

NOTICE OF PUBLIC HEARING  
COUNTY OF KAUAI

The Board of Water Supply of the County of Kauaʻi (“Board”) will hold a public hearing for the purposes of receiving public testimony and comments from interested persons regarding the following:

PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS OF THE BOARD OF  
WATER SUPPLY, COUNTY OF KAUAI, STATE OF HAWAII

The Department of Water is recommending the proposed amendment to Part 2, Section VII to expressly authorize the Department to render estimated billing while water metering equipment is either upgraded and/or replaced. Below is a summary of the proposed changes.

**PART 2 RULES AND REGULATIONS FOR WATER SERVICE**  
**CONNECTIONS**  
**SECTION VII, METER READING AND RENDERING OF BILLS**

1. Meters are read and bills are rendered regularly. Special readings will be made when necessary for closing of accounts or for other reasons. **If a meter cannot be read, an estimated bill will be rendered, said bill to be calculated whenever possible on prior consumption.**
2. 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 meter reading, plus a proration of the service charge. In prorating service charges, a billing month shall be considered to be 30 days.
3. Readings of Separate Meters Not Combined. For the purpose of computing charges, all meters serving the consumer’s premises shall be considered separately and the readings thereof shall not be combined except in cases where the Department, because of operating necessity, installs two or more meters in parallel to serve the same consumer’s supply pipe.

The Public Hearing will be held in-person on **Monday, April 8, 2024, 8:30 a.m.** at the **Department of Water, 2<sup>nd</sup> Floor, Board Room** located at **4398 Pua Loke Street, Līhuʻe, Kauaʻi, Hawaiʻi**, and remotely in accordance with Act 220, Session Laws of Hawaiʻi 2021 via interactive conference technology as follows:

**Click on the link below to join on your computer or mobile app by VIDEO:**

<https://us06web.zoom.us/j/85989694073>

**Passcode: 561195**

**OR**

**Dial phone number and enter conference ID to call in and join by AUDIO:**

**Phone: 888 788 0099 US Toll-free**

**Phone Conference ID: 859 8969 4073**

Please Note: If you do not provide a name, unique identifier, or alias when joining the meeting, you will be renamed to allow staff to address and manage individual guests.

In the event of a lost connection the Board will recess for up to 30 minutes to restore the connection. If the connection cannot be restored within 30 minutes, the Board will continue the meeting to 12:00 p.m. or shortly thereafter. If the visual link cannot be restored, the Board may reconvene with an audio-only link using the above dial-in phone number and conference ID. A lost connection only applies to remote connections provided as part of the remote meeting but does not apply to a public member being unable to access the meeting due to a connectivity issue on their end.

A copy of the proposed rule will be mailed to any interested person who requests a copy and pays the required copy and postage fees. Requests may be made by calling the Commission Support Clerk at (808) 245-5406 or via email at [board@kauaiwater.org](mailto:board@kauaiwater.org).

The proposed rule will be available to view on the Kaua'i Department of Water's website, [www.kauaiwater.org](http://www.kauaiwater.org), or may be viewed in person at the Department of Water, Second Floor, at 4398 Pua Loke Street, Līhu'e, Kaua'i, Hawai'i 96766, Monday-Friday (excluding holidays), from 7:45 a.m. - 4:30 p.m.

Written testimony on the proposed Rule amendments may be submitted via email at [board@kauaiwater.org](mailto:board@kauaiwater.org) by the close of business the day before the public hearing is scheduled, or mailed to the Board of Water Supply at 4398 Pua Loke Street, Līhu'e, Kaua'i, Hawai'i 96766 with attention to the Commission Support Clerk. Please provide sufficient time if mailing in public testimony. Oral testimony will be taken on the day of the public hearing.

BY ORDER OF THE BOARD: Tom Shigemoto, Chair, Board of Water Supply

SPECIAL ASSISTANCE

If you need an auxiliary aid/service or other accommodation due to a disability, or an interpreter for non-English speaking persons, please call (808) 245-5406 or email [board@kauaiwater.org](mailto:board@kauaiwater.org) as soon as possible. Requests made as early as possible will allow adequate time to fulfil your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUA'I RULES AND  
REGULATIONS**

BE IT RESOLVED BY THE BOARD OF WATER SUPPLY OF THE COUNTY OF KAUA'I,  
STATE OF HAWAII:

SECTION 1. These Amendments are made pursuant to Sec. 17.03(D) of the Kaua'i County Charter, and Chapter 91 of the Hawaii Revised Statutes.

SECTION 2. Material to be repealed, if any, is bracketed and stricken. New material is underscored. In printing this rule amendment, the brackets and bracketed material need not be included.

