

TITLE 15

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT,
AND TOURISM

Adoption of Chapter 15-319
Hawaii Administrative Rules

July 19, 2022

SUMMARY

Chapter 15-319, Hawaii Administrative Rules,
entitled "Water Service to Consumers", is adopted.

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. This chapter is 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 this chapter 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 and applicable federal regulations pertaining to the health and safety of public water systems. [Eff **OCT 23 2022**] (Auth: HRS §201H-4) (Imp: HRS §201H-9)

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

"Agricultural use" 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, use that is in compliance with such lease or restrictive covenant.

"Agricultural use" shall not mean or include public or private open area types of recreational use,

including day camps, picnic grounds, parks, riding stables, golf courses, golf driving ranges, country clubs and overnight camps. Only one dwelling unit shall be allowed on a meter qualifying for agricultural quantity charges.

"Area of service" means the area or areas listed and identified in appendix A of this chapter.

"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.

"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.

"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 use" means consumers engaged in agricultural use 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 this chapter, and shall also include, for purposes of billing and discontinuation of service, deliveries of water by the corporation's predecessors.

[Eff **OCT 23 2022**] (Auth: HRS §201H-4) (Imp: HRS §201H-9)

§15-319-3 General provisions. (a) The corporation shall provide service only in its area of service, and shall not provide any service 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 use within its premises when required by the corporation.

(b) The amounts to be paid for water and water service shall be in accordance with this chapter and the rates established herein.

[Eff **OCT 23 2022**] (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 for 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 this chapter. [Eff **OCT 23 2022**]
(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 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 numbers 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 residential, agricultural, 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) Applicant's contact number;
 - (13) Applicant's email address;
 - (14) Such other information as the corporation may reasonably require, including, without limitation, plans and specifications for any supply lines proposed by the consumer.
- (c) An Application Fee must be submitted with the Application form in the amount of \$50 for the activation of the line and account. This cost shall be increased by \$5 every five years from adoption of this chapter. [Eff **OCT 23 2022**]
(Auth: HRS §201H-4) (Imp: HRS §201H-9)

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

- (1) Provide documentation that their premises are engaged in agricultural use to the corporation upon the corporation's request; and
- (2) Comply with the requirements set forth in section 15-319-24. [Eff **OCT 23 2022**]
(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 this chapter and the corporation's rate schedule. [Eff **OCT 23 2022**]
(Auth: HRS §201H-4) (Imp: HRS §201H-9)

§15-319-13 Request for service. The application is merely a request for service and shall not bind the corporation to provide service except as provided under this chapter. [Eff **OCT 23 2022**] (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, those holding revocable rights of entry from the corporation, or those former permittees of the department of land and natural resources residing on parcels transferred to the corporation pursuant to Act 330, Session Laws of Hawaii 1993. [Eff **OCT 23 2022**]
(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 this chapter or until discontinued by the corporation for failure of the consumer to comply with this chapter. Nothing herein, however, shall prevent the collection by the corporation, in its sole discretion, of all applicable water system facilities charges, cost of service connection, or other installation charge prior to the commencement of water service. [Eff **OCT 23 2022**] (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 **OCT 23 2022**]
(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 **OCT 23 2022**] (Auth: HRS §201H-4) (Imp: HRS §201H-9)

\$15-319-18 Establishment of credit. Each applicant for service shall 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. Optionally, the current occupant of the premises must have established a record of prompt payment for service for twelve consecutive months;
- (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; or
- (5) Furnish credit information and references satisfactory to the corporation, such as bank statements and credit rating reports or other information as may be determined by the corporation. [Eff **OCT 23 2022**]
(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.

(b) A consumer may be required to reestablish credit in the manner prescribed in section 15-319-18, in case the basis on which credit was originally established has materially changed.

[Eff **OCT 23 2022**] (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 **OCT 23 2022**] (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 service connections shall not be altered and shall only be accessed by one of the corporation's authorized employees or agents. [Eff **OCT 23 2022**] (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, a supply pipe to the shut-off valve or stub out 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 connecting the consumer's supply pipe to the service connection.

[Eff **OCT 23 2022**] (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 and location of the service connection are concerned. If thereafter the consumer desires and the corporation approves a change in the size or location of the service connection, the consumer shall bear all costs of the change.

(e) A readily accessible shut-off valve controlling all outlets at the consumer's premises shall be installed by and at the expense of the consumer on the consumer's supply pipe, unless the corporation approves otherwise in writing.

(f) All work and materials in connection with a 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 of the change 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 prepayment of 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 data provided by the United States Coast and Geodetic Survey or the applicable county.

