

HAWAII ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT,
AND TOURISM

SUBTITLE 14

HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION

CHAPTER 319

WATER SERVICE TO CONSUMERS

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SUBCHAPTER 1

GENERAL PROVISIONS

§15-319-1 Purpose. These rules are intended to establish uniform practices governing water services and to define the obligations of the corporation to consumers and of consumers to the corporation. The purpose of these rules is to set forth the regulations governing the operation and service to customers of the corporation in compliance with the requirements of chapter 11-20, Hawaii Administrative Rules, and applicable federal regulations pertaining to the health and safety of public water systems.
 [Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-2 Definitions. Whenever used in these rules, unless the context otherwise requires:

"Agricultural uses" means:

- (1) The commercial cultivation of crops, including flowers, vegetables, foliage, fruits, forage and aquaculture; and
- (2) For consumers whose premises to be served are encumbered by a lease or restrictive covenant that mandates diversified agricultural use of the premises, uses in

that are in compliance such lease or restrictive covenant.

"Agricultural uses" shall not mean or include public or private open area types of recreational uses, including day camps, picnic grounds, parks, riding stables, golf course, golf driving ranges, country clubs and overnight camps.

"Area of service" means the area or areas listed and identified in appendix A to these rules.

"Corporation" means the Hawaii housing finance and development corporation.

"Corporation's water system" means the system owned and operated by the corporation, including mains, valves, hydrants, laterals, pumps, tanks, reservoirs and all appurtenances necessary to provide water and fire protection for the area of service and sources of supply.

"Consumer" means the persons, firms, corporations, and associations, whether owner or tenant, whose name appears on the records of the corporation as the party responsible and liable for the charges for services from the corporation.

"Consumer's supply pipe" means the pipe connecting water service from an individual consumer's meter to the consumer's structure or premises.

"Cost of service connection" means the sum of the cost of the labor, materials, transportation, equipment, and road repair, if any, and other incidental charges necessary for the complete installation of a service connection, including the cost of the meter.

"Executive director" means the executive director of the corporation or the executive director's designee.

"Main" or "main pipe" means the corporation's supply or distribution pipe to which service connections are made.

"Mixed residential and agricultural uses" means consumers engaged in agricultural uses on property within the area of service upon which they reside.

"Non-residential" means facilities used primarily for business purposes, agricultural purposes, industrial purposes, or schools.

"Residential" means single-family residences, with no commercial, institutional, or industrial activity.

"Service connection" means the main tap, pipe, fittings, and valves, from the corporation's main to and including the meter.

"Water service" means the delivery of water by the corporation or to consumers by means of the corporation's water system in accordance with these rules, and shall also include, for purposes of billing and discontinuation of service, deliveries of water by the corporation's predecessors. [Eff]
(Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-3 General provisions. (a) The corporation shall provide services only in its area of service, and shall not provide any services outside of such area. Any prospective consumer whose premises are within the corporation's area of service and are adjacent to a main, where pressure conditions permit, may obtain water service; provided that the corporation has sufficient water supply to take on new or additional service without detriment to those already being served. The consumer shall be responsible for water uses within its premises when required by the corporation.

(b) The amounts to be paid for water and water service shall be in accordance with these rules and the rates established herein. [Eff]
(Auth: HRS §201H-4; Imp: HRS §201H-9)

15-319-4 Conditions precedent. Notwithstanding any provisions to the contrary, the corporation shall be under no obligation to commence water service unless and until:

- (1) All facilities of whatever nature, as are required to permit the contemplated water

- service have been installed and are in operating condition;
- (2) The applicant or consumer has paid in full all applicable water system facilities charges, costs of service connection, and all other expenses and costs to be paid by the facilities necessary, in the corporation's sole judgment, to permit adequate water service; and
 - (3) The corporation, has, in its sole discretion, determined that such service will constitute water service as permitted under these rules. [Eff]
(Auth: HRS §201H-4; Imp: HRS §201H-9)

SUBCHAPTER 2

APPLICATION FOR WATER SERVICE

§15-319-10 Application form. (a) Each existing and prospective consumer shall sign a standard application form developed by the corporation for the water service desired, assuming responsibility for the payment of future charges for water service at the designated location, before water is turned on for any use whatsoever. The person(s) or entity signing the application form shall be deemed the consumer and shall be liable for the payment of all charges for water and water service at the designated location.