**SECTION I – DEFINITIONS**

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

1. The word “**DEPARTMENT**” shall mean the Department of Water, County of Kauai, State of Hawaii.
2. The word “**BOARD**” shall mean the Board of Water Supply of the Department, County of Kauai, State of Hawaii.
3. The term “**MANAGER AND CHIEF ENGINEER**” shall mean the person holding the office of Manager and Chief Engineer of the Department.
4. The word “**CONSUMER**” shall mean the person, firm, corporation, association, or governmental department, whether owner or tenant, whose name appears on the records of the Department as the party responsible and liable for receiving water service from the Department.
5. The term “**SERVICE CONNECTION**” shall mean the main tap, pipe fittings, meter and valve from the water main to and including the shut-off valve on the Consumer’s side of the meter.
6. The term “**COST OF SERVICE CONNECTION**” shall mean the sum of the cost of the labor, materials, equipment, and road repair, if any, and other incidental charges necessary for the complete installation of a service connection, but excluding the cost of the meter.
7. The term “**CONSUMER’S SUPPLY PIPE**” shall mean the pipe extending from the consumer’s end of the service connection.
8. The word “**MAIN**” or “**MAIN PIPE**” shall mean the Department’s supply or distribution pipe to which service connections are made.
9. The term “**FACILITIES RESERVE CHARGE**” shall mean the fee to be paid by subdividers or, when applicable, new consumers as their proportionate share in improvements to the Department’s water system.

**SECTION II - GENERAL CONDITIONS**

1. Any prospective consumer may obtain water service provided all of the following conditions are met:
  - a. In the event that Water Service Areas are established by the Department that the premises are within a Water Service Area.

**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUAI RULES AND  
REGULATIONS**

A “Water Service Area” is defined as an area that is serviced by existing water system facilities. A water Service Area is generally limited to areas that have appropriate planning and zoning approvals in place. Water service is generally available within a Water Service Area unless system infrastructure improvements are needed to provide adequate water supply without detrimentally affecting existing consumers. As identified in Water Plan 2020, water systems and the Water Service Area can be used for purposes of planning and can be applied to guide service and development of future water service.

Consistent with the Kaua'i General Plan and for the purposes of Water Plan 2020, the Department takes a conservative approach in defining service areas of the existing water systems, in effect, limiting them to areas that have appropriate planning and zoning approvals in place. Land use policies area established and governed by the County. The Department seeks to coordinate development effort with the County and private developers seeking to connect to the Department-operated water systems.

If the premises are not located within a Water Service Area, then the Department may grant an exemption to this section pursuant to procedures adopted by the Department.

- b. The Department has a sufficient water system developed for domestic use and, if required by the Department, a sufficient water system for fire protection. In order to determine the sufficiency of the water system, the Department may require the prospective consumer to estimate the amount of water to be used.
  - c. The consumer agrees to design, construct, and install any component of the water system required by the Department in compliance with (1) all applicable statutes, ordinances, rules, and regulations of the State of Hawai'i and the County of Kaua'i, and (2) the 2002 Water System Standards (“Standards”) developed by Hawai'i's four county departments of water, as it may be subsequently amended. The Standards (as amended) are hereby incorporated by reference into the Department's rules. The Manager and Chief Engineer may, for good cause shown, permit departure from the Standards (as amended).
  - d. The consumer agrees to abide by these rules and regulations.
  - e. All applicable charges have been paid.
2. **Extension of Mains.** Where an extension of mains is necessary or where large quantities of water are required or a substantial investment is necessary to provide service, the consumer will be informed by the Department as to the conditions and charges to be made for the particular area and situation in question before water service may be approved.
- a. When an extension of mains for service is necessary, the consumer shall install and pay for any extensions of water system required from the public water system to any particular area. All such water systems shall be designed and located in accordance with the standards of the Department. The consumer may be required to improve the public water system if the public water system is inadequate to serve the area.
  - b. Whenever the Department finds it necessary that the water main extensions proposed to deliver water to any particular area should be of a greater capacity than is required to provide adequate service and fire protection for such area, in order to supply water and fire protection to other adjacent areas along the main extensions, the Department shall require the consumer to install mains of such greater capacity.
  - c. When the consumer is required to install a larger sized main for the reasons set forth in the preceding paragraph, the Department will reimburse the consumer, as soon as practicable after the acceptance by the Department of the completed work, the additional cost of the

**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUAI RULES AND  
REGULATIONS**

installation over and above the cost of mains that would have been required, provided that reimbursement will not be made to the consumer where such larger main or mains will serve only areas under the same ownership as the area under consideration.

Before the consumer enters into a contract where a reimbursement for additional costs of main will be made, the Department shall review and either approve or disapprove the contract. If the contract is disapproved, the consumer shall revise the contract until its form and content is acceptable to the Department.

After the installation has been completed and accepted by the Department, the consumer shall furnish the Department with an affidavit itemizing the costs incurred by him in the installation of mains or larger main. The said costs and additional costs shall be determined by the Department.

- d. A pipeline will be considered a main extension if and only if:
- (1) the pipe size is at least 6" in urban or rural residential areas, 8" in business, multi-family, resort or industrial areas, and 6" in agricultural areas;
  - (2) it is installed along existing government road provided that the Department may consider a pipeline or main extension installed within an easement in favor of the Department and it is found non-feasible for the pipeline to be installed along existing government roads;
  - (3) it has the capacity and the potential of serving additional customers; and
  - (4) it is not adjacent to or within land owned by or developed by the consumer.
3. All water supplied by the Department will be measured by means of suitable meters registering in gallons. When it is impractical to meter the service, a flat rate may be charged. The amounts to be paid for water and water service shall be in accordance with the rates established by the Board. The Department will determine the location and size of all meters and service connections to its system. All service connections shall become the property of the Department for operation and maintenance after installation and new connections or disconnections may be made thereto by the Department at any time.