(h) The corporation will determine the location and size of all meters and service connections to the

corporation's water system. [Eff **OCT 23 2022**]
 (Auth: HRS §201H-4) (Imp: HRS §201H-9)

§15-319-24 Backflow Preventer and Valves. (a)
 Prohibition of certain connections and installations.
 To provide proper sanitary protection to the
 corporation'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 corporation's water supply system, except as
 provided below:

(1) Cross-connections with other water supplies.
 Existing water supplies which are in active
 use and cross-connected to the corporation's
 system will be allowed only under the
 following conditions:

(A) Where such water supplies are regularly
 analyzed by the corporation, or other
 agencies satisfactory to the
 corporation, 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; and

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

- (2) Other physical connections. Other physical connections may be permitted if, in the judgment of the corporation, adequate protection can be provided to the water supply of the corporation against backflow by the installation of mechanical or other methods or devices, approved by the corporation, and installed, maintained, and operated by the consumer in a manner satisfactory to the corporation at all times; provided, however, that the corporation 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 corporation 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
 - (2) in the judgment of the corporation there exists a danger of backflow into the corporation'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 corporation's discretion.
- (b) Separate pressure system. The corporation 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 the

consumer's premises above the pressure furnished by the corporation; 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 the consumer's premises above the pressure of the water in the mains of the corporation. Plans for all such installations must be approved by the corporation.

- (c) Location of protective devices. Any device installed for the prevention of backflow as may be required under this chapter shall unless the corporation 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 corporation in those instances where successive tests indicate repeated failure. Repairs, replacement of parts, etc., shall be made whenever deemed necessary by the corporation at the expense of the consumer. Completing annual tests shall be the responsibility of the consumer, and shall be performed only by the consumer or such other qualified person or persons in accordance with all applicable health and safety laws, including section 11-21, Hawaii Revised Statutes, as may be acceptable to the corporation. Records of all tests shall be made on forms prescribed by the corporation, and a copy of each such record shall be promptly furnished to the corporation. If the consumer fails to complete the proper tests and submission of records, the corporation may, in its sole discretion, complete the tests, needed repairs, and replacements, and charge the costs thereof to the consumer.

- (d) 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 any applicable county building code.

- (e) Discontinuance of water service for noncompliance. Failure on the part of the consumer to comply with the corporation's requirements relative to cross-connections and backflow prevention will be sufficient reason for discontinuing water service until such time as the corporation is satisfied the requirements have been met.
- (f) If the consumer intends to use the corporation's water system for agricultural use, the corporation shall require the installation of mechanical, or other methods or devices that have been approved by the board of water supply of the applicable county, on the consumer's side of the meter to prevent backflow at the expense of the consumer. Plans for such installations shall be approved by the corporation.

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.

- (1) Upon request of the corporation, the consumer shall present an affidavit certifying that there are no connections with other water supply systems on the consumer's premises; and
- (2) 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 OCT 23 2022] (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 new or expanded facilities 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 this chapter specifies otherwise. [Eff **OCT 23 2022**] (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 **OCT 23 2022**] (Auth: HRS §201H-4) (Imp: HRS §201H-9)

§15-319-31 Bills. The corporation will render monthly or every two months 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 **OCT 23 2022**] (Auth: HRS §201H-4) (Imp: HRS §201H-9)

§15-319-32 Late payment charge. In addition to any other remedies provided for in this chapter, 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 per cent per month of the delinquent balance.

[Eff **OCT 23 2022**] (Auth: HRS §201H-4) (Imp: HRS §201H-9)

§15-319-33 Errors. If 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 **OCT 23 2022**] (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 **OCT 23 2022**] (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 the 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 per cent.

(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 **OCT 23 2022**] (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 upon written notice to the consumer for nonpayment of a bill no sooner than thirty days after the mailing or presentation thereof.

[Eff **OCT 23 2022**] (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 this chapter, or tampers with the corporation's water system, the corporation reserves the right to discontinue water service within five days after written notice of its intent to do so.

[Eff **OCT 23 2022**] (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 **OCT 23 2022**] (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 water service if such conditions are not corrected within five days after written notice to the consumer of its intent to do so. [Eff **OCT 23 2022**] (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 water service to any premises or consumer, where the demands of the consumer will result in inadequate service to others. [Eff **OCT 23 2022**] (Auth: HRS §201H-4) (Imp: HRS §201H-9)

§15-319-45 Consumer intending to vacate premises. Each consumer intending to vacate any premises supplied with water by the corporation shall give notice of the consumer's intention to vacate at least fifteen days prior thereto, specifying the date service is desired to be discontinued. The consumer shall be responsible for the cost of all water service furnished to the premises until fifteen days after 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 **OCT 23 2022**] (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, at least ten days prior to discontinuance, request a billing conference. Once a billing conference is requested, the executive director shall schedule the conference 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 shall have 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 make any necessary remedial acts, including a stay, 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 executive director's final written decision shall be the final decision of the corporation. [Eff OCT 23 2022]
(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 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 completed 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 the scheduled shut-off. Any 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 the 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 be responsible for maintaining pressure in its water mains. [Eff **OCT 23 2022**] (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 damage upon presentation of a bill therefor. Any damage to corporation facilities shall be reported to the

corporation as soon as possible.