(b) The application form shall be completed in full by the applicant and shall include the following information and authorization:

- (1) Name of applicant (existing or prospective consumer);
- (2) Street address (including, without limitation, unit or apartment numbers, if any) of premises to be served;
- (3) Tax map key number(s) of the premises to be served;

- (4) Billing address, if different from the street address of the premises to be served;
- (5) Date applicant requests water service to commence, which shall be no earlier than the date on which the applicant will be ready for service;
- (6) Statement as to whether the premises have been heretofore supplied;
- (7) Purpose for which service is to be used, whether domestic, agriculture, or both;
- (8) Statement as to whether applicant is fee owner or lessee of premises;
- (9) Mailing address of applicant's residence at the time the application is submitted;
- (10) Applicant's business address, if applicable;
- (11) Applicant's references and credit history, if requested;
- (12) Such other information as the corporation may reasonably require, including, without limitation, plans and specifications for any supply lines proposed by the consumer.
[Eff] (Auth: HRS §201H-4;
Imp: HRS §201H-9)

§15-319-11 Water for agricultural use. In order to be eligible for agricultural or mixed residential and agricultural rates, consumers shall:

- (1) Provide documentation that their premises are engaged in agricultural uses to the corporation upon the corporation's request; and
- (2) Comply with the requirements set forth in section 15-319-24, HAR.
[Eff] (Auth: HRS §201H-4;
Imp: HRS §201H-9)

§15-319-12 Compliance by all persons on the premises. All consumers, whether or not they have signed an application for service, shall comply with, and shall be responsible for the compliance of others on the premises with these rules and the corporation's rate schedule. [Eff _____] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-13 Request for service. The application is merely a request for service and does not bind the corporation to serve except under the conditions and provisions of these rules. [Eff _____] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-14 Services limited to owners or lessees. The corporation may provide water service only to property owners, those having leases with at least a one-year term, those holding revocable rights of entry from the corporation with at least a one-year term, or those former department of land and natural resources permittees residing on parcels transferred to the corporation pursuant to Act 330, Session Laws of Hawaii 1993. [Eff _____] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-15 Terms of service. Water service charges will begin when the water service is established and will continue until due notification from the consumer in accordance with section 15-319-45 of these rules or until discontinued by the corporation for failure of the consumer to comply with these rules. Nothing herein, however, shall prevent the collection by the corporation, in its sole discretion, of all applicable water system facilities charge, cost of service connection, or other installation charge prior to the commencement of water service. [Eff _____] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-16 Refusal to serve. When an application for water service is made by a consumer who was responsible for and failed to pay all bills previously rendered by the corporation, regardless of location or time incurred, the corporation may refuse to furnish water service to such applicant until the outstanding bills are paid. [Eff]
(Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-17 Discontinuation of service for lack of application. A person taking possession of property and using water without having made application to the corporation for water service to such property shall be held liable for the water delivered from the date of the last recorded meter reading. If proper application for water service is not made upon notification to do so by the corporation and if accumulated bills for water service are not paid upon presentation, the water service shall be subject to discontinuance without further notice. [Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-18 Establishment of credit. Each applicant for service will be required to establish credit in one of the following ways before service will be rendered:

- (1) Establish a record of prompt payment for service for twelve consecutive months without having been disconnected for nonpayment during such period;
- (2) Have a substantial equity in the premises to be served, or in other real estate located within the corporation's area of service of substantial value in relation to charges for service to be rendered;
- (3) Furnish a guarantee satisfactory to the corporation to secure payment of bills for the service requested;

- (4) Make a cash deposit to secure payment of bills for service to be furnished by the corporation, as provided in section 15-319-20 of these rules; or
- (5) Furnish credit information and references satisfactory to the corporation.
[Eff _____] (Auth: HRS §201H-4;
Imp: HRS §201H-9)

§15-319-19 Reestablishment of credit. (a) An applicant who previously has been a consumer of the corporation and whose service has been discontinued for nonpayment of bills may be required (depending on the level of outstanding payments, if any, and on such applicant's creditworthiness as determined by the corporation), before service is rendered, to pay all amounts owing to the corporation and to establish credit as provided in section 15-319-18 of these rules.