**SECTION III - CONSERVATION MEASURES AND  
INTERRUPTION OF WATER SUPPLY**

1. The Department 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, but will not be liable for any interruption, shortage, insufficiency of supply, or any loss or damage occasioned thereby.
2. Whenever, in the Department's opinion, special conservation measures are advisable in order to forestall water shortage and a consequent emergency, the Department may restrict the use of water by any reasonable method of control.
3. The Department reserves the right at any and all times to shut off water from the mains without notice for the purpose of making repairs, extensions, alterations, or for other reasons. Consumers depending upon a continuous supply of water shall provide emergency water storage and any check valves or other devices necessary for the protection of plumbing or fixtures against failure of the pressure or supply of water in the Department'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.

**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUAI RULES AND  
REGULATIONS**

**SECTION IV - ELEVATION AGREEMENT, PRESSURE CONTROLS**

1. The Department will make every effort to maintain pressure but will not accept responsibility for maintaining pressure in its water mains.
2. Where property is situated at such an elevation that it cannot be assured of a dependable supply or of adequate service from the Department's distribution system, the consumer, in consideration of connection with the Department's system, must agree to accept such water service as the Department is able to render from its existing facilities and to install, if necessary, and maintain at his expense a tank and pump of suitable design and of sufficient capacity to furnish an adequate and dependable supply of water. When required by the Department the consumer shall install an air gap or other protective devices between the consumer's supply pipe and the service connection. The consumer shall execute a written release in favor of the Department for all claims on account of any inadequacy in the Department's system or inadequacy of water supply to the consumer.
3. When the pressure of the Department's supply is higher than that for which individual fixtures are designed, the consumer shall protect such fixtures by installing and maintaining pressure reducing and relief valves. The Department will not be liable for damage due to pressure conditions 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.

**SECTION V - APPLICATION FOR WATER SERVICE AND  
SERVICE CONNECTION**

1. When applying for water service and service connection, each prospective consumer shall:
  - a. complete a standard application form;
  - b. pay any applicable charges due at the time of application. The Department shall state what the applicable charges are at the time of application;
  - c. If applicable, complete all infrastructure requirements, as determined by the Department; and
  - d. Any other requirements as determined by the Department.
2. The Department shall inform the prospective consumer, in writing, that the application is complete and accepted for filing, or that the application is deficient and what specific information is necessary to make the application complete. If the application is deficient, computation of time for accepting or denying the request shall not begin until all requirements are met.
3. Once completed and filed, the Department shall approve or deny the application within forty-five (45) working days. The application shall be deemed approved, pursuant to Hawaii Revised Statutes 91-13.5 if the Department fails to take any action at the end of the forty-fifth working day. Upon approval of the application, the applicant shall pay all applicable charges prior to receiving water service and service connection.
4. Each prospective consumer shall be required to sign the standard application form for the water service desired, assuming responsibility for the payment of future charges for water service to the designated location before water is turned on for any use whatsoever. The prospective consumer

**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUA'I RULES AND  
REGULATIONS**

signing the standard application form shall be (held) liable for the payment of all charges for water and water service at the designated location.

5. An advance deposit equal to the Department's estimate of three months' water charges will be required of tenants, lessees, and purchasers of property under an agreement of sale. When water service is discontinued, the advance deposit will be returned less all unpaid or outstanding water charges.
6. Charges for water will begin when the water service is established and will continue until due notification from the consumer or until discontinued by the Department for failure of the consumer to comply with these rules and regulations.
7. When an application for water service is made by a consumer who was responsible for and failed to pay all bills previously rendered, regardless of location or time incurred, the Department may refuse to furnish water service to such consumer until the outstanding bills are paid.

**SECTION VI – NEW SERVICE CONNECTIONS**

1. **Installation.** When the application for service connection has been approved, such connection will be installed by the Department at the expense of the applicant and thereafter will be maintained by the Department at its expense. There shall be one meter for each service connection, unless the Department, because of operating necessity, installs two or more meters in parallel. All meters will be sealed by the Department before installation and no seal shall be altered or broken except by one of its authorized employees.
2. **Charges.**
  - a. The Department may establish fixed charges for the installation of various sizes of new service connections and meters. These fixed charges shall approximate the average of such installations, using present and anticipated costs for the next twelve months. Payment of the applicable fixed charge shall be made by the applicant before installation. If the actual cost of installation exceeds or is less than the fixed charge, no adjustment will be made.
  - b. For the installation of new service connections or meters for which fixed charges have not been established, the applicant shall deposit an amount equal to the Department's estimate before installation. If the actual cost is in excess of the deposit, the applicant will be billed and shall pay for the difference. If the actual cost is less than the deposit, the applicant will be refunded the difference. A purchase order from County, State and Federal agencies will be accepted in lieu of a cash deposit.
  - c. In addition to the charges for the installation of the service connection and meters, the applicant shall pay the applicable facilities reserve charge. In the case of increasing the size of an existing meter, the difference between the large and smaller facilities reserve charges shall be paid. No refund will be made in the case of reducing the size of an existing meter.
  - d. In the event a temporary service connection is installed for construction or other purposes, the facilities reserve charge need not be paid provided that such service will be limited to a 6-month period unless extended by the Department.
  - e. The facilities reserve charge will not be charged against the consumer if the facilities reserve charge was previously paid by the developer or subdivider and the consumer requests the meter size for which the facilities reserve charge was previously paid.