[Eff ~~OCT 23 2022~~] (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 ~~OCT 23 2022~~] (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 ~~OCT 23 2022~~] (Auth: HRS §201H-4) (Imp: HRS §201H-9)

§15-319-54 Indemnification. The consumer covenants that it will indemnify and hold the corporation and the State of Hawaii 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 alleged to arise out of the failure or interruption of 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 ~~OCT 23 2022~~] (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 or heater, or both, 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, that 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 **OCT 23 2022**] (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 as approved in writing. No such approval will be given if 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 OCT 23 2022] (Auth: HRS §201H-4) (Imp: HRS §201H-9)

§15-319-57 Prohibition of cross-connections and installations. 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 appropriate county, 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 that 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 OCT 23 2022] (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 OCT 23 2022] (Auth: HRS §201H-4) (Imp: HRS §201H-9)

§15-319-59 Restoration of water services. If water service is discontinued for failure to pay a bill, violation of any of this chapter, or other reasons, all outstanding accounts against the consumer

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plus a charge for reopening, reinstallation, or reconnection, as set forth in appendix B as the "Reconnection fee," must be paid before water service will be restored. [Eff OCT 23 2022] (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 the premises and the exercise of any and all rights secured to it by law or this chapter. If 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 OCT 23 2022] (Auth: HRS §201H-4) (Imp: HRS §201H-9)

§15-319-61 Abatement of noise. 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, the owner of such premises, or the owner's 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 OCT 23 2022] (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 applicable county fire department or of the corporation is prohibited, except upon prior written authorization by the corporation in specific circumstances determined by the corporation. The county fire department shall have the prior right to use any hydrant at any time and shall have the authority to remove preemptively, 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 that 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

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by any hydrant for any reason. [Eff **OCT 23 2022**]
(Auth: HRS §201H-4) (Imp: HRS §201H-9)

§15-319-63 Severability. If any rule, section, sentence, clause, or phrase of this chapter or its application to any person or circumstance of property is held to be invalid, the remaining portions of this chapter and its application to other persons, circumstances, or property shall not be affected. The corporation hereby declares that it would have adopted this chapter, and each and every rule, section, subsection, paragraph, 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 **OCT 23 2022**] (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, pandemics, 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 **OCT 23 2022**] (Auth: HRS §201H-4) (Imp: HRS §201H-9)

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT,
AND TOURISM

Chapter 15-319, Hawaii Administrative Rules, on the Summary Page dated July 19, 2022, was adopted on July 20, 2022, following a public hearing held on June 20, 2022, after public notice was given in The Garden Island, Honolulu Star-Advertiser, Hawaii Tribune-Herald, The Maui News, and West Hawaii Today newspapers on May 19, 2022.

The adoption of chapter 15-319 shall take effect ten days after filing with the Office of the Lieutenant Governor.



DONN MENDE, Chair
Hawaii Housing Finance and
Development Corporation

APPROVED:



DAVID Y. IGE
Governor
State of Hawaii

OCT 13 2022

Dated: _____

APPROVED AS TO FORM:



Deputy Attorney General

OCT 13 2022

Filed

APPENDIX A



Appendix B
Water Rate Fee Schedule

Type of Service	Current Rate	New Rate
Minimum charge (service charge)	\$ 3.00	\$ 13.30
Residential- Tier 1 (first 2,000 gallons)	\$ 0.90	\$ 4.91
Residential - Tier 2 (2,001 - 6,000 gallons)	\$ 0.90	\$ 5.78
Residential - Tier 3 (6,001 - 30,000 gallons)	\$ 0.90	\$ 6.44
Residential - Tier 4 (over 30,000 gallons)	\$ 0.90	\$ 10.18
Agricultural - Tier 1 (first 2,000 gallons)	\$ 0.22	\$ 0.70
Agricultural - Tier 2 (2,001 - 6,000 gallons)	\$ 0.22	\$ 0.70
Agricultural - Tier 3 (over 6,000 gallons)	\$ 0.22	\$ 0.70
Mixed residential and agricultural - Tier 1 (first 2,000 gallons)	\$ 0.90	\$ 4.91
Mixed residential and agricultural - Tier 2 (2,001 - 6,000 gallons)	\$ 0.90	\$ 5.78
Mixed residential and agricultural - Tier 3 (6,001 - 13,000 gallons)	\$ 0.90	\$ 6.44
Mixed residential and agricultural - block 2 (13,000+)	\$ 0.22	\$ 0.70

Note: All fee amounts except minimum charge are per 1,000 gallons.

From July 1, 2022 through June 30, 2023,
customers shall receive a credit equal to 67% of the total bill amount.

From July 1, 2023 through June 30, 2024,
customers shall receive a credit equal to 50% of the total bill amount.

From July 1, 2024 through June 30, 2025,
customers shall receive a credit equal to 33% of the total bill amount.

On July 1, 2023, and at the start of each Fiscal Year henceforth, 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 \$500.