(b) A consumer may be required to reestablish credit in the manner prescribed in §15-319-18 of these rules, in case the basis on which credit was originally established has materially changed.
[Eff _____] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-20 Deposit. A deposit at least equal to the corporation's estimate of the cost of the service connection may be required of the applicant before the connection is installed. If the actual cost of the connection is in excess of the deposit, the applicant will be billed and shall pay for the difference. Installation cost shall be based on the actual cost of installation as established by the corporation.
[Eff _____] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-21 Installation. When the application for a service connection has been approved, such connection shall be installed by the corporation at the consumer's sole expense, and thereafter will be maintained by the corporation at its expense, except as provided otherwise herein. There shall be one meter for each service connection, unless the corporation, because of operating necessity, installs two or more meters in parallel. All meters will be sealed by the corporation before installation, and no seal shall be altered or broken except by one of the corporation's authorized employees or agents.
[Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-22 Consumer's supply pipe. The consumer shall install and connect at the consumer's sole expense its supply pipe to the shut-off valve installed by the corporation as part of the service connection. The consumer's supply pipe shall at all times remain the sole property of the consumer, who shall be responsible for its maintenance and repair. If the consumer's supply pipe is installed before the service connection is set, the corporation will not be responsible for the connection to it.
[Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-23 Service connection or disconnection.
(a) Only employees or agents of the corporation will be allowed to connect or disconnect the service connection to and from the corporation's main.
(b) No service connection or main will be installed by the corporation in any private road, lane, street, alley, court or place, unless the corporation is given proper easements or other rights satisfactory to the corporation for the main or service connection.

(c) All meters shall be installed in locations approved by the corporation. All service connections are for the use of the corporation only.

(d) When the proper size of service connection for any premises has been determined and the installation has been made, the corporation has fulfilled its obligations insofar as the size of the service connection and the location thereof are concerned. If thereafter the consumer desires a change in size of the service connection or a change in the location thereof and the corporation approves of such change, the consumer shall bear all costs of such change.

(e) A readily accessible shut-off valve controlling all outlets at the consumer's premises will be installed by the corporation at the expense of the consumer on the consumer's supply pipe at a location to be determined by the corporation. If a replacement of the shut-off valve is necessary, it shall be paid for by the consumer.

(f) All work and materials in connection with the change in location or elevation or alteration of any kind to any part of the existing water system made necessary by a new service connection shall be done and furnished by the corporation at the expense of the consumer. A consumer, prior to making any material change in the size, character, or extent of the equipment or operations for which the corporation's service is utilized, shall give the corporation written notice, of the extent and nature thereof together with the plans and specifications, not less than sixty days before the change is to be undertaken. The change shall be subject to the corporation's written approval, which approval may be contingent upon the consumer's first paying the cost of any alteration to the corporation's water system. The corporation's failure to approve or disapprove the change within sixty days after receipt of written notice thereof shall be construed as approval.

(g) When required by the corporation, contours or elevations shall be furnished by the consumer, based upon United States Coast and Geodetic Survey or city and county of Honolulu data.

(h) The corporation will determine the location and size of all meters and service connections to the corporation's water system. [Eff]
(Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-24 Backflow preventer and valves. (a) If the consumer intends to use the corporation's water system for agricultural uses, the corporation shall require the installation of mechanical, or other methods or devices that have been approved by the City and County of Honolulu Board of Water Supply, on the consumer's side of the meter to prevent backflow. Plans for such installations shall be approved by the corporation.

(b) As a protection to the consumer's plumbing system, a suitable pressure relief valve must be installed and maintained by the consumer at its expense when backflow devices are installed on the consumer's side of the meter.

(c) Any device installed for the prevention of backflow as may be required under these rules, unless the corporation approves otherwise in writing, shall be located above ground and in such a manner as to be safe from flooding or submergence in water or other liquids, properly protected from external damage, freely accessible and with adequate room for inspections, testing and repairs.

(d) All such devices shall be tested and inspected internally not less than once annually. Repairs, replacement of parts, etc., shall be made whenever necessary at the expense of the consumer. Performing tests and annual inspections shall be the responsibility of the consumer and shall be made by the consumer or other qualified person or persons in accordance with all applicable health and safety laws, including section 11-21, Hawaii Revised Statutes, or in a manner acceptable to the corporation. Records of

tests and inspections shall be made on forms prescribed by the corporation and a copy of such records shall be furnished to the corporation. Failure of the consumer to perform proper tests and submit records may, at the option of the corporation, result in the corporation performing the tests, make needed repairs and replacements, and charge such costs to the consumer.

(e) Upon request of the corporation, the consumer shall present an affidavit certifying to the fact that there are no connections with other water supply systems on the consumer's premises.