**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUAI RULES AND  
REGULATIONS**

3. **Consumer's Supply Pipe.** The consumer shall install and connect at his expense his supply pipe to the shut-off valve or outlet installed by the Department. 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 Department will make the connection to it; provided, however, it is requested by the consumer prior to the installation of the service connection.
4. **Connection to Main.** Only employees of the Department will be allowed to connect or disconnect the service connection to or from the Department's main.
5. **Compensation.** Employees of the Department are strictly forbidden to demand or accept personal compensation for services rendered.
6. **Pipe through Basement Wall.** Where the applicant requires his supply pipe extended through a basement wall, he shall provide entrance-way through such wall. The Department will not be responsible for any damage caused by leakage through or inside such entrance-way.
7. **Location of Service Connection or Main.** No service connection or water main will be installed by the Department in any private road, lane, street, alley, court or place until such private streets are open to the public and brought to proper grade and the Department is given proper easements for the main or service connection. Otherwise, an applicant desiring water service to property fronting on such private roads, lanes, etc., must extend his supply pipe to the nearest public street on which a main exists.
8. **Location of Meters.**
  - a. All meters shall be installed in the public roadway at the property line, preferably in the concrete sidewalk, unless the Department, because of operating necessity, installs the meters elsewhere.
  - b. When the meters are placed within private property for reasons of operating necessity, the land owner shall give to the Department a permit and right-of-entry for the purposes of meter reading and maintenance prior to the installation of said meter.
  - c. In the event the Department finds it necessary or finds it in the best interest of the Department to relocate a water meter serving a customer, the Department will, at no cost to the customer, revise or extend the customer's piping to conform to the new meter location.
9. **Change in Location or Size of Service Connection.**
  - a. When the proper size of service connection for any premises has been determined and the installation has been made, the Department has fulfilled its obligations insofar as the size of the service 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, he shall bear all costs of such change; provided, however, that in the case of a consolidation of existing meters to one of larger size or, conversely, in the case of changing from a larger meter to two or more smaller meters, the consumer shall be given credit for the facilities reserve charge of the existing meter(s) but not to exceed the cost of the facilities reserve charge for the new installation, provided that no credit will be allowed unless payment of the additional facilities reserve charge is made within 365 days following consolidation or change in meter size.



**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUAI RULES AND  
REGULATIONS**

- b. In the event the Department determines that an increase in size of service connection is required because flow rates exceed meter designs, the consumer will be required to pay for the cost of the proper sized service connection plus the applicable difference in facilities reserve charge between the larger and smaller meters. If an application for the larger size service connection is not made within 30 days after notification in writing from the Department, the consumer's service may be discontinued.
10. **Shut-Off Valve.**
- A readily accessible shut-off valve controlling all outlets will be installed by the Department at the expense of the consumer at a location to be determined by the Department. The valve before the meter is installed for the use of employees of the Department. The Department will install a shut-off valve and charge only for the cost of the valve (i.e., no charge for cost of labor, transportation, equipment or overhead) on those service connections installed prior to the adoption of these rules which do not have a shut-off valve.
11. **Alteration to Public Water System.**
- a. All work and materials in connection with the change in location or elevation of any part of the existing public water system made necessary by the new service connection shall be at the expense of the applicant.
- b. Pipelines within the shoulder area which were installed prior to adoption of these rules will be lowered free of charge for the property owner in the event the Department determines such lowering is necessary for the construction of a driveway into the property.
12. **Contours or Elevations.** When required by the Department, contours or elevations shall be furnished by the applicant based upon U. S. Coast and Geodetic Survey Datum or the County of Kauai Datum.
13. **Size of Meter and Service Connection.** The Department will determine the location and size of all meters and service connections to its systems.
14. **Boundary Location.** An applicant for water service shall indicate his boundary before installation of any meter and any relocation of said meter due to discrepancy in boundary location shall be at the expense of the applicant.
15. **Abandonment.** Service connections which have not been in use for 365 days or more shall be considered abandoned. The Department may require the complete installation of a new service connection or any part thereof depending on the condition of the existing installation and whether or not it meets the Department's standard, current at the time of application.

**SECTION VII - METER READING AND RENDERING OF BILLS**

1. Meters are read and bills are rendered regularly. Special readings will be made when necessary for closing of accounts or for other reasons. If a meter cannot be read, an estimated bill will be rendered, said bill to be calculated whenever possible on prior consumption.
2. 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 meter reading, plus a proration of the service charge. In prorating service charges a billing month shall be considered to be 30 days.

**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUAI RULES AND  
REGULATIONS**

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

**SECTION VIII - PAYMENT OF BILLS**

All bills shall be due and payable upon deposit in the United States mail or upon other presentation to the consumer. Payment shall be made at the office of the Department or, at the Department's option, to duly authorized collectors of the Department.

