in writing of the facts and reasons upon which his disapproval is based and afford the applicant an opportunity for an informal appeal hearing. Any applicant who is aggrieved by the Manager's decision and desires reconsideration of such decision shall petition the Manager in writing within 30 days from the date of receiving such decision. The applicant should base his request for reconsideration on pertinent technical data, including boring logs which indicate that the proposed waste disposal facility in the "No Pass Zone" would not contaminate groundwater resources used or expected to be used for domestic water supplies. If after the hearing, the request for reconsideration is disapproved by the Manager, the applicant may appeal the decision to the Board, which shall have the power to affirm, modify or reverse the decision of the Manager so appealed from. Such appeal shall be taken within 30 days after the final decision of the Manager.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am and renum BWS Res. No. 502, 1982]

Sec. 3-302 Surface Waters

The subject of surface waters shall be governed by the appropriate and applicable Federal and State statutes, rules, regulations, directives and standards as currently exist and as may, from time to time hereafter be amended.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 3-303 Use of Pesticides

1. Any person planning to use pesticides on lands within the "RW" (Restricted Watershed) Conservation District Subzone, Department lands and installations, must obtain written approval from the Manager in addition to any other approval or permit required by law.
2. The Manager may prohibit or restrict the use of pesticides in any area when there is a reasonable basis to expect the pesticide will affect the quality of water resources used or expected to be used for domestic water.
3. If the Manager proposes to prohibit or restrict the use of pesticides in an indicated area, he shall inform the users of pesticides in the area of those facts and reasons upon which his prohibition or restriction is based, and afford the users an opportunity to be heard before taking action.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 3-304 Protection of Water Resources

1. Pursuant to the applicable provisions of the Revised Charter of the City and County of Honolulu, any proposed amendments to the "General Plan" and "Development Plan" of the City and County of Honolulu shall be reviewed by the Manager.
2. Whenever applications for any land use activity within the Conservation District in the City, whether permitted or not by State or City agencies, are submitted to the Manager for his review, the Manager shall investigate the effects the proposed use may have on water resources.
3. The Manager may recommend disapproval, within 30 days, if he finds any reason that the proposed activity could affect water resources and may be a detriment to the water resources used or expected to be used for domestic water.
4. If the Manager recommends disapproval, he shall inform the applicant of those facts and reasons upon which his disapproval is based, and shall afford the applicant an opportunity for informal hearing before the Manager prior to making a final decision.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 3-305 Application for Drilling, Modifying, Recasing, or Reusing Wells

1. An application for drilling each new well to develop water; modifying, recasing or changing the use to other than originally practiced or approved of an existing well from which water is to be drawn; or reusing for water development purposes any well which has been unused for a period of five years or more, shall be made to the Manager in writing, signed by the Owner, and shall include such of the following as are pertinent:

a. Name, signature and post office address of the applicant and/or the Owner of the property on which the well is located. In the event that the Owner of the land on which the well is located and the Owner of the well are not the same, written notarized permission from the Owner of the land shall be filed with the application.

b. A plan or drawing showing the proposed work, and a plot plan showing the well location referenced to the nearest property corner, City survey monument or government triangulation station.

c. A statement of the nature, purpose and extent of the proposed usage of the water and/or the facility.

d. A map showing the land area to be served from the well.

e. Specifications for the proposed work, including:

(1) The length, nominal diameter, thickness, material, type of joints and kind of casing or lining.

(2) A plan of the well showing:

(a) main control valve, fittings, appurtenances required by Section 3-309 of these Rules and discharge pipes leading from the well;

(b) size, type, capacity and kind of pumps or tanks, if any;

(c) buildings and manholes;

(d) plan and description of meter or other facility or method of recording output;

(e) a vertical cross section of the well including details of casing or lining, grouting of annular space, and open hole.

(3) The elevation of the top of the well control valve, or of the top of the casing, and the approximate elevation of the ground at the well head.

2. A fee of One Hundred Dollars (\$100.00) shall accompany each application for the drilling or excavation of each new well for water development. In addition, before the permit is granted, a permittee bond for each new well, meeting the following requirements, shall be submitted to the Manager:

a. The amount of the bond shall be set by the Manager but in no case shall the amount be greater than \$25,000.

b. The amount of bond as set by the Manager shall include the cost of sealing the well in accordance with these Rules and Regulations should it be necessary to abandon the well for any reason prior to its completion.

c. The bond shall be effective for a period covering the life of the drilling contract plus 30 days.

d. The payee of the bond shall be the Department, and the payor shall be the Owner of the well or his agent.

3. Application forms for drilling, modifying, recasing, or reusing wells may be obtained at the offices of the Department.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 3-306 Permit for Drilling, Modifying, Recasing, or Reusing Wells

1. An application for drilling each new well to develop water; modifying, recasing, or changing the use of an existing well from which water is to be drawn; or reusing for water development purposes any well which has been unused for a period of five years or more will be reviewed and acted upon by the Manager within thirty (30) calendar days after receipt.

2. Before a permit is granted, the Owner will be required to furnish an agreement to perform the work in accordance with these Rules and Regulations, and thereafter to operate and maintain the well in accordance with the laws of the State of Hawaii and these Rules and Regulations.

3. The Manager shall classify all wells, guided by Figures 1 and 2, included herein, and by the fundamental criteria that the primary purpose of these Rules and Regulations is to assure public safety, water conservation, prevention of groundwater degradation and/or pollution, and the obtaining and recording of geologic and hydrologic information. The Manager may reclassify any well while work is in progress if the geologic and hydrologic information that then becomes available does not substantiate his original classification. The Manager's classification of the well shall be the basis of application of these Rules and Regulations.