(f) The consumer's failure to comply with the corporation's requirements for backflow prevention will be sufficient reason for discontinuing water service until such time as the requirements have been met. [Eff _____] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-25 Corporation not obligated.

Notwithstanding anything to the contrary herein, the corporation shall not be obligated to construct, expand, modify, or acquire any facilities for water service on or connected, directly or indirectly, to the corporation's water system. When new or expanded facilities are necessary to accommodate an applicant or an existing consumer, and the corporation determines, in its sole judgment, to install such facilities in order to render or continue rendering adequate water service, the applicant or consumer shall pay all construction costs, including, but not limited to, any filing fees and taxes, associated with such facilities unless these rules specify otherwise. [Eff _____] (Auth: HRS §201H-4; Imp: HRS §201H-9)

SUBCHAPTER 3

WATER RATES AND CHARGES

§15-319-30 Water service charge. All consumers whose premises are connected, directly or indirectly, to the corporation's water system shall pay water service charges in accordance with the applicable rates listed on the corporation's rate schedules, attached hereto as appendix B. [Eff]
(Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-31 Bills. The corporation will render monthly or bimonthly bills for water service. All bills shall be due and payable within thirty days after deposit in the United States mail or presentation to the consumer. Payment shall be made at the office of the corporation or, at the corporation's option, to duly authorized collectors of the corporation. If any bill is not paid within thirty days after the deposit in the United States mail or presentation to the consumer, the water service shall be subject to discontinuance after written notice is given to the consumer.
[Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-32 Late payment charge. In addition to any other remedies provided for in these rules, if the charges payable hereunder by the consumer are not paid on or before the due date, there may be added as a late payment charge an amount equal to one percent (1%) per month of the delinquent balance.
[Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-33 Errors. In the event an error is discovered in billing, statement or payment, such error shall be adjusted within sixty days of the determination thereof. All statements, billing and payments shall be final unless questioned within six months from the date of such billing, statement or payment. [Eff _____] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-34 Closing bills. Closing bills for short periods of time since the last meter reading date will ordinarily be determined by the amount of water actually used, as indicated by the metering, plus a proration of the meter charge. In prorating meter charges, a billing month shall be considered to be thirty days. [Eff _____] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-35 Meters. (a) All water supplied by the corporation will be measured by means of suitable meters registering in gallons. The corporation will, in its sole judgment, determine the type and location of all meters and service connections on its system.

The corporation may waive the meter requirement where the corporation determines, in its sole discretion, that it is impractical to meter the service.

(b) The location and size of all meters and service connections to the corporation's water system will be based upon the plans presented to the corporation by the consumer. The corporation also reserves the right to limit the number of houses or buildings and the area of land to be supplied by any given service connection.

(c) When it is determined by the corporation that additional water usage within the premises has increased the flow of water through the meter above the safe rated capacity of the meter thereby causing undue wear and tear of the meter, the corporation shall require the consumer to increase the size of the meter or to install an additional meter or meters at the expense of the consumer.

(d) Meters will be read and bills rendered monthly or bimonthly at the option of the corporation. Special readings will be made when necessary for closing of accounts or for other reasons.

(e) 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 corporation, because of operating necessity, installs two or more meters in parallel to serve consumer's supply pipe.

(f) Any consumer who, for any reason, doubts the accuracy of the meter serving the consumer's premises, may request a test of the meter. Consumers who so request will be notified as to the time of the test and may witness the test. No charge will be made for meter tests if the meter is inaccurate by more than five per cent. The consumer will be charged the actual costs connected with such a test if the meter is accurate within a range of plus or minus five percent.

(g) If, as a result of a meter test, the meter is found to register more than five per cent fast under conditions of normal operation, the corporation will refund 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 definitely established, in which event the overcharge shall be computed back to, but not beyond, such date. If, as a result of a meter test, the meter is found to register more than five per cent slow under conditions of normal operation, the corporation will bill the consumer the undercharge 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 established, in which event the additional charge shall be computed back to, but not beyond, such date.