**SECTION IX - ADJUSTMENT OF BILLS FOR UNDETECTED  
UNDERGROUND LEAKS AND UNFORESEEN DAMAGES**

1. The Department will reduce high water bills caused by undetected underground leaks in the consumer's supply pipe provided, however, that no reduction in a water bill shall be allowed where the underground leak resulted from storm damage, flood, explosion, fire, or acts of nature.
2. Before adjustment is made under this section, the consumer shall first request an adjustment and submit substantiating data as may be requested by the Department to justify an adjustment in the water bill. The Department may, but shall not be required, to conduct its own investigation of the high water bill.
3. An adjustment in a high water bill will be allowed only if the consumer exercises diligence in repairing and stopping the leak within one week after that the consumer knew or should have known of an undetected underground leak. A consumer's knowledge of the leak may be inferred by the Department from a high water bill or notification from the Department.
4. No adjustments will be made for leakage due to faulty plumbing fixtures or for leakage from exposed waterlines within the consumer's premises.
5. If a consumer's request for adjustment is allowed, the newly adjusted amount due shall be calculated by determining the difference of the high bill consumption in gallons and the average consumption in gallons of the previous 12 months, multiplied by the tier two (2) rate in the Department's General Use Rates. (See equation below)

Tier 2 rate \* (in gallons on high bill – (average gallons of previous 12 months)) = newly adjusted amount due

Where the consumer has had water service for less than 12 months, the Manager shall make a good faith determination of the reduction.

6. A reduction in high water bills resulting from underground leaks shall be allowed only once in every two-year period, provided that the Department may, in its discretion, and for good cause, may consider and allow a request for reduction more frequently than once in a 2-year period.

**SECTION X - METER INACCURACIES AND ADJUSTMENT OF BILLS**

1. **Non-Registering Meters.** If a meter fails to register due to any cause except the non-use of water, an average bill may be rendered. Such average bill will be subject to equitable adjustment taking into accounts all factors before, during, and after the period of said bill.

**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUA'I RULES AND  
REGULATIONS**

2. **Meter Tests.** All meters are tested prior to installation. Any consumer who, for any reason, doubts the accuracy of the meter serving his premises may request a test of the meter. The consumer, if he so requests, will be notified as to the time of the test may witness the test if he so desires. No charge will be made for meter tests.
3. **Adjustment of Bills for Meter Inaccuracy.** If, as the result of the test, the meter is found to register more than two percent fast under conditions of normal operation, the Department will refund to the consumer the overcharge based on past consumption, for a period not exceeding six months; unless it can be proved that the error was due to some cause, the date of which can be fixed. In this latter case, the overcharge shall be computed back to, but not beyond, such date.

**SECTION XI - DISCONTINUATION OF WATER SERVICE**

Water Service may be discontinued for the following reasons:

1. **Nonpayment of Bills.** Water service may be discontinued for the nonpayment of a bill within thirty (30) days after the mailing or presentation thereof to the consumer.
2. **Non-compliance with the Board's Rules and Regulations.** If the consumer fails to comply with any of these rules and regulations, the Department will have the right to discontinue the service.
3. **Consumer about to Vacate Premises.** Each consumer about to vacate any premises supplied with water by the Department shall give notice of his intention to vacate prior thereto, specifying the date service is desired to be discontinued, otherwise he shall be held responsible for all water service furnished to such premises until the Department has received such notice of discontinuance. Before buildings are demolished, the Department should be notified so the service connection can be closed.
4. **Unauthorized Use of Water.** The Department will refuse or discontinue water service to any premises or consumer, if necessary, without giving notice to protect itself against fraud, abuse, or unauthorized use of water. A surcharge may be established and assessed by the Department.
5. **Wasteful Use of Water.** Where negligent or wasteful use of water exists on any premises, the Department may discontinue the service if such conditions are not corrected after giving the consumer written notice of intent to do so.
6. **Discontinuation of Water Service for Non-payment of Sewer Service Charges.** The Department is authorized to discontinue and terminate water service for delinquency in payment of County of Kaua'i sewer service charges when so directed by the County Director of Finance. Water service may be discontinued for delinquencies in payment of such sewer charges no earlier than thirty (30) days after the mailing or presentation of such delinquent charges to the consumer.

Water service may be restored when all such delinquencies have been paid or at the request of the County Director of Finance. All Departmental charges for re-opening, re-installation, or re-connection shall be paid before water service is restored."

**SECTION XII - RESTORATION OF WATER SERVICE**

**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUAI RULES AND  
REGULATIONS**

If water service is turned off because of failure to pay a water bill, for violation of any of the regulations of the Department, or for other reasons, arrangements must be made to pay all outstanding accounts against the consumer before his water service will be restored.

**SECTION XIII - DEPARTMENT'S EQUIPMENT ON CONSUMER'S PREMISES**

All equipment belonging to the Department and installed upon the consumer's premises for measurement, test, check or any other purpose, shall continue to be the property of the Department, and may be repaired, replaced or removed by the Department 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 Department upon said premises and shall in no way interfere with the operation of the same.