4. The Manager may refuse to grant a permit to drill a new well or to modify, reuse, or recase an existing well if there is a reasonable basis to expect that the proposed work will affect groundwater resources by:

a. Causing or bringing about overdraft conditions, or

b. Excessive lowering of the ambient groundwater table, or

c. Causing or bringing about excessive salt water intrusion, excessive mineralization or other degradation of water quality, or

d. Interfering with the operations of existing established water sources.

5. If the Manager elects to refuse a permit, he shall inform the applicant of the facts and reasons upon which his refusal is based and afford the applicant an opportunity for informal hearing before taking action.

6. This permit shall be valid for a period of one year (365 calendar days) from the date of issuance.

7. The Owner or his authorized representative shall notify the Manager when drilling work, including the installation of the casing, is completed, but prior to installing any equipment or appurtenances on or in the well.

8. No work, as stated in paragraph 1 above, shall commence without a permit.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 3-307 Suspension of Permit and Correction of Defects

1. Whenever it shall appear that any well work for which a permit has been granted by the Manager is not being done in accordance with the conditions of the permit or agreement mentioned in Section 3-306, the Manager shall notify the Owner to appear before him at a time and place designated in the Notice to show cause why the permit should not be suspended or revoked and the well sealed, or put in proper condition by the Owner. The Notice shall contain a brief statement of the grounds for suspension or revocation. After such hearing the Manager shall render his order as to revocation, suspension or continuation of the permit. The order shall be subject to appeal as provided in Section 5-502.

2. Whenever the Manager shall find that any well is not being maintained or operated in accordance with these Rules and Regulations, the Manager shall notify the Owner of such well to take whatever steps may be necessary to remedy the defect at the Owner's expense within a time specified in such Notice. If the Owner fails to comply with such Notice, and remedy the defect within the specified time, the Manager may do such work as may be necessary to put the well in proper condition at the expense of the Owner, or he may take necessary action to enforce the penalty provided by law.

3. The Notice provided in the preceding paragraphs 1 and 2 may be served by delivery to the Owner, or by delivery thereof to his last known place of business or residence, or by registered mail addressed to his last known post office address, not less than ten (10) days nor more than thirty (30) days before the date set for hearing, or time specified for correcting the defect, as the case may be.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 3-308 Well Casing

1. Whenever there is any reasonable basis to anticipate that any well subject to these Rules and Regulations could result in wastage or contamination of water resources, the Manager shall require the well to be cased, recased, lined or relined.

2. For all new and/or modified wells wherein casing is required, the casing and joints shall be of a quality conforming with the latest American Water Works Association specifications, or any other material approved by the Manager. If the casing is of steel material, it shall conform to the following minimum thickness.

TABLE OF CASING THICKNESS

Nominal Diameter of Casing (In.)	Casing Thickness (In.)
2	0.154
2-1/2	0.203
3	0.216
3-1/2	0.226
4	0.237
6 - 8	0.250
10	0.312
12	0.312
14	0.312
16	0.375
18	0.375
20	0.375

For well diameters greater than 20",
casing thickness shall be as specified by the Manager.

The well owner shall insure that proper precautions are taken during installation to prevent collapse.

3. In all new and/or modified wells wherein casing is required, the annular space shall be grouted in a manner approved by the Manager from a depth set by the Manager to the ground surface.
4. Joints in the steel casing may be either welded or of the screwed type with external sleeves. Welded joints are to be made by a State certified welder. External sleeve joints shall be screwed to refusal before being lowered into the ground. The threads of the pipe casing and the sleeves shall be cleaned of any rust, dirt or grease and given a coating of approved metal preservative. After the joint has been made up, all exposed surface of the joints, sleeves and uncovered threads are to be given a final coating of the same preservative.
5. The lower end of the casing shall be set at such depth and by such method, chosen by the contractor and approved by the Manager, as will minimize the possibility of leakage and insure that any loose material will not enter or ravel into the well. Tests for leakage in and around the casing shall be conducted under the direction of the Manager after drilling or recasing is completed. For the purposes of such tests a suitable standpipe shall be temporarily installed by the Owner at his own expense when so requested by the Manager.

6. Should a well casing be found to be leaking and causing wastage of water or contamination of water resources, the Owner must either stop the leak or seal the well at his own expense, and in a manner satisfactory to the Manager.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 3-309 Other Requirements for Wells

1. For all new wells constructed after March 1972 from which water is to be drawn, the Owner shall provide and maintain the following at his own expense:

a. Devices satisfactory to the Manager for measuring and recording total draft. Where the well is one of a battery of interconnected wells, a centralized measuring and recording facility may be installed.

b. Means to determine water level satisfactory to the Manager.

c. Adequate access and clearance for well drilling equipment.

2. For all new artesian wells constructed after March 1972, wherein the static water level can rise to the well head, the Owner shall provide and maintain the following equipment at his own expense in addition to that required in paragraph 1 above:

a. A valve of the same diameter as the well casing, so arranged as to facilitate the introduction of instruments for inspection and test purposes, the valve shall be capable of stopping the flow from the well and shall be installed directly at the top of the well casing.

b. A valve or petcock 1/4" or larger shall be installed below the valve required in paragraph (2a) above, for periodic testing of the well or sampling of the water under static conditions.

c. Clearance at the well to permit the well casing to be extended above the altitude of the static artesian head.

3. The replacement of pumps or other equipment at a well for its control and operation that will materially increase the output from the well shall be subject to the approval of the Manager, measured by the criteria set forth in Section 3-306(4). The Manager's decision whether or not to approve shall be made within two weeks after receipt of the notification.

4. The Manager shall be notified at least 48 hours before the Owner removes pumps or other devices installed in the well bore. When such devices are removed, the Manager shall be allowed access to the cleared well for inspection and measurements. In emergencies, the Manager shall be notified as soon as practicable after the devices are removed.

5. The Owner of any well subject to these Rules and Regulations shall be responsible for providing adequate safeguards at the well at his own expense, so that any person permitted to be on such property where the well is located shall not be exposed to any dangerous hazard or nuisance.