(h) If a meter fails to register due to any cause except the 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] (Auth: HRS §201H-4; Imp: HRS §201H-9)

SUBCHAPTER 4

DISCONTINUATION OF WATER SERVICE

§15-319-40 Nonpayment of bills. Water service may be discontinued for nonpayment of a bill within thirty days after the mailing or presentation thereof to the consumer upon written notice to the consumer. [Eff] Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-41 Noncompliance with the corporation's rules. If the consumer fails to comply with any of these rules, or tampers with the corporation's water system, the corporation reserves the right to discontinue the service within five days after written notice of intent to do so. [Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-42 Unauthorized use of water. The corporation will refuse or discontinue water service, without notice, to protect itself against fraud, abuse, or unauthorized use of water. [Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-43 Wasteful use of water. Where negligent or wasteful use of water exists on any premises, the corporation may discontinue the service if such conditions are not corrected within five days after written notice to the consumer of its intent to do so. [Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-44 Service detrimental to others. The corporation may refuse to furnish water, and may discontinue the service to any premises or consumer, where the demands of the consumer will result in inadequate service to others. [Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-45 Consumer about to vacate premises. Each consumer about to vacate any premises supplied with water by the corporation shall give notice of its intention to vacate at least fifteen days prior thereto, specifying the date service is desired to be discontinued, otherwise the consumer shall be responsible for all water service furnished to such premises until the corporation has received such notice of discontinuance. Before buildings are demolished, the corporation should be notified so the service connection can be closed. [Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-46 Procedures for contesting discontinuation of water service. (a) If a consumer wishes to dispute a proposed discontinuance of service, the consumer shall, within five business days from the date of the notice of discontinuance, request a billing conference. Once a billing conference is requested, the executive director shall schedule it at the earliest reasonable opportunity for the consumer, and in no case more than ten days from the request.

The consumer shall be given the option of having the conference in person or via telephone.

(b) At the billing conference, the consumer may submit evidence, present and cross examine witnesses, and bring in an interpreter, or representative to aid in presenting the consumer's case. The consumer shall have the right to see the corporation's records concerning the consumer's account, and the consumer has the right to a reasonable explanation for any matter concerning the proposed discontinuation of service. The executive director shall exercise impartial judgment in deciding the merits of the consumer's case.

(c) The executive director shall be empowered to correct any billing errors and to take whatever remedial acts that are necessary, including a stay, in order to make a just and fair resolution of the matter. The executive director shall make a final written decision within three business days of the conference. The final written decision shall be the final decision of the corporation.

[Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

SUBCHAPTER 5

MISCELLANEOUS PROVISIONS

§15-319-50 Interruption of water supply, suitability of water supply and pressure conditions.

(a) The corporation will exercise reasonable diligence and care to deliver an adequate supply of water to the consumer and to avoid shortages or interruptions in water service and to maintain pressure in its water mains, but will not be liable for any interruption, shortage, insufficiency of supply, fluctuation in, excess of or lack of pressure, or any loss or damage occasioned thereby resulting

from a cause not within the control of the corporation.

(b) Whenever, in the corporation's sole judgment, special conservation measures are advisable in order to forestall water shortage and a consequent emergency, the corporation may restrict the use of water by any reasonable method of control.

(c) The corporation reserves the right at any and all times to shut off water from the mains, without notice in times of emergency, for the purpose of making repairs, extensions, alterations, or for other reasons and shall not be responsible nor liable for any property loss or damage incurred by the Consumer due to such interruption of service. Consumers depending upon a continuous supply of water shall provide emergency water storage and any check valves, backflow preventers or other devices necessary for the protection of plumbing or fixtures against failure of the pressure or supply of water in the corporation's mains. Repairs or improvements will be prosecuted as rapidly as practicable and, insofar as practicable, at such times as will cause the least inconvenience to the consumer. The corporation shall 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. The corporation shall provide all consumers that are reasonably anticipated to be affected by any scheduled shut-off for repairs or maintenance work with at least one day's prior written notice of such shut-off. Such written notice may be made by the corporation by leaving printed flyers on the doors of the given consumers or, at the corporation's discretion, by mailing written notice to the given consumers at least three days prior to such scheduled shut-off. Any such notice shall also include an advisory to take reasonable precautions against the failure or fluctuation in the pressure or supply of water that may result from such shut-off.

(d) When the pressure of the corporation's supply fluctuates or 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 corporation shall not be liable for damage due to pressure conditions or caused by or arising from 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. The corporation shall not accept responsibility to maintain pressure in its water mains. [Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-51 Corporation equipment and facilities; damage; indemnification. (a) All equipment belonging to the corporation and installed upon the consumer's premises for service, measurement, testing, checking, or any other purposes shall continue to be the property of the corporation and may be repaired, replaced, or removed by the corporation at any time without the consent of the consumer. The consumer shall exercise reasonable care to prevent damage to meters and other equipment of the corporation upon the consumer's premises and shall in no way interfere with the operation of the same.