**SECTION XIV - DAMAGE AND ACCESSIBILITY TO DEPARTMENT'S  
PROPERTY METER DAMAGED BY HOT WATER**

1. Any damage to water mains, service connections, valves, fire hydrants, or other property of the Department shall be paid for by the person or organization responsible for the damage.
2. When a meter or service connection is found to have been damaged by hot water or steam emanating from the premises served, the consumer shall pay for all costs of repairs.
3. No obstruction shall be placed on or around any water meter, fire hydrant, or valve so as to render it inaccessible.

**SECTION XV - INGRESS AND EGRESS FROM CONSUMER'S PREMISES**

Any properly identified officer or employee of the Department 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 and regulations. In case any such officer or employee is refused admittance to any premises, or, being admitted, shall be hindered or prevented from making such inspection, the Department may cause the water to be turned off from said premises after giving 24 hours notice to the owner or occupant of said premises of its intention to do so.

**SECTION XVI - RESPONSIBILITY FOR WATER RECEIVING EQUIPMENT**

1. The consumer shall at his 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 Department 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 of any of his tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, using, operating or interfering with any of such equipment.
2. 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 Department, may endanger the Department's water supply from a public health standpoint. Any such discontinuation of service shall continue until objectionable installations have been corrected and the Department has been assured that the objectionable uses and practices will not be resumed.

**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUAI RULES AND  
REGULATIONS**

3. The Department will not be responsible for damage to 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.

**SECTION XVII - 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 Department may issue a notice in writing to the offending consumer or to the owner of such premises, or to his agent, giving reasonable time within which to correct or to remove the cause of complaint. Failure on the part of such consumer, owner, or person responsible to correct or remove the cause of noise will be sufficient reason for discontinuance of water service to the consumer until such time as the condition complained of has been remedied.

**SECTION XVIII - ELECTRICAL GROUNDING**

1. The Department will not be responsible for the maintaining of a continuous metallic water piping system and reserves the right, without liability to public utility electric companies, electric consumers, or any other agency or individual to create a physical break in its service connections and mains, or to incorporate non-metallic pipes and appurtenances in its system and to make joints of any materials, without regard to their efficiency as conductors of electricity and without giving notice.
2. In the event that protective grounding of alternating current secondary distribution circuits are made to the water system, the grounding installation shall conform in all details with the National Electrical Code of the National Board of Fire Underwriters and with the Kauai County Building Code then in existence. The Department shall not be responsible for any damage or injury caused by any electrical grounding.
3. No grounding of direct current system to any portion of the water shall be permitted.

**SECTION XIX - CONSUMER'S PUMPING INSTALLATIONS**

1. Consumers shall not be permitted to install or operate pumps pumping water directly from the mains of the Department's system except in cases approved in writing. No such approval will be given in cases where it is the opinion of the Department that such an installation and the operation thereof may adversely affect the water service extended by the Department to other consumers.
2. Approvals given by the Department under this section will be qualified by clauses making them revocable upon ninety (90) days' notice during which period the consumer, if he desires to continue the operation of the pump, shall eliminate the objectionable features causing the giving of such notice.
3. No pump shall be equipped with a direct water supply connection for priming purposes except with the written permission of the Department.

**SECTION XX - CROSS-CONNECTIONS AND BACKFLOW PROTECTION**

1. **Prohibition of Certain Conditions and Installations.** In order to provide proper sanitary protection to the Department's water supply and to comply with the applicable regulations of the

**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUAI RULES AND  
REGULATIONS**

United States Public Health Service and of the State Department of Health, as adopted or amended from time to time, the Department will require that following the effective date of these rules and regulations 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 Department's water supply system, except as provided below:

- a. **Cross-Connections with Other Water Supplies.** Owners (or operators) of presently existing water supplies which are in active use and cross-connected to the Department's system will be required to secure permits for the continuance of such cross-connections. Permits will be granted on a provisional basis renewable yearly, under the following conditions:
    - (1) Where such water supplies are regularly examined by the Department, or other agencies satisfactory to the Department and are approved by the Department as acceptable, safe and sanitary supplies and continue as such at all times while connections are in existence.
    - (2) Where such water supplies do not meet the requirements of (1) above, are not normally under pressure and are maintained solely for the fire fighting purposes, and where adequate protection against backflow to the Department's water system is provided by mechanical, or other methods or devices satisfactory to the Department.
    - (3) The Department may waive the requirement of a permit and allow cross-connections to be continued or established if the connections are with water supplies defined as primary or community supplies by the State Department of Health as acceptable, safe and sanitary supplies.
  - b. **Other Physical Connections.** Other physical connections may be permitted if, in the judgement of the Department, adequate protection can be provided the water supply of the Department against backflow by the installation of mechanical, or other methods or devices approved by the Department and installed, maintained and operated by the consumer in a manner satisfactory to the Department at all times; provided, however, that the Department may require the consumer to eliminate or re-arrange designated plumbing or piping connections or fixtures, or to install a backflow device at the meter or other location, subject to the approval of the Department, as an added safety measure in addition to any and all other backflow protection required or provided by mechanical, or other methods of devices, whenever (1) the consumer is engaged in the handling of dangerous or corrosive liquids or industrial or process waters, highly contaminated water or sewage, or is engaged in the medical or dental treatment of persons who might have diseases transmittable by water, or whenever (2) in the judgement of the Department there exists a danger of backflow in the Department's mains because of the possibility of unauthorized connections being created through noncompliance or inadvertence on account of the complexity of the system or systems, or for any other sufficient reason or cause.
2. **Separate Pressure System.** The Department will require the installation of mechanical, or other, methods or devices on the consumer's side of the meter to prevent backflow whenever the consumer maintains a separate pressure system or a separate storage facility, or in any way increases the pressures of the water within his premises above the pressure furnished by the Department or has such equipment devices or arrangement of piping, storage or industrial methods or processes that might under certain conditions raise the pressure of the water within his premises above the pressure of the water in the mains of the Department. Plans for such installation must be approved by the Department.