6. For all wells constructed prior to March 1972, wherein the static water level can rise to the well head, the Owner shall provide and maintain an operable control valve to prevent unnecessary wastage.

Sec. 3-310 Log of Well, Length of Casing and Depth of Well

1. The Owner shall require that the well driller maintain a continuous log of the drilling of the well, including a description and samples of the materials encountered, together with the depths to the top and bottom of each change in geologic characteristics. The log shall include a record of water levels encountered, any changes thereof, and the rate of flow at the surface, if any, for different depths of drilling.

2. Within ninety (90) calendar days after construction of each well, the Owner shall submit a Driller's Report to the Manager on forms approved by the Manager.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 3-311 Qualifications of Well Drillers

The drilling, modifying, recasing, reusing, or sealing of any well shall be done only under the direct supervision of personnel properly certified by the Department of Regulatory Agencies, State of Hawaii.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 3-312 Inspection of Work

The Manager may supply an inspector, whose duties shall be to obtain and report the progress of the work of drilling, modifying, recasing, reusing, or sealing of wells. The Manager and his assistants or inspectors shall have free access to all parts of the work at all times, and shall be given any assistance required and every facility, information and means of thoroughly inspecting the work and the materials used or to be used.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 3-313 Utilization of Well Water

1. All water wells shall be operated in a manner that will readily and effectively prevent wastage and pollution of water. The Manager may exclude high-level tunnels from the provisions of this section if it is specifically determined in each case that wastage of water therefrom cannot be reasonably corrected.

2. The Manager may limit the amount of water drawn from any well covered under these Rules and Regulations if there is a reasonable basis to expect that the overdraft will:

- a. Cause or bring about overdraft conditions, or
- b. Excessively lower the ambient groundwater table, or
- c. Cause or bring about excessive salt water intrusion, excessive mineralization, or other degradation of water quality, which may render a domestic water source unfit for such purposes, or
- d. Interfere with the operations of existing established water sources.

3. If the Manager proposes to limit draft from any well, he shall inform the Owner of sufficient facts and reasons upon which his limitation is based, and afford the Owner an opportunity for informal hearing before taking action.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 475, 1980]

Sec. 3-314 Data Relating to Wells

1. Every Owner or user of any well in the City shall, upon request of the Manager, disclose the location of such well and all other facts or information within his knowledge or possession relating to such well. He shall include a statement of the manner in which the well is being used or operated, the volume of water being drawn or flowing therefrom, and the method and means of control thereof.

2. Owners of wells in existence on October 1, 1959 shall not be required to alter or augment existing facilities or appurtenances to obtain data, but shall assist the Manager, when required, in installing facilities or altering or augmenting existing facilities at the discretion and cost of the Department in order that such data may be obtained.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 3-315 Test Borings

1. The driller shall notify the Manager prior to any test boring work.

2. The driller shall submit a completed information form within ten (10) calendar days after giving notice of proposed test borings. Forms may be obtained at the offices of the Department.

3. If information discloses that there is any reasonable basis to anticipate that the test borings would cause contamination or wastage of groundwater resources, the driller shall complete the work at his own expense in a manner satisfactory to the Manager.

4. No fee is required for test borings.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 3-316 Abandonment and Sealing

1. Every Owner or user of any well in the City and County who fails to demonstrate actual use of the well for a period of five (5) years, shall be notified that said well is verified as abandoned.

2. Abandoned wells shall be sealed by the owner at his own expense within a reasonable period after notification. The sealing method chosen by the Owner shall be approved in writing by the Manager and shall assure protection of groundwater resources against wastage and contamination.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976; am BWS Res. No. 472, 1979]

Sec. 3-317 Access to Wells and Appurtenances

Any member and any authorized representative or employee of the Department shall have free access to all wells and their appurtenances at any reasonable time for the purpose of inspecting or testing or securing such hydrologic or other information as the Manager may deem necessary.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 3-318 Low Groundwater Level Conditions

1. Caution Low Groundwater Condition

A caution low groundwater condition exists:

- a. At any time during the period in which three or more of the groundwater head levels at the areas listed in Schedule I fall below the levels designated in Column A of said schedule for said areas.
- b. Whenever chloride content rises 8 ppm but less than 12 ppm over three consecutive months at sufficient sources to hamper operations.

The Board may at any time during the period in which a caution low groundwater condition exists:

- a. Inform the public that a Caution Low Groundwater Condition exists.
- b. Conduct an intensive public appeal for water conservation through the mass media.
- c. Institute voluntary irrigation and other water use schedules to reduce water consumption.
- d. Send letters to large consumers and other private well operators asking them to cut back their usage.

2. The Manager shall, at each regular Board meeting while a caution low groundwater condition exists, report to the Board the status of the head and chloride levels of the Department's facilities; the weekly average of daily pumpage; the effectiveness of the voluntary conservation measures being advocated; recommendations to increase or decrease public appeals to conserve water, and such other information which the Board may desire or require from time to time to evaluate the status of the low groundwater condition and make modification to the voluntary conservation measures being advocated.

3. Alert Low Groundwater Condition

An alert low groundwater condition exists:

- a. At any time during the period in which three or more of the groundwater head levels at the areas listed in Schedule I fall below the levels designated in Column B of said schedule for said areas.
- b. Whenever chloride content rises 12 ppm but less than 16 ppm over three consecutive months at sufficient sources to hamper operations.

The Board may at any time during the period in which an alert low groundwater condition exists:

- a. Declare that an alert low groundwater condition exists. An alert low groundwater condition shall continue to exist, once it is declared by the Board, until such time as the Board declares that the condition is terminated.
- b. Implement mandatory restrictions within the scope of these Rules and Regulations.
- c. Punish offenders within the scope of these Rules and Regulations.