(b) Any damage to mains, service connections, valves, fire hydrants, or other property of the corporation shall be paid for by the person or organization responsible for the damage. The consumer shall be liable for any damage to a meter or other equipment or property of the corporation caused by the consumer or the consumer's tenants, agents, employees, contractors, licensees, or permittees, on the consumer's premises, and the corporation shall be promptly reimbursed by the consumer for any such damage upon presentation of a bill therefor. Any damage to corporation facilities shall be reported to the corporation as soon as possible. [Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-52 Obstructions. No obstruction shall be placed on or around any water meter, fire hydrant, or valve so as to render it inaccessible.
[Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-53 Damage by hot water or steam. When a meter is found to have been damaged by hot water or steam emanating from the premises served, the consumer shall pay for all costs required to repair the meter.
[Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-54 Indemnification. The consumer covenants that it will indemnify and save the corporation harmless from and against all liability, loss, damage, expense suits, claims, demands and costs (including court costs, attorney's fees and costs of investigation) arising or which are alleged to arise out of the failure or interruption of the water service, where such failure or interruption has been caused by the acts or omissions of the consumer with respect to the corporation's water system or the consumer's supply facilities and other equipment.
[Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-55 Responsibility for water receiving equipment. (a) The consumer shall, at the consumer's own risk and expense, furnish, install, and keep in good and safe condition all equipment that may be required for receiving, controlling, applying, and utilizing water, and the corporation will not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence, want of proper care, or wrongful act of the consumer or any of the consumer's tenants, agents, employees, contractors, licensees or permittees, in installing, maintaining, using, operating or

interfering with any such equipment. The consumer shall be responsible for providing separate systems for potable and non-potable water uses within its premises when required by the corporation.

(b) The corporation will not be responsible for damage 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.

(c) Where a check valve or pressure-reducing valve is installed on the consumer's cold water supply line between the main and a hot water storage tank and/or heater, there shall be installed on the consumer's hot water distributing system a suitable pressure relief valve.

(d) Water service may be discontinued to any consumer whose water system includes plumbing fixtures, or water containers in any form, or of any use, which in the opinion of the corporation may endanger the corporation's water supply from a public health standpoint. Any such discontinuation of water service shall continue until objectionable installments have been corrected, the corporation has been assured that the objectionable uses and practices will not be resumed, and all reconnection fees have been paid. [Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-56 Consumer's pumping installations.

(a) Consumers shall not be permitted to install or operate pumps pumping water directly from the mains of the corporation's system except in cases approved in writing. No such approval will be given in cases where it is the opinion of the corporation that such an installation and the operation thereof may adversely affect the water service extended by the corporation to other consumers. Approvals given by the corporation under this section will be qualified by clauses making them revocable upon sixty calendar days written notice during which period the consumer desiring to continue the operation of the pump shall

eliminate the objectionable feature causing the giving of such notice.

(b) No pump shall be equipped with a direct water supply connection for priming purposes except with the written permission of the corporation.

[Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-57 Prohibition of cross-connections and installations. In order to provide proper sanitary protection to the corporation's water supply and to comply with the applicable regulations of the United States Public Health Service, the state department of health, and the city and county of Honolulu, as adopted or amended from time to time, 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 or any other dangerous, impure, unsanitary, or unpotable substance from the consumer's premises into the corporation's system.
[Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-58 Resale of water. Unless specifically agreed upon by the corporation in writing, the consumer shall not resell any water received by the consumer from the corporation.
[Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-59 Restoration of water services. If water service is discontinued because of failure to pay a bill, for violation of any of these rules, or for other reasons, all outstanding accounts against the consumer plus a charge for reopening, reinstallation or reconnection, as set forth in appendix B, must be paid before water service will be restored. The consumer shall pay an additional