**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUA'I RULES AND  
REGULATIONS**

3. **Pressure Regulation required of Consumer.** As a protection to the consumer's plumbing system, a suitable pressure relief valve must be installed and maintained by him at his expense when backflow devices are installed on the consumer's side of the meter.
4. **Location and Inspection of Protective Devices.** Any device installed for the prevention of backflow, as may be required under these rules and regulations, shall, unless the Department approves otherwise in writing, be located above ground and in such 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 working room for inspections, testing and repairing.

All such devices shall be tested at least annually and inspected internally not less than once every two years. Repairs, replacement of parts, etc., shall be made whenever necessary at the expense of the consumer. Making of 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 methods acceptable to the Department. Record of tests and inspections shall be made on forms prescribed by the Department and a copy of such records shall be furnished to the Department. Failure of the consumer to make the proper tests and submission of records may, at the option of the Department, result in the Department's making tests, needed repairs and replacements and charging the costs thereof to the consumer.

5. **Affidavits of Compliance.** Upon request of the Department, the consumer shall present an affidavit either certifying to the fact that there are no connections or other installations of the type prohibited in paragraph 1 of this Section on his premises or describing in detail all non-conformity connections or installations.
6. **Conformance with Laws and Ordinances.** The several conditions relative to the installation and maintenance of cross-connections and other physical connections referred to in this Section shall be subject to change to meet changing requirements of the State and Federal health authorities and of the Kauai County Building Code then in existence.
7. **Discontinuance of Water Service for Non-Compliance.** Failure on the part of the consumer to comply with the Department's requirements relative to cross-connections and backflow protection will be sufficient reason for discontinuing water service until such time as the requirements have been met.
8. The standards booklet, entitled "**The Cross-Connections and Backflow Protection**" shall be used in conformance with Paragraphs 1 through 7 of this section.  
*Copies of the booklet can be picked up at the Department of Water.*

**SECTION XXI - INSTALLATION OF AUTOMATIC FIRE SERVICE**

1. Private fire service will be furnished only where adequate provision is made to prevent diversion of water through such service to other purposes. The fire service connection will be installed by the Department and shall be paid for by the consumer in accordance with the provisions for the installation of new service connections. After the water is turned on, the Department assumes no liability for damage of any kind whatsoever that may occur to the premises served, regardless of cause.
2. No charge will be made for water used through such connection for fire protection purposes but any water lost through leakage or used in violation of the conditions contained herein shall be paid for by the consumer at the regular schedule of water rates and charges. The Department may, without giving notice, disconnect and remove the said service connection if water is used for other than fire protection purposes, or if leaks are not corrected. Whenever such disconnection is in effect, the Department shall not be held in any way liable for loss or damage sustained due to such condition.

**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUAI RULES AND  
REGULATIONS**

3. Service charges will be enforced if such charges are called for in the rates established by the Department from time to time.
4. The service connection for automatic fire service shall be installed and paid for by the consumer in the same manner as that provided for regular water service described in Part 2, Section VI, except that no facilities reserve charge will be made. Private fire service may be metered with a detector check valve and a by-pass meter which will be furnished by the Department without cost to the consumer. The service connection shall become the property of the Department after the installation.

**SECTION XXII - SHIPPING SERVICE**

An application for the purchase of water by a ship shall be made at the office of the Department or to an authorized agent of the Department by an authorized officer or agent of the ship before water is delivered to said ship. A receipt for the quantity of water delivered to the ship at the pier, dock or wharf shall be signed before departure by the authorized officer or agent of said ship. All water shall be measured by water meters and the authorized officer or agent of the ship shall check the meter readings both at the start and at the finish of each delivery of water. In the event that the meter readings are not taken by said officer or agent, the readings of the Department's authorized agent will be final. The Department will not be held responsible for any damage to property or injury to persons arising from the delivery of water to ships at piers, docks or wharves. The amount to be paid for water shall be in accordance with the rates established by the Board.