4. Critical Low Groundwater Condition

A critical low groundwater condition exists:

- a. At any time during the period in which three or more of the groundwater head levels at the areas listed in Schedule I fall below the level designated in Column C of said schedule for said areas.
- b. Whenever chloride content rises 16 ppm or more over three consecutive months at sufficient sources to hamper operations.

The Board may at any time during the period in which a critical low groundwater condition exists:

- a. Declare that a critical low groundwater condition exists. A critical low groundwater condition shall continue to exist, once it is declared by the Board, until such time as the Board declares that the condition is terminated.
- b. Implement mandatory restrictions within the scope of these Rules and Regulations.
- c. Punish offenders within the scope of these Rules and Regulations.

5. The Manager shall, at each regular Board meeting while a declared alert or critical low groundwater condition as provided herein is in effect, report to the Board the status of the head and chloride levels of the Department's facilities; the weekly average of daily pumpage; the effectiveness of the restrictions and allotments in force; recommendations to increase or reduce restrictions and allotments; and such other information which the Board may desire or require from time to time to evaluate the status of the low groundwater condition and make modifications to the restrictions and allotments imposed.

[Eff 8/14/1978; BWS Res. No. 459, 1978; am BWS Res. No. 475, 1980; am BWS Res. No. 624, 1994]

Sec. 3-319 Mandatory Restrictions Related to Alert Low Groundwater Condition

1. Board of Water Supply Consumers

During an alert low groundwater condition period, the Board may set lawn and ground cover water irrigation restrictions on any of the Department's consumers. Such restrictions may relate to the time when such irrigation may take place and the quantity of water used and may be different for the various classes of the Department's consumers as the Board shall determine. In addition, the Board may establish water allotments for commercial, residential, industrial, military,

governmental, and agricultural consumers. The allotment shall not be less than 90% of the previous 12-month monthly average or less than 350 gallons/day for single family and duplex residences.

2. Private Wells

During an alert low groundwater condition period, the Board may ask owners of private wells to comply with maximum monthly water allotments established for each private well or battery of private wells. Such allotments shall be stated as a percentage of the highest average daily draft for each month of the year over the last 5 years prior to the effective date of declaration by the Board.

Example: John Doe Well - Average Daily Pumpage Each Month

Jan.	2.3 mgd	1.7 mgd	*2.4 mgd	2.0 mgd	1.9 mgd
Feb.	1.8 mgd	1.9 mgd	1.8 mgd	*2.0 mgd	1.8 mgd
Mar.	*1.9 mgd	1.8 mgd	1.8 mgd	1.7 mgd	1.8 mgd
Apr.	2.2 mgd	2.0 mgd	*2.6 mgd	2.3 mgd	2.3 mgd
etc.	etc.	etc.	etc.	etc.	etc.

*Highest Average Daily Pumpage for Each Month of the Year Over the Last 5 Years for John Doe Well

Jan.	2.4 mgd.
Feb.	2.0 mgd.
Mar.	1.9 mgd.
Apr.	2.6 mgd.
etc.	etc.

In no case shall the allotment be less than 90% of the highest average daily draft for each month of the year over the last 5 years. Any owner of 2 or more separate wells may regulate the draft of their wells so that aggregate monthly draft will not exceed the combined monthly allotment for all of their wells.

3. Department personnel may issue warnings and citations for violations of mandatory restrictions set by the Board.

[Eff 8/14/1978; BWS Res. No. 459, 1978; am BWS Res. No. 624, 1994]

Sec. 3-320 Mandatory Restrictions Related to Critical Low Groundwater Condition

1. Board of Water Supply Consumers

The Board may declare that one or more of the following restrictions shall apply to any or all classes of the Department's consumers. Such restrictions may relate to the time when the uses listed in this paragraph may occur and the quantity of water used and may be different for the various classes of the Department's consumers as the Board may determine.

- a. Limits on lawn and ground cover water irrigation.
- b. Limits on plant and garden irrigation.
- c. Limits on the washing of cars, boats, trailers, and other vehicles.
- d. Limits on the filling of swimming pools and other types of pools and ponds.
- e. Limits on the washing of sidewalks, walkways, driveways, patios, parking lots, tennis courts, and other hard surfaced areas.
- f. Limits on the operations of fountains.

2. Private Wells

During a critical low groundwater condition period, the Board may ask owners of private wells to comply with maximum monthly water allotments established for each private well or battery of private wells. Such allotments shall be stated as a percentage of the highest average daily draft for each month of the year over the last 5 years prior to the effective date of declaration by the Board. The Board may from time to time increase or decrease the initial percentage limit set for each well or battery of wells provided that in no case shall the percentage be less than 70% of the highest average daily draft for each month of the year over the last 5 years.

Any owner of 2 or more separate wells may regulate the draft on their wells so that the aggregate monthly draft will not exceed the combined monthly allotment for all of their wells.

3. Department personnel may issue warnings and citations for violations of mandatory restrictions set by the Board.

4. Special Rates and Charges Relating to Critical Low Groundwater Condition.

During a critical low groundwater condition period, a surcharge schedule for excess water use shall be established according to the following procedure. The Board shall set water allotments per billing period for each class of the Department's consumers. Such allotments shall be stated as a percentage (which may be greater than 100% but not less than 70%) of the previous 12-month monthly average. In addition the allotment shall not be less than 350 gallons per day for single family and duplex residences. The Board may from time to time increase or decrease the initial percentage limit set for any class of consumers. Allotment percentages may be set at different times and at different levels for the various classes of consumers as the Board shall determine. In determining what percentages to declare for various classes of consumers at various times, the Board shall consider present and predicted weather conditions, the rate of decline of the ground water head levels, the impact on the economy, compliance with regulations by various classes of consumers, new service applications, development of supplementary source, impact on the budget of the Department, and the social impact of proposed restrictions. Water

consumed in excess of the water allotment per billing period for each consumer shall be charged according to the following schedule:

Gallons in excess of Allotment for Meter Sizes 2" and Larger (Monthly or Bi-monthly Billing)	Gallons in excess of Allotment for Meter Sizes 5/8" to 1-1/2" (Monthly Billing)	Gallons in excess of Allotment for Meter Sizes 5/8" to 1-1/2" (Bi-Monthly Billing)	Surcharge
First 25% or part thereof	First 3,000 gallons or part thereof	First 6,000 gallons or part thereof	2 times existing water rate*
Next 25% or part thereof	Next 3,000 gallons or part thereof	Next 6,000 gallons or part thereof	3 times existing water rate*
Next 25% or part thereof	Next 3,000 gallons or part	Next 6,000 gallons or part thereof	4 times existing water rate*
Next 25% or part thereof	Next 3,000 gallons or part	Next 6,000 gallons or part thereof	12 times existing water rate*
All use over 100%	All use over 12,000 gallons	All use over 24,000 gallons	20 times existing water rate*

**If the service is charged by block rates, the surcharge will be charged at the Block Rate that the allotment falls in.*

For residential consumers, the surcharge shall be charged at the block rate that the allotment falls in. Surcharges shall be assessed each consumer after receipt of the first water bill following the establishment of allotments by the Board. Upon termination of allotments by the Board, surcharges shall cease.

[Eff 8/14/1978; BWS Res. No. 459, 1978; am BWS Res. No. 624, 1994]

Sec. 3-321 Penalties

1. Any violation by any person of the restrictions declared by the Board under Sections 3-319 and 3-320 of this Chapter shall be punishable according to Chapter II, Section 2-205 and Chapter V, Section 5-501 of these Rules and Regulations.

2. Any consumer who violates the restrictions declared by the Board under Sections 3-319 and 3-320 of this Chapter or who consumes water in excess of the amount designated below for their class shall be subject to the installation of a flow restriction device by the Department and punishable according to Chapter V, Section 5-501 of these Rules and Regulations. An offender shall pay \$50.00 for the installation and removal of a flow restriction device by the Department. Water service may be discontinued for an offense committed after the installation of a flow restrictor in accordance to Chapter II, Section 2-205.

Class of Consumer	Maximum Allowable Consumption in Excess of Allotment
I. Residential including single family and duplex	I. 5,000 gallons per monthly billing period, 10,000 gallons per bi-monthly billing period.
II. Resort, commercial, multi-family, industrial, agricultural, military, and government.	II. Difference between allotment and previous 12-month monthly average.

[Eff 8/14/1978; BWS Res. No. 459, 1978; am BWS Res. No. 624, 1994]

Sec. 3-322 Procedures for Control of Water Use During Low Groundwater Level Condition

1. Declaration of Low Groundwater Level Condition

The Manager shall inform the public and the Department's consumers of the declaration of an alert or critical low groundwater condition by publishing such declaration in a newspaper of general circulation on the island of Oahu at least once a day for three consecutive days. The alert or critical low groundwater condition shall begin at midnight on the third day of the publication declaring such condition.

2. Notice of Restrictions

The Manager shall inform the public and the Department's consumers of the restrictions being imposed because of an alert or critical low groundwater condition by publishing such restrictions in a newspaper of general circulation on the island of Oahu at least once a day for three consecutive days. The restrictions shall begin at midnight on the third day of the publication declaring such condition and shall terminate at midnight on the first day of a publication terminating such condition.

3. Notice of Water Allotment to Consumers

Each consumer shall be notified of their water bill or by direct mail to the consumer. In cases where a water bill is not sent directly to the person using the water, the consumer shall be responsible for informing the user of the water allotment per billing period applicable to them.

4. Notice of Maximum Monthly Water Allotment to Private Well Operators

Each private well operator shall be notified by mail of their monthly water allotment.

5. Exceptions

Consideration of written applications for exceptions regarding the allotment system or regulations and restrictions on water use set forth in this Chapter shall be as follows:

- a. Written applications for exceptions shall be accepted, and may be granted, by the Manager.
- b. Grounds for granting such exceptions are:
 - (1) Failure to do so would cause an unnecessary and undue hardship to the Applicant, including but not limited to adverse economic impacts such as loss of production or jobs;
 - (2) Failure to do so would cause an emergency condition affecting the health, sanitation, fire protection, or safety of the Applicant or the public;
 - (3) For single family residences with more than four persons permanently residing in the home, if a written application for an exception is granted as provided herein, the applicable allotment shall be increased by 40 gallons per person per day for each person permanently residing in the home in excess of four persons;
 - (4) For multiple residential units with more than two dwelling units where the allotment is less than 280 gallons per day per dwelling unit, if a written application for an exception is granted as provided herein, the applicable allotment shall be 280 gallons for each unit;
 - (5) Denial of an application for exception may be appealed in writing to the Board.

6. Termination of Low Groundwater Level Condition

The Board may terminate a declared low groundwater level condition whenever head levels at fewer than five of the area heads listed in Schedule I are within the prevailing condition or whenever chloride content has risen less than 12 ppm over three consecutive months at sources that caused the declared low groundwater level conditions.

The Manager shall inform the public and the Department's consumers of the termination of an alert or critical low groundwater condition by publishing such termination in a newspaper of general circulation on the island of Oahu at least once a day for three consecutive days. The alert or critical low groundwater condition and all restrictions and allotments associated therewith shall terminate at midnight on the first day of a publication terminating such condition.

[Eff 8/14/1978; BWS Res. No. 459, 1978; am BWS Res. No. 624, 1994]

Sec. 3-323 Exemption of Private Wells Within Designated Groundwater Control Areas

New and existing private wells within Designated Groundwater Control Areas only shall be exempt from the provisions of the Rules and Regulations. However, owners of private wells shall be asked to comply with any allotments set by the Board for private wells. Control and regulation of such wells shall be subject to State statutes, rules, regulations, directives, and standards as currently exist and as may, from time to time hereafter, be amended.