charge, as set forth in appendix B, for reopening, reinstallation or reconnection of service during other than regular working hours when the consumer has requested that the reconnection be made during other than regular working hours. [Eff]
(Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-60 Ingress to and egress from consumer's premises. Any officer, employee, or agent of the corporation shall have the right of ingress to and egress from the consumer's premises at all reasonable hours for any purpose reasonably connected with the furnishing of water or other service to said premises and the exercise of any and all rights secured to it by law or these rules. In case any such officer, employee or agent is refused admittance to any premises, or being admitted shall be hindered or prevented from making such inspection, the corporation may cause the water to be turned off from said premises after giving twenty-four hours written notice to the owner or occupant of said premises of its intention to do so. [Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-61 Abatement of noises. Where it has been determined that noises emanating from a consumer's premises are caused by plumbing fixtures or other equipment attached to water pipes and such noises are being transmitted through the water pipes and causing annoyance to other consumers, the corporation may issue a notice in writing to the offending consumer or to the owner of such premises, or to his agent, giving the consumer thirty days within which to correct or to remove the cause of the complaint. Failure on the part of such consumer, owner, or person responsible to correct or remove the cause of the noise will be sufficient reason for discontinuance of water service to the consumer until such time as the condition complained of has been

remedied. [Eff] (Auth: HRS §201H-4;
Imp: HRS §201H-9)

§15-319-62 Fire hydrants. (a) 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 Honolulu fire department or of the corporation is prohibited, except upon prior written authorization by the corporation in specific circumstances determined by the corporation. The Honolulu fire department shall have the prior right to use any hydrant at any time and shall have the authority to remove preemptorily, if necessary in case of fire, any connection that may be made to a hydrant under an authorized use issued by the corporation. The use of any hydrant under a written authorization and the connections thereto shall be subject to the direction and approval of the corporation. The consumer shall not use hydrant main line valves to control flows.

(b) The authorized user shall report promptly any defect in or damage to the hydrant. The cost of any damage to property or of any injury to persons resulting from the use of the hydrant shall be paid for by the authorized user. The corporation shall not be held responsible for any damage to property or injury to persons arising from the use of any hydrant for any cause whatsoever. Any damage to fire hydrants shall be paid by the person or organization responsible for the damage.

(c) The corporation may, 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.

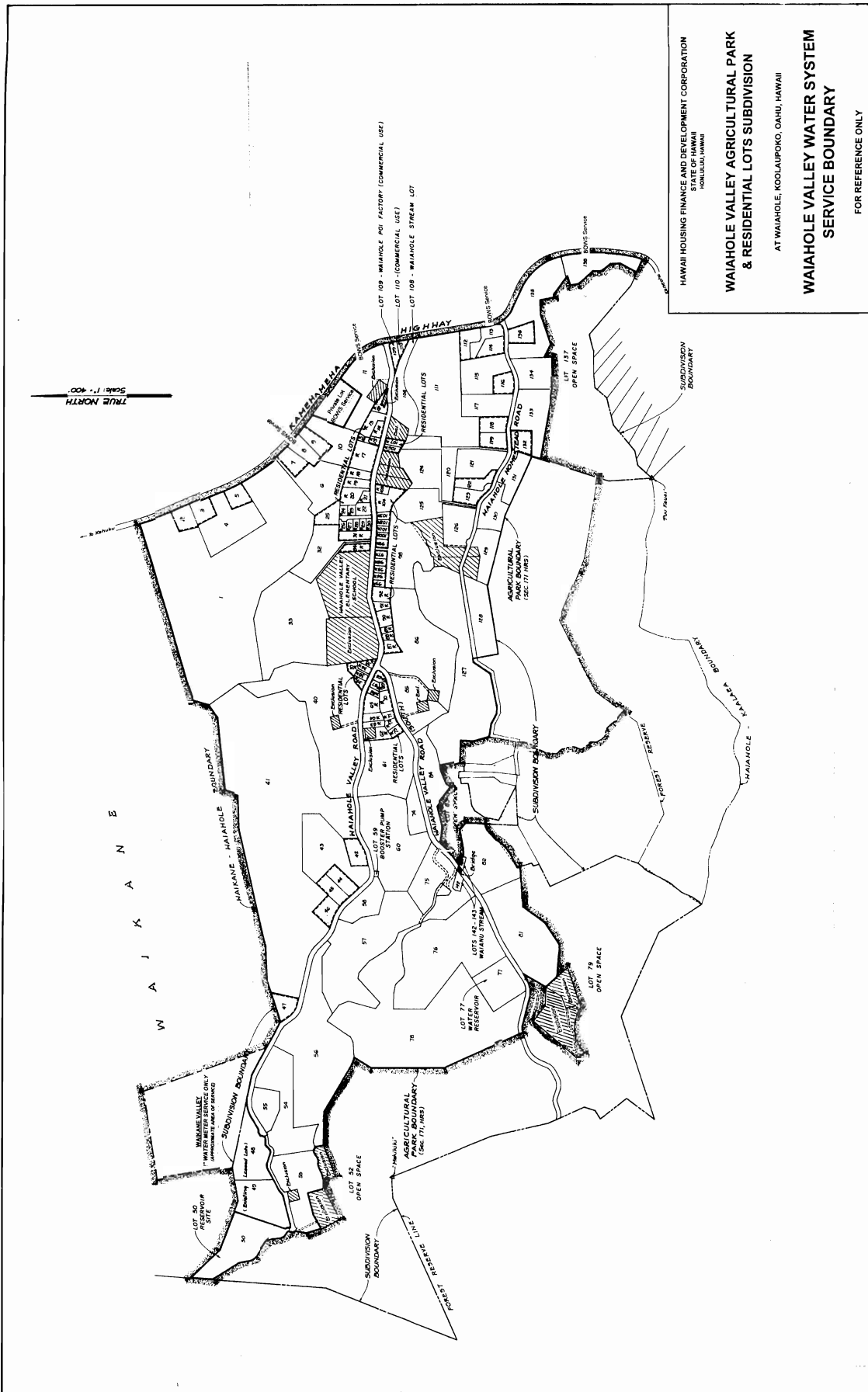
(d) The consumer shall, at the consumer's expense, test periodically upon prior approval of the corporation, and keep in good and safe working condition including proper maintenance all private hydrants under the consumer's control and not under the jurisdiction of the corporation. The corporation shall not be responsible for any loss or damage caused by any hydrant for any cause whatsoever.

[Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-63 Severability. If any rule, section, sentence, clause, or phrase of these rules or their application to any person or circumstance of property is held to be invalid, the remaining portions of these rules to other persons or circumstances or property shall not be affected. The corporation hereby declares that it would have adopted these rules, and each and every rule, section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more other rules, sections, sentences, clauses, or phrases be declared unconstitutional or invalid.

[Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)

§15-319-64 Force majeure. The corporation shall not be liable in any way for shortages, deficiencies, or interruptions, adverse impact to the quality, or other aspects of the supply of water due to acts of God, the elements, earthquakes, power failures, interruptions by government or court orders, strikes, lockouts or other industrial disturbances, inability to obtain pipe or other material or equipment or labor, wars, riots, insurrections, epidemics, explosions, breakage, or any other cause beyond the corporation's reasonable control; provided, however, that in the event of a repairable mechanical failure, the corporation shall make efforts it deems reasonable to repair the failure within a reasonable period of time. [Eff] (Auth: HRS §201H-4; Imp: HRS §201H-9)



HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
 STATE OF HAWAII
 HONOLULU, HAWAII

**WAIAHOLE VALLEY AGRICULTURAL PARK
 & RESIDENTIAL LOTS SUBDIVISION**
 AT WAIAHOLE, KOOLAUPONO, OAHU, HAWAII

**WAIAHOLE VALLEY WATER SYSTEM
 SERVICE BOUNDARY**
 FOR REFERENCE ONLY

**Appendix B
Water Rate Fee Schedule**

Type of Service	Current	Eff
Mimumum charge (service charge)	\$ 3.00	\$ 9.26
Residential - block 1 (up to 13,000 gallons)	\$ 0.90	\$4.42
Residential - block 2 (13,001 to 30,000 gallons)	\$ 0.90	\$5.33
Residential - block 3 (30,001 gallons and above)	\$ 0.90	\$7.94
Agricultural - block 1 (up to 13,000 gallons)	\$ 0.22	\$4.42
Agricultural - block 2 (13,001+ gallons)	\$ 0.22	\$1.89
Mixed residential and agricultural - block 1 (up to 13,000 gallons)	\$ 0.90	\$4.42
Mixed residential and agricultural - block 2 (13,000+)	\$ 0.22	\$1.89
BOARD MEETING DRAFT		
Note: All fee amounts except minimum charge are per 1,000 gallons.		
Through FY2017, customers shall receive a credit equal to 67% of the total bill amount.		
During FY2018, customers shall receive a credit equal to 50% of the total bill amount.		
During FY2019, customers shall receive a credit equal to 33% of the total bill amount.		
From FY2020 onwards, rates shall automatically increase by the increase in the Consumer Price Index percentage change for the Water and sewer and trash collection services expenditure category for July of the prior calendar year; provided, however, that the rates during each fiscal year shall not be less than the rates applicable during the preceding fiscal year.		
Reconnection fee: Actual cost of reconnection, not to exceed \$250.00.		