**SECTION XXIII - USE OF AND DAMAGE TO FIRE HYDRANTS, CHANGE IN  
HYDRANT LOCATION, RESPONSIBILITY FOR MAINTENANCE AND  
OPERATION OF PRIVATE HYDRANTS**

1. **Use of Fire Hydrant.** Any use of a fire hydrant or tampering therewith or the taking of water therefrom for purposes other than fire protection by persons other than authorized employees of the Fire Department or of the Department is prohibited, except upon prior application to and written permit by the Department. The Fire Department shall have the prior right to use any hydrant at any time and shall have the authority to remove peremptorily, if necessary, in case of fire, any connection that may be made to a hydrant under a permit and the connection thereto shall be subject to the direction and approval of the Department. The consumer shall not use hydrant main line valves to control flows.
2. **Application for Permit.** Application for a permit for the use of a fire hydrant for purposes other than fire protection shall be made in writing to the Department and, when required, shall be accompanied by a deposit in cash. It shall be non-transferable and shall be shown upon demand by the permittee, its agents or employees. The Department reserves the right to reject any application, to refuse to issue any permit and to revoke any permit at any time. The Department also reserves the right to perform for the permittee at his expense the work of installing and removing the connections and of operating the hydrant. No permit will be issued unless the permittee agrees to notify the Department as soon as the use of the hydrant is finished. In the event that a permit shall be revoked the use of the hydrant thereunder shall cease immediately and all connections thereto shall be properly removed forthwith. The Department will inspect each hydrant which has been used under a permit, and all costs of repairs which the Department may adjudge to be due to such use and the cost of inspection shall be paid for by the permittee. All water drawn from a hydrant under permit shall be metered or estimated as to quantity in a manner satisfactory to the Department and shall be paid for by the permittee at the current water rates. The permittee shall pay all of the costs of connecting to and disconnecting from the hydrant.



**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUAI RULES AND  
REGULATIONS**

3. **Hydrant Wrenches**. Only regulation fire hydrant wrenches which shall have been approved by the Department shall be used for the operation of fire hydrants. The use of any other type of wrench or operating device shall not be permitted. The permit will be revoked if other than approved regulation fire hydrant wrenches are used.
4. **Damage to Hydrant or Property**. The permittee 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 permittee. The Department will 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 for by the person or organization responsible for the damage.
5. **Change in Hydrant Location**. The Department will, if it approves the request for a change in location of hydrant, change such location provided the cost of all labor, material, equipment and all other charges are paid by the person requesting such change. The change in location of fire hydrants that were installed prior to the adoption of these rules and were not installed according to present standards of the Department and which interfere with the reasonable use of the property or hydrants which cause a traffic hazard may be allowed at no expense to the person making such request.

**SECTION XXIV - RESALE OF WATER**

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

**SECTION XXV - PENALTY**

1. Any consumer violating any of the provisions hereof shall be liable to a suspension or termination of "WATER SERVICE" and such service shall not be renewed until all water rates due, together with costs and expense incurred in connection with such violation, shall have been paid in full.
2. Any person found tampering with the water system shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) for each violation.

**SECTION XXVI - SEVERABILITY**

If any rule, section, sentence, clause, or phrase of these rules and regulations or its application to any person or circumstance or property is held to be unconstitutional or invalid, the remaining portions of these rules and regulations or the application of these rules and regulations to other persons or circumstances or property shall not be affected. The Department hereby declares that it would have adopted these rules and regulations 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.

**SECTION XXVII- CONSTRUCTION DRAWINGS FOR WATER SERVICE AND  
SERVICE CONNECTIONS**

**PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUAI RULES AND  
REGULATIONS**

1. The consumer shall be required to identify the number of residential dwelling units and/or development to be served by each service connection in order to allow the Department to determine the proper location and size of the service connection. The Department may require construction drawings if (a) the service connection or water system will be connected within a state highway or intersect any underground utility; or (b) the meter will not be located at the boundary pin. The Department may require construction drawings if, in the Department's determination, the Department will have difficulty in determining the development to be served or other difficult conditions may arise.
  - a. **Preparation of Plans.** All construction plans shall be prepared by a professional engineer or architect licensed in the State of Hawaii.
  - b. **Information to be shown on Construction Plans.** The construction plans, insofar as the water system is concerned, shall conform to these rules and regulations and the standards of the department.
  - c. **Approval of plans.** No construction of a water system, or any portions thereof, shall be undertaken prior to approval of the final construction plans by the Manager and Chief Engineer, the County Engineer of the Department of Public Works, and the State Department of Health. After said approval, the subdivider shall transmit four (4) sets of all final construction plans to the Manager and Chief Engineer.

In areas where there is a substandard or no public water supply available to serve the property, plans and specifications for the development of water sources, including wells, tunnels, shafts, pumps, buildings, mains and other appurtenances structures and devices, shall be in conformance with the standards of the Department and shall be approved by the Department in their entirety prior to the construction.

The Department shall review the plans and either approve, reject plans, or reject plans with specific corrections within sixty (60) calendar days of submission. If the returned plans are submitted, the Department shall review the plans and either approve or return the plans within sixty days of resubmission.

It shall be the consumer's responsibility to determine if the proposed construction requires the approval of any additional governmental agencies.
  - d. **Delays in Construction.** The approved construction plans shall be valid for one (1) year. If construction is not completed within one year, the plans shall be deemed invalid and shall be resubmitted for approval. The Department may, for good cause, extend the deadline for completion of construction.
2. Charges for water will begin when the water service is established and will continue due notification from the consumer or until discontinued by the department for failure of the consumer to comply with these rules and regulations.
3. When an application for water service is made by a consumer who was responsible for and failed to pay all bills previously rendered, regardless of location or time incurred, the department may refuse to furnish water service to such consumer until the outstanding bills are paid.