Groundwater Head Levels

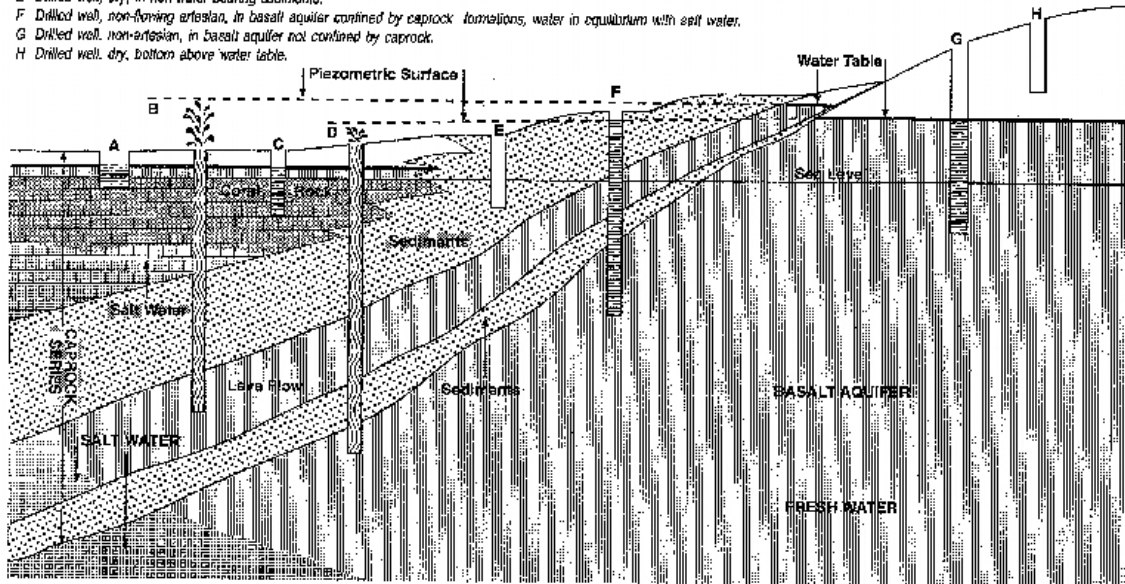
SCHEDULE I

COLUMN A ("Caution" Low Groundwater Conditions)		COLUMN B ("Alert" Low Groundwater Conditions)		COLUMN C ("Critical" Low Groundwater Conditions)	
Area	Head Level (ft.)	Area	Head Level (ft.)	Area	Head Level (ft.)
Kaimuki	23.5	Kaimuki	22.5	Kaimuki	20.5
Beretania	21.0	Beretania	20.0	Beretania	17.5
Kalihi	20.5	Kalihi	19.5	Kalihi	17.0
Moanalua	18.5	Moanalua	17.5	Moanalua	15.0
Halawa	15.5	Halawa	14.5	Halawa	12.0
Kalauao	15.5	Kalauao	14.5	Kalauao	12.0
Pearl City	14	Pearl City	13	Pearl City	12
Waipahu	17	Waipahu	16	Waipahu	15
Hoaeae-Kunia	13	Hoaeae-Kunia	12	Hoaeae-Kunia	11
Makaha	7	Makaha	6	Makaha	4
Waialua	11	Waialua	10.5	Waialua	10
Kaluanui	16	Kaluanui	15	Kaluanui	14
Punaluu	17	Punaluu	16	Punaluu	14
Waihee Tunnel**	15 psi	Waihee Tunnel**	10 psi	Waihee Tunnel**	5 psi

**Bulkhead pressure

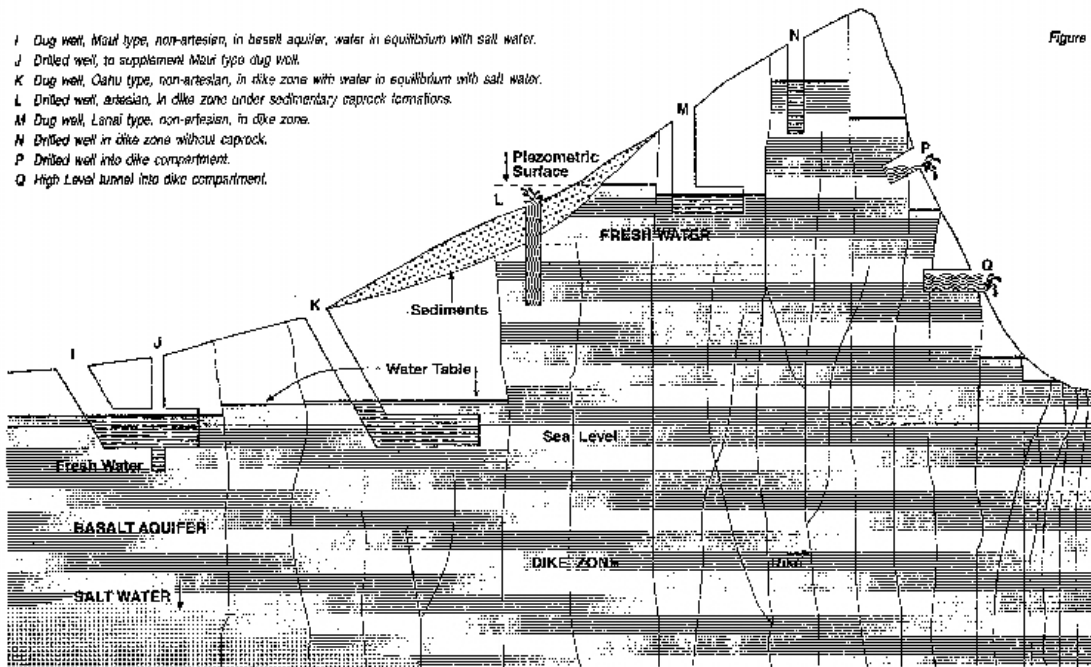
- A Dug well, non-artesian, in formation of caprock series.
- B Drilled well, artesian, in water bearing formations of caprock series.
- C Drilled well, non-artesian, in lava or sediments of caprock series.
- D Drilled well, artesian, in lava flows confined under caprock formations, water in equilibrium with salt water.
- E Drilled well, dry, in non-water bearing sediments.
- F Drilled well, non-flowing artesian, in basalt aquifer confined by caprock formations, water in equilibrium with sea water.
- G Drilled well, non-artesian, in basalt aquifer not confined by caprock.
- H Drilled well, dry, bottom above water table.

Figure 1



- I Dug well, Mair type, non-artesian, in basalt aquifer, water in equilibrium with salt water.
- J Drilled well, to supplement Mair type dug well.
- K Dug well, Oahu type, non-artesian, in dike zone with water in equilibrium with salt water.
- L Drilled well, artesian, in dike zone under sedimentary caprock formations.
- M Dug well, Lanai type, non-artesian, in dike zone.
- N Drilled well in dike zone without caprock.
- P Drilled well into dike compartment.
- Q High Level tunnel into dike compartment.

Figure 2



[Eff 3/31/1980; BWS Res. No. 475, 1980; am BWS Res. No. 624, 1994; am BWS Res. No. 796, 2010]

Sec. 3-324 Use of Recycled Water

1. Recycled water use sites require written approval from the Department. Recycled water will only be used for the purpose for which the Department gives written approval.
2. Users of recycled water shall comply with the Hawaii Department of Health Guidelines (DOH Guidelines) established to ensure protection of public health and prevent environmental degradation of aquifers and/or surface waters.
3. Minimum distances must be maintained between a recycled water approved use site and drinking water supply wells.
 - a. Irrigation of recycled water must be at least 50 feet away from any drinking water supply well.
 - b. The outer edge of any recycled water impoundments (e.g., reservoirs, golf course ponds, etc.) must be at least 100 feet away from any drinking water supply well.
 - c. Drainage from areas using recycled water must be controlled to prevent the water from coming within 50 feet of a drinking water supply well.
4. Prior to using recycled water on any approved recycled water use site, the Department and the User will jointly develop a memorandum of understanding to delineate responsibility for compliance with the rules and regulations in the remainder of this section.
5. Best management practices will be used to mitigate or prevent the occurrence of certain conditions when using recycled water on approved recycled water use sites, including the conditions outlined below:
 - a. Mitigation of the ponding of water for more than two hours following the cessation of recycled water irrigation.
 - b. Prevention of contact of recycled water with drinking water fountains.
 - c. Mitigation of discharge, runoff, or overspray outside the boundaries of the approved recycled water use site.
 - d. Mitigation of conditions conducive to proliferation of mosquitoes and other disease vectors, and to avoid creation of a public nuisance or health hazard.
6. Standard hose bibs will not be used on recycled water system piping.
7. A Management Reuse Plan is required for the approved recycled water use site to delineate responsibilities of operation and maintenance of the site. A template for the preparation of a Management Reuse Plan is available from the Department.
 - a. A User Supervisor is required for each approved recycled water use site. Any change in the User Supervisor will require approval by the Department.
 - b. The User Supervisor:
 - i. Should be knowledgeable about the entire recycled water system within his/her responsibility;

- ii. Should be knowledgeable about all applicable conditions of recycled water use;
 - iii. Will be responsible for installing, operating, and maintaining the recycled water system;
 - iv. Will be responsible for preventing potential hazards;
 - v. Will be responsible for implementing the DOH Guidelines; and
 - vi. Will be responsible for coordinating with the Department's cross-connection control program.
- c. The Management Reuse Plan will include operation criteria for irrigation.
- i. Rationale for scheduling irrigation.
 - ii. How to determine when to stop irrigation.
 - iii. The number of fields that can or should be irrigated at the same time.
 - iv. The order in which fields should be irrigated.
 - v. The sequence to follow when starting and stopping the irrigation system.
 - vi. How to control flow and pressure.
- d. The Management Reuse Plan will include a contingency plan that identifies actions and precautions to be taken to protect public health in the event of a non-approved use, such as an overspray or runoff from the approved recycled water use site, and ponding of recycled water.
8. A public education plan will be developed to inform persons about the use of recycled water in areas where they are likely to come in contact with it.
- a. When spray irrigation is used, the Department and user property manager will comprise a reuse committee. The intent of this committee is to identify, document, and notify the Department of Health of inappropriate use of recycled water.
 - b. Signs with conspicuous pictorial and text warning will be approved by the Department and will be posted in all areas where recycled water is used. The wording will be of sufficient size to be clearly read by the public. Examples of approved signs are available from the Department.
9. Information will be provided to employees who work in an approved recycled water use site. Information will include oral and written information that:
- a. Recycled water is being used.
 - b. Recycled water is not suitable for drinking and that drinking recycled water may result in potential illness.
10. Daily records of operation and maintenance information will be maintained, including:
- a. The volume of recycled water flow applied to the approved recycled water use area.
 - b. The volume of any supplemental water flow applied to the approved recycled water use area.

- c. The total area irrigated.
- d. The cycle or number of applications per day.
- e. The total volume of recycled water and supplemental water applied to the approved recycled water use are in gallons per acre per day.
- f. The total daily precipitation.
- g. The number of incidents of ponding for more than 2 hours.
- h. The number of incidents of runoff from the approved use area.
- i. The stress condition of the crop.
- j. Days when irrigation does not occur.
- k. Freeboard of any recycled water storage impoundment.

11. Cross-connections of recycled water supplies and potable water supplies are prohibited. Additional information and restrictions about cross-connections can be found in Sec. 2-213.

[Eff 1/1/2002; BWS Res. No. 722, 2001]

CHAPTER IV: RULES GOVERNING PARKING AT THE BOARD OF WATER SUPPLY

Sec. 4-401 Off-Street Parking Areas

The following areas are designated for off-street parking as indicated:

1. Visitor Parking

Areas in the back of the Public Service Building and in front of the Engineering Building, shown as Areas A and B in Appendix A, attached.

2. Employee Parking

Areas makai of Lusitana Street bounded by Alapai, Lisbon and Lauhala Streets, respectively, which are shown as Areas C, D & E, in Appendix A.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 4-402 Parking Authorization

Except as specified otherwise by appropriate signs and/or markings, parking in the above-designated areas is authorized only as follows:

1. Areas A and B - For bona fide visitors on Departmental business.
2. Areas C, D and E - For bona fide employees of the Department, whose vehicles display the required decal evidencing the issuance of a parking permit by the Manager or his authorized representative.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 4-403 Parking Hours

Except as otherwise specifically authorized, the off-street parking areas shall be open Monday through Friday, inclusive, from 6:30 a.m. to 5:30 p.m., holidays excepted.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 4-404 Removal of Unauthorized Vehicles

The Manager or his authorized representative is hereby authorized to remove or cause to be removed at the vehicle owner's expense any vehicle parking within the areas described in Section 4-402 when:

1. Such vehicle is parked by a person who is not a bona fide visitor on Departmental business.
2. Such vehicle does not display the required decal evidencing the issuance of a parking permit by the Manager or his authorized representative.

3. Such vehicle is not parked wholly within a designated stall and straddles an adjoining stall.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

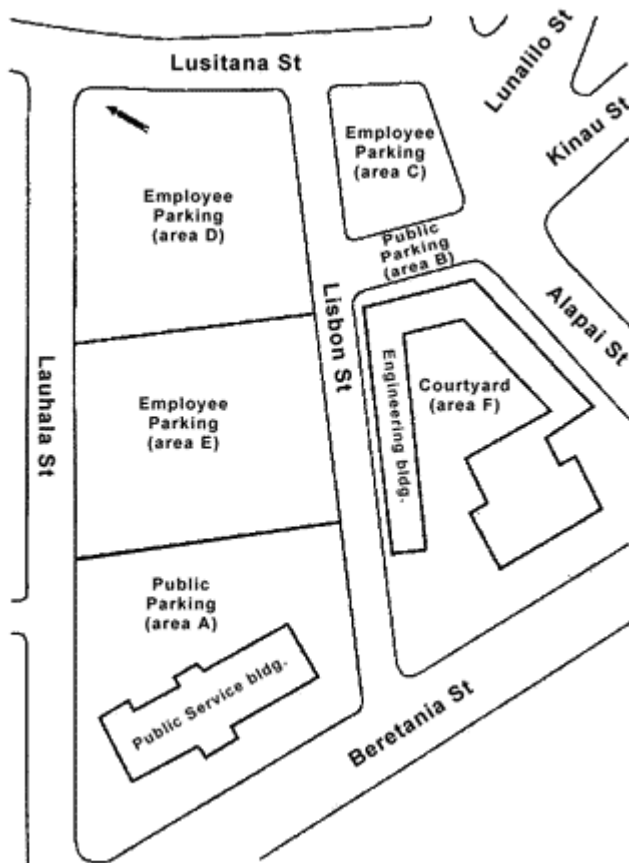
Sec. 4-405 Authorization to Initiate Parking Fees

The Manager is hereby authorized to establish and institute parking fees for employees of the Department when such fees are deemed appropriate; provided however, that such fees shall be comparable to the parking rates established for employees at the City Hall Complex.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 4-406 Authorization to Establish Other Parking Areas

The Manager is hereby authorized to establish and designate other areas within the Department's premises for off-street parking and to apply the applicable provisions of these rules accordingly.



[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

CHAPTER V: GENERAL PROVISIONS

Sec. 5-501 Penalty

Any person who shall violate any provision of any of the foregoing Rules and Regulations shall be guilty of a misdemeanor, pursuant to Chapter 1, Article 3, Section 1-3.1 of the Revised Ordinances of Honolulu, as amended and upon conviction thereof shall be punished for each offense as prescribed by law, except that in cases where such offense shall continue after due notice, each day's continuance of the same shall constitute a separate offense.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 5-502 Appeals

Appeals to the Board as prescribed in Sections 7-105(k) and 7-118 of the Revised Charter of the City and County of Honolulu shall be conducted in accordance with procedures established under Sections 91-9, -10, -11 and -12 of the Hawaii Revised Statutes.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 5-503 Repeal of Rules

The Rules and Regulations and all amendments thereto previously adopted by the Board are hereby repealed.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 5-504 Severability

If any rule, section, sentence, clause, or phrase of these Rules and Regulations, or the application thereof to any person, circumstance, or property is held to be unconstitutional or invalid, the remaining provisions or applications of these Rules and Regulations to other persons, circumstances, or property shall not be affected, and to this end the provisions of these Rules and Regulations are severable. The Board hereby declares that it would have adopted these Rules and Regulations as presently promulgated, irrespective and notwithstanding the fact that any one or more of said rules, sections, sentences, clauses, or phrases might be declared unconstitutional or invalid.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]

Sec. 5-505 Rules Inoperative, When

If any provision of these Rules and Regulations jeopardizes the receipt by the State, City and County of Honolulu, or Department of any federal grant-in-aid or other federal allotment of money, the provision shall, insofar as such funding is jeopardized, be deemed inoperative.

[Eff 5/10/76; am, renum and comp BWS Res. No. 427, 1